

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: May 16, 2013
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 (March 28, 2013)
5. Continued Public Hearings

*Note: The full ZBA packet is now available
on-line at: www.co.champaign.il.us.*

Case 685-AT-11 Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required for any County Board approved special use permit for a Rural Residential Development in the Rural Residential Overlay district as follows:

- (1) Require that each proposed residential lot shall have an area equal to the minimum required lot area in the zoning district that is not in the Special Flood Hazard Area;
- (2) Require a new public street to serve the proposed lots in any proposed RRO with more than two proposed lots that are each less than five acres in area or any RRO that does not comply with the standard condition for minimum driveway separation;
- (3) Require a minimum driveway separation between driveways in the same development;
- (4) Require minimum driveway standards for any residential lot on which a dwelling may be more than 140 feet from a public street;
- (5) Require for any proposed residential lot not served by a public water supply system and that is located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results;
- (6) Require for any proposed RRO in a high probability area as defined in the Illinois State Historic Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy of the ISHPA response;
- (7) Require that for any proposed RRO that the petitioner shall contact the Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of the agency response.

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
MAY 16, 2013

***Case 731-S-12** Petitioner: **Warner Brothers, Inc, with owners Joseph H. Warner and Gerald Warner and shareholder/officers Kristi Pflugmacher, Kathy McBride, Denise Foster, Angela Warner**

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

Location: **A .96 acre (41,817.6 square feet) portion of a 38.55 acre tract in the East One-Half of the Southeast Quarter of Section 18 of Rantoul Township and commonly known as the farm field adjacent to the Kinze farm equipment dealership at 1254 CR 2700N, Rantoul.**

Case 747-AM-13 Petitioner: **Warner Farm Equipment, Inc. with owners Joseph H. Warner and Gerald E. Warner**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District to bring an existing Farm Equipment Sales and Service business into compliance.**

Location: **A 3.8 acre tract in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter and in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 18 of Rantoul Township and commonly known as the Kinze farm equipment dealership at 1254 CR 2700N, Rantoul.**

6. New Public Hearings

Case 746-AM-13 Petitioner: **Parkhill Enterprises, LLC**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-2 Agriculture Zoning District to the B-3 Highway Business Zoning District.**

Location: **A .0877 acre tract in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 13 of Mahomet Township and commonly known as the farmland immediately north of the Super Pantry convenience store located at 506 South Prairieview Road, Mahomet.**

7. Staff Report

8. Other Business

- A. Review of Docket
- B. March 2013 Monthly Reports

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

10. Adjournment

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

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6 **MINUTES OF REGULAR MEETING**

7
8 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

9 1776 E. Washington Street
10 Urbana, IL 61802

11
12 **DATE:** March 28, 2013

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

13
14 **TIME:** 6:30 p.m.

15
16 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad
17 Passalacqua, Roger Miller

18
19 **MEMBERS ABSENT :** None

20
21 **STAFF PRESENT :** Connie Berry, Lori Busboom, John Hall, Andrew Kass

22
23 **OTHERS PRESENT :** David Reineke, Phil Iverson, Kristi Pflugmacher, Gene Warner, Paul Cole,
24 James Rusk, Deb Griest, Vicki Warner, Kenny Warner, Kent Follmer, Tom
25 Brown

26
27
28 **1. Call to Order**

29
30 The meeting was called to order at 6:32 p.m.

DRAFT

31
32 **2. Roll Call and Declaration of Quorum**

33
34 The roll was called and a quorum declared present with one Board seat vacant.

35
36 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
37 sign the witness register for that public hearing. He reminded the audience that when they sign the
38 witness register they are signing an oath.

39
40 **3. Correspondence**

41
42 None

43
44 **4. Approval of Minutes**

45
46 None

47
48 **5. Continued Public Hearings**

49
50 None

1
2 Mr. Thorsland entertained a motion to re-arrange the agenda and hear Case 739-V-12 prior to Case 731-S-
3 12.

4
5 **Ms. Capel moved, seconded by Mr. Courson to re-arrange the agenda and hear Case 739-V-12 prior**
6 **to Case 731-S-12. The motion carried by voice vote.**

7
8
9 **6. New Public Hearings**

10 **Case 731-S-12 Petitioner: Warner Brothers, Inc, with owners Joseph H. Warner and Gerald Warner**
11 **and shareholder/officers Kristi Pflugmacher, Kathy McBride, Denise Foster, Angela Warner Request:**
12 **Authorize the storage and dispensing of agriculture fertilizer as a “Farm Chemicals and Fertilizer**
13 **Sales including incidental storage and mixing of blended fertilizer” facility as a Special Use in the AG-**
14 **1 Agriculture Zoning District. Location: A .96 acre (41,817.6 square feet) portion of a 38.55 acre tract**
15 **in the East One-Half of the Southeast Quarter of Section 18 of Rantoul Township and commonly**
16 **known as the farm field adjacent to the Kinze farm equipment dealership at 1254 CR 2700N, Rantoul.**

17
18 **Case 747-AM-13 Petitioner: Warner Farm Equipment, Inc. with owners Joseph H., Warner and**
19 **Gerald E. Warner Request: Amend the Zoning Map to change the zoning district designation from**
20 **the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center zoning District to bring an**
21 **existing Farm Equipment Sales and Service business into compliance. Location: A 3.8 acre tract in**
22 **the Southwest Quarter of the Southwest Quarter of the Southeast Quarter and in the Southeast**
23 **Quarter of the Southeast Quarter of the Southwest Quarter of Section 18 of Rantoul Township and**
24 **commonly known as the Kinze farm equipment dealership at 1254 CR 2700N, Rantoul.**

25
26 Mr. Thorsland called Cases 731-S-12 and 747-AM-13 concurrently.

27
28 Mr. Thorsland informed the audience that Case 731-S-12 is an Administrative Case and as such the County
29 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
30 show of hands for those who would like to cross examine and each person will be called upon. He requested
31 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
32 that those who desire to cross examine are not required to sign the witness register but are requested to
33 clearly state their name before asking any questions. He noted that no new testimony is to be given during
34 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
35 exempt from cross examination.

36
37 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
38 sign the witness register for that public hearing. He reminded the audience that when they sign the
39 witness register they are signing an oath.

40
41 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.
42

1 Mr. Paul Cole, attorney for the petitioners, stated that he would like to address Case 731-S-12 first. He
2 noted that he contacts the Planning and Zoning Department each and every time that he has a question
3 regarding lot division and whether or not subdivision regulations need to be addressed. He said that the last
4 question on the Plat Act Affidavit that he uses asks if the transaction will violate any local ordinance. He
5 said that the last question should be a clear indication to someone who is holding the Plat Affidavit in hand
6 that they should probably call someone to make sure whether or not the transaction is violating any local
7 ordinance. He said that he does not know if the Plat Act Affidavit that he uses is an official form but it is the
8 form that he has always used.

9
10 Mr. Hall stated that the last question that Mr. Cole mentions is not included on the standard form but it
11 would be nice if it were.

12
13 Mr. Cole stated that his client has operated their business at the subject property for almost 40 years. He said
14 that the tank, which is the heart of the special use issue, is something that is built and is large which excited
15 people's attention to this situation. He said that when Joe and Gene Warner decided to install a tank for their
16 own use to store fertilizer they had an opportunity to increase the tank's size. Mr. Cole compared the
17 increased size of the tank to a situation in which a homeowner planned for a \$30,000 two-car garage but the
18 contractor informed the homeowner that for another \$5,000 they could have a three-car garage therefore the
19 homeowner went for it. He said that a larger tank is cost effective and the larger tank would allow the
20 opportunity to purchase additional product when the price is right and keep the product for multiple years to
21 utilize on the petitioner's own land. He said that the petitioner's discovered that since the tank is on
22 agricultural property that there might be a potential for other people to use the tank to take advantage of the
23 fact that there may be excess storage capacity, which is why the petitioner contacted the Zoning
24 Administrator. Mr. Cole stated that the Zoning Administrator informed the petitioner that they would need a
25 Special Use Permit because allowing other people to take advantage of the excess storage capacity of the
26 tank is a business use in the AG-1 Zoning District. He said that since there is the potential that the tank
27 would be used for the storage of fertilizer that other people might want to use and the mailing material
28 included a letter which indicated that this is an important addition to the storage capacity potential for the
29 area. He said that there may be times when no one has the room to store this stuff and it will be a good thing
30 that there is excess capacity in that tank.

31
32 Mr. Cole stated that the Special Use Permit was not the only issue because the Zoning Administrator
33 informed the Warners that they have been operating a farm implement business on the subject property,
34 which is zoned AG-1, since 1974 without any complaints being filed with the department. Mr. Cole stated
35 that the Zoning Administrator informed the Warners that since no complaints have been filed against the
36 farm implement business that this would be a good time to cooperate with the County and petition to rezone
37 the subject property to B-1, Rural Trade Center Zoning District and the petitioner agreed. Mr. Cole stated
38 that the map amendment appears to be as easy of a call as the special use permit because the map
39 amendment acknowledges a fact that has existed for almost 40 years and the special use permit will be very
40 valuable to the farming community for a long period of time and more than one person has acknowledged
41 that fact.

1 Mr. Thorsland asked the Board if there were any questions for Mr. Cole and there were none.
2
3 Mr. Miller stated that due to conflicting interests he must abstain from Cases 731-S-12 and 747-AM-13.
4
5 Mr. Thorsland asked if staff had any questions for Mr. Cole.
6
7 Mr. Hall stated that one issue that staff has tried to get clear from the beginning is whether the petitioner has
8 applied for the commercial permit from the Illinois Department of Agriculture and in light of the letter from
9 Crop Production Services it would seem to make clear that this would be used commercially. He said that it
10 is his understanding that using the tank commercially requires a different permit from the Illinois
11 Department of Agriculture.
12
13 Mr. Cole stated that he does not have any information regarding this permit although Ms. Pflugmacher may
14 be able to answer Mr. Hall's question.
15
16 Mr. Thorsland called Kristi Pflugmacher to testify.
17
18 Ms. Kristi Pflugmacher, who resides at 203 W. Shelly Drive, Thomasboro, stated that the permit has been
19 approved through the Illinois Department of Agriculture and the Illinois Environmental Protection Agency.
20 She said that she spoke to their consultant today and was informed that they should have the permit in their
21 hands today although she does not.
22
23 Mr. Hall stated that the only application that staff is aware of that was filed with the Illinois Department of
24 Agriculture was for a private fertilizer tank.
25
26 Ms. Pflugmacher stated that they applied for a commercial permit for the tank and the fertilizer.
27
28 Mr. Thorsland asked Ms. Pflugmacher if the permit is pending.
29
30 Ms. Pflugmacher stated that the permit has been approved although she does not have the actual permit in
31 her hand.
32
33 Mr. Cole stated that the petitioner understands that having the permit in hand would be one of the conditions
34 of the special use.
35
36 Mr. Thorsland stated that the Board will assume that the permit is on its way.
37
38 Mr. Hall stated that the petitioner has decided to include the entire east/west oriented building because they
39 use it to varying degrees for the implement dealership. He asked Mr. Cole and Ms. Pflugmacher if there is
40 also a secondary welding/fabricating business operating on the property which would be consistent with a
41 farm implement dealership.
42

1 Ms. Pflugmacher started yes, but the business is very small.
2
3 Mr. Hall stated a secondary welding/fabricating business operating on the property would be fine as an
4 accessory use but it would be a shame to go through the public hearing process and still not have all of the
5 activities occurring on the property in the record.
6
7 Mr. Thorsland asked the Board if there were any questions for Mr. Cole or Ms. Pflugmacher and there were
8 none.
9
10 Mr. Thorsland asked if staff had any additional questions for Mr. Cole or Ms. Pflugmacher and there were
11 none.
12
13 Mr. Thorsland called John Hall to testify.
14
15 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated March 28, 2013,
16 for Case 747-AM-13 to the Board for review. He said that the original Finding of Fact has several places
17 where staff was going to propose new evidence. He said that an updated Finding of Fact has been attached
18 to the new memorandum and a Plat of Survey which indicates the east/west oriented building and also a
19 north/south building which is the main building for the implement dealership.
20
21 Mr. Hall stated that the County adopted the Stormwater Management Policy on December 17, 1991, and if
22 this entire development was being proposed right now there would be a requirement for stormwater
23 detention. He said that the development has grown over time and it is his understanding that both buildings
24 that are involved started out as agricultural buildings and there are no hard dates as to when each part of this
25 development was constructed. He said that the map amendment itself is actually not adding any new
26 impervious area so the Stormwater Management Policy doesn't require anything. He said that the ZBA can
27 make stormwater detention a requirement as a special condition if the Board sees a need although staff is not
28 aware of any existing drainage problem other than the normal drainage problem that is expected on best
29 prime farmland in Champaign County. He said that the petitioner has provided a map of tile lines which
30 indicates that the property is very well tiled and since the tiles belong to the petitioners if they disturb any it
31 is their problem. He said to be clear, there does not appear to be a need for stormwater detention but if this
32 was all being proposed right now there would be detention required. He said that new information has been
33 added to the Finding of Fact and he believes that staff has made a recommendation that the map amendment
34 will not impede or will help achieve on everything that has been reviewed.
35
36 Mr. Andrew Kass, Associate Planner, stated that staff has made a recommendation on everything and there is
37 not one instance where the Board needs to make a choice. He said that the Board only needs to indicate
38 whether they agree or disagree with staff's recommendation.
39
40 Mr. Hall stated that at the right time the Board should review each of those recommendations.
41
42 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

1
2 Mr. Passalacqua asked Mr. Hall when the tank was built.
3
4 Mr. Hall stated that the tank was built in 2012.
5
6 Mr. Passalacqua asked if a permit was required for the tank.
7
8 Mr. Hall stated yes, a permit is required for the tank.
9
10 Mr. Passalacqua asked if a permit was issued for the tank.
11
12 Mr. Hall stated no.
13
14 Mr. Courson asked staff if a complete site plan for the entire property has been submitted for review.
15
16 Mr. Hall stated that the best site plan that staff has received to date is attached to the new Supplemental
17 Memorandum dated March 28, 2013. He said he would not go so far as to call the attachment a site plan but
18 a survey showing some of the boundaries, all of the buildings and structures. He said that a site plan would
19 normally call out parking areas, signs, loading berths, driveway access, etc.
20
21 Mr. Courson asked if a lighting plan would need to be submitted as well.
22
23 Mr. Hall stated that currently no lights have been proposed as part of the special use. He said that if the
24 Board desires a complete site plan then that would be a reasonable thing to request.
25
26 Mr. Courson stated that he would like to see a complete site plan which includes all previously mentioned
27 items as well as handicap parking, signage, and lighting.
28
29 Mr. Hall stated that he believes that there are existing lights on the property and that no new lighting has
30 been proposed for the special use.
31
32 Mr. Passalacqua asked Mr. Hall if the shed which is next to the tank is also new construction.
33
34 Mr. Hall stated yes and that another item which is not detailed on the plan is the amount of impervious area
35 added by the Special Use Permit. He said that the area is less than one acre and staff does not believe that
36 the policy requires detention but the most important thing is if there is an existing drainage problem that
37 needs to be corrected. He said that the Plat of Survey calls out the edge of crushed stone and it was his
38 understanding that the new stone added for the Special Use Permit was actually a very small part of the area
39 indicated in dashed lines. He said that as part of the site plan it would be good to call out the new
40 impervious area.
41
42 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

1
2 Mr. Thorsland stated that he has witness registers for both cases but will begin with the witness register for
3 Case 731-S-12 first and once all of the Board’s questions are answered he will move to the witness register
4 for Case 747-AM-13.

5
6 Mr. Thorsland called Paul Cole to testify.

7
8 Mr. Cole stated that he had no additional testimony at this time.

9
10 Mr. Thorsland called Kent Follmer to testify.

11
12 Mr. Kent Follmer, attorney representing Kenneth and Victoria Warner who are adjacent neighbors to the
13 subject property, submitted an Entry of Appearance for Cases 731-S-12 and 747-AM-13. He said that the
14 new Supplemental Memorandum for Case 747-AM-13 includes a Plat of Survey that indicates a tract in the
15 lower left hand corner which is 314.5 feet x 300.6 feet. He said that the circle within this tract is the
16 approximate location of Kenneth and Victoria Warner’s residence and Mr. and Mrs. Warner have some
17 concerns and questions that he has agreed to express for them.

18
19 Mr. Follmer stated that the Preliminary Memorandum dated March 22, 2013, refers to the 765,818 gallon
20 storage tank that has been constructed on the subject property. He said that Mr. Cole discussed the fact that
21 it was the petitioner’s intent to build big for the sake of efficiency and that in order to save money they
22 decided to build the tank larger than originally anticipated. Mr. Follmer stated that the Preliminary
23 Memorandum indicates that the petitioner’s primary intent is to use this tank for their own farm operation.
24 Mr. Follmer stated that if the petitioner’s intent is to use this tank for their own farm operation then they
25 would not require a permit but since they are requesting a permit more information might be warranted to
26 indicate what is going to happen when they receive the permit. He asked what is going to happen when
27 tankers begin driving down the gravel drive of his client’s property creating dust and there will probably be a
28 fair amount of chemicals being sprayed and washed. He said that the Plat of Survey doesn’t even indicate
29 that his client’s home exists but the corner of his client’s lot is 250 feet from the storage tank and their home
30 is approximately 500 feet from the storage tank. He said that his client’s have not made a lot of noise about
31 this project yet because they have been listening, watching and talking to neighbors and have witnessed Crop
32 Production Services trucks traveling to the tank therefore giving them the impression that there is product,
33 28% nitrogen fertilizer, in the tank currently. He said that he has information from reliable sources is that
34 there is approximately 500,000 gallons of product in the tank currently therefore he believes that the ZBA is
35 entitled to know whether or not this information is accurate. He said that the Board is also entitled to an
36 explanation as to how they have been put into this position to be asked to approve something that was built
37 illegally. He said that Mr. Hall wrote a letter to the petitioners on January 31, 2013, indicating that the
38 constructed tank is illegal and that enforcement action will be enacted if the tank is filled with product. Mr.
39 Follmer stated that there has not been any enforcement action and the Warners are doing business which is a
40 large commercial business.

41
42 Mr. Follmer stated that according to the letter from Crop Production Services it appears that they require

1 additional storage for their product in Paxton. He said that Crop Production Services has 9,000 employees,
2 900 branches and terminals in the United States, Canada and South America. He submitted internet
3 information regarding Crop Production Services to the Board as a Document of Record. He said that the
4 information indicates that in 2009 Crop Production Services did 6.1 billion dollars in sales and the map
5 indicates locations of each of their facilities in Illinois. He said that if the subject tank is the biggest tank
6 around there is reason to believe that there will be a huge increase in traffic for large tankers on this minor
7 road which is only 20 feet wide. He said that according to his research it would take 160 full size tankers to
8 fill a tank of this size and no one knows how many times this tank will be filled during one season. He said
9 that everyone agrees that a complete site plan is required and he believes that the site plan should include
10 Kenneth and Victoria Warner's home and how the tankers will maneuver in and out of the property. He said
11 that Victoria Warner enjoys spending time in her back yard and if there are employees at this tank facility his
12 clients would like to know where they will utilize bathroom facilities. He said that it appears that not only
13 have the Warner Brothers moved too fast but it is a situation where there are several things which require
14 further discussion.

15
16 Mr. Follmer stated that the Board is now put into the position that when they review the criteria and policy
17 considerations they are not allowed to exercise any reasonable discretion because the Warner Brothers have
18 already made that decision for the Board. He said that the Warner Brothers have indicated where the tank is
19 going to go and where the tanker trucks are going to enter and exit therefore requesting approval after the
20 fact. He said that it's difficult to believe how the representative cannot remember the name of Crop
21 Production Services when it is such a major operation and if there is 500,000 gallons of product in the tank
22 his clients are entitled to know who owns that and based upon representations made will other people be
23 allowed to use it. He said that this is a commercial enterprise and the petitioner contends that they have the
24 proper permits from the various state agencies but they do not have them here tonight. He said that his
25 clients would like to know that there are some reasonable safeguards for the protection of their property
26 including the obvious reduction in value to the property. He asked who would want to purchase a beautiful
27 rural farmhouse when there is a fertilizer plant right next door. He said that currently there are 765,000
28 gallons of liquid nitrogen proposed in this storage tank and what is to prevent the petitioners from building
29 dry fertilizer storage facilities. He said that perhaps there should be restrictions placed upon the facility and
30 the Board should determine what those restrictions should be. He asked if there should be restrictions upon
31 the number of trucks that are allowed per day or year and the weight limit of the trucks should be restricted.
32 He asked what is going to happen when the road, which is 2.5 miles from IL. Route 45, to his client's home
33 disintegrates. He asked how the Board can believe someone who hasn't been straight forward and upfront.
34 He said that the Board and his clients need to know what the petitioner's plans are and that additional
35 information be presented answering all questions and concerns.

36
37 Mr. Thorsland asked the Board if there were any questions for Mr. Follmer.

38
39 Mr. Courson asked Mr. Follmer if he knew the weight rating for CR 2700 North.

40
41 Mr. Follmer stated no.

42

1 Mr. Courson asked Mr. Follmer if he has spoken with the township road commissioner.
2
3 Mr. Follmer stated that he did speak with the township supervisor and he was informed that there would be a
4 concern voiced at tonight’s meeting regarding the road.
5
6 Mr. Thorsland asked if staff had any questions for Mr. Follmer and there were none.
7
8 Mr. Thorsland called Kenneth Warner to testify.
9
10 Mr. Kenneth Warner, who resides at 1254 CR 2700N, Rantoul, stated that he owns the residence mentioned
11 in Mr. Follmer’s testimony. He said that he and his wife would like to have answers to Mr. Follmer’s
12 questions and apparently there are no answers available yet. He said that the subject property has housed a
13 Kinze dealership for many years and there are a few semi-trucks which travel in and out but if they are going
14 to load approximately 700,000 gallons of product to use during corn planting season, which is two or three
15 weeks, it appears that there will be 320 semi-trucks traveling in and out of the property. He said that he does
16 not understand how there will not be a traffic issue.
17
18 Mr. Thorsland asked the Board if there were any questions for Mr. Kenneth Warner and there were none.
19
20 Mr. Thorsland asked if staff had any questions for Mr. Kenneth Warner.
21
22 Mr. Hall asked Mr. Kenneth Warner if his primary concern is just the truck traffic or is he concerned about
23 property value or any safety concerns related to the storage.
24
25 Mr. Warner stated that it depends on how many vehicles travel in and out of the property. He said that if
26 there was some information regarding the truck traffic then he and his wife could determine whether or not
27 they were still concerned. He said that if it takes 160 semi-trucks to fill the tank and they may haul 80 trucks
28 one day and 80 the next. He said that it is hard telling where they are hauling the product to and from
29 therefore there must be some sort of regulations about what is happening with the tank.
30
31 Mr. Hall stated that he is sure that the case will be continued therefore giving the petitioner a chance to
32 present information regarding the truck traffic. He asked Mr. Warner if he had any additional concerns that
33 he would like to see information on prior to the next public meeting.
34
35 Mr. Warner stated that at the present time until everything is constructed he cannot say anything about the
36 watershed but once it is all constructed it will be apparent if any drainage needs to be changed. He said that
37 he has lived at his residence for 44 years and he believes that he should have been notified that a commercial
38 fertilizer plant was being proposed next to his house.
39
40 Mr. Hall stated that notices were mailed out to all adjacent landowners.
41
42 Mr. Warner stated yes, but that was after the storage tank was constructed. He said that the petitioner should

1 have addressed all regulations and permits before they constructed the tank.
2
3 Mr. Hall stated that the petitioner has always maintained to staff that this facility could serve their needs and
4 their needs alone therefore the tank could have been constructed without a public hearing as a private use
5 facility.
6
7 Mr. Warner stated that he would not have a problem with the tank if the petitioner would use it for their own
8 farming operation.
9
10 Mr. Hall asked Mr. Warner if he would have a problem with the truck traffic for the petitioner’s personal use
11 of the tank or does Mr. Warner believe that the commercial use would result in even more truck traffic.
12
13 Mr. Warner stated that he believes that commercial use of the tank would result in a lot more truck traffic.
14 He said that if the petitioner has 5,000 acres of corn and they use 50 gallon of chemical per acre that is
15 250,000 gallons of chemical required for their operation not 780,000 gallons. He said that 50 semi-loads of
16 product for the farming operation versus 320 loads for the commercial use is a big difference. He said that
17 the 320 loads could change because if 50 loads of product is hauled out of the facility they will probably haul
18 50 loads back in to fill the tank.
19
20 Mr. Thorsland asked the Board if there were any questions for Mr. Warner.
21
22 Mr. Courson asked Mr. Warner if there are any drainage issues due to the current facility.
23
24 Mr. Warner stated no drainage issues have been experienced yet but that doesn’t mean that there won’t be
25 any in the future.
26
27 Mr. Courson asked Mr. Warner if the construction was completed this winter.
28
29 Mr. Warner stated that the construction is not complete.
30
31 Mr. Passalacqua stated that a better site plan is required from the petitioners as well as photographs of the
32 subject property and Mr. Ken Warner’s property.
33
34 Mr. Warner stated that he would submit photographs of his property.
35
36 Mr. Hall asked Mr. Warner if he believes that there is 500,000 gallons of product in the tank currently.
37
38 Mr. Warner stated that he was told that there are 500,000 gallons of product in the tank currently by a pretty
39 good source.
40
41 Mr. Hall asked Mr. Warner to indicate how many truck trips in and out of the subject property he has
42 observed.

1
2 Mr. Warner stated that he may have only observed ten or twelve trucks but he is not at home all of the time.
3 He said that each truck holds 4,500 to 5,000 gallons of product which is approximately 80,000 pounds or 28
4 tons per truck.
5
6 Mr. Hall asked Mr. Warner if he only saw 10 to 12 trucks.
7
8 Mr. Warner stated yes. He said that he was told by several people that over 500,000 gallons of product is in
9 the tank currently although it was his understanding that there was not supposed to be any product in the
10 tank.
11
12 Mr. Thorsland stated that it would be helpful if the people who informed Mr. Warner of the 500,000 gallons
13 of product in the tank could either testify before this Board or submit their statement in writing.
14
15 Mr. Warner stated that he was told by Crop Production that they had 30 rail cars full of product to unload.
16
17 Mr. Thorsland stated that unless the Board can actually view a picture or read a document that information is
18 hearsay.
19
20 Mr. Warner stated that staff could call Therese Wyman, Manager at Crop Production Services in Paxton for
21 confirmation.
22
23 Mr. Hall stated that staff received several calls therefore staff visited the subject property and could not
24 document any evidence of trucks loading or unloading at the subject property and no rail cars were
25 witnessed. He said that staff has followed up on complaints that have been received.
26
27 Mr. Passalacqua asked Mr. Hall if the letter that he sent the petitioners indicated that the tank should not be
28 filled with any product.
29
30 Mr. Hall stated yes. He said that if the Board would like to view the letter he would be happy to provide
31 copies. He asked the Board if they would like to see all of his letters to the petitioner.
32
33 Mr. Passalacqua stated that he would only like to see the letter regarding the use of the tank.
34
35 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Warner and there
36 were none.
37
38 Mr. Thorsland asked the audience if anyone would like to cross examine Mr. Warner and there was no one.
39
40 Mr. Thorsland called Gene Warner to testify.
41
42 Mr. Paul Cole, attorney for the petitioners, stated that he will pose informative questions to Mr. Gene

1 Warner and Mr. Warner can address the Board with his responses.

2
3 Mr. Cole asked Mr. Warner to indicate how the truck traffic travels on the subject property.

4
5 Mr. Gene Warner, who resides at 1006 Churchill Downs Drive, Champaign, stated that trucks normally enter
6 along the east side of the Kinze dealership. He said that Warner Bros. owns property on both sides of the
7 dealership therefore it should not matter which side the trucks enter although currently the trucks enter on the
8 east side of the property which is further away from Kenneth Warner's home.

9
10 Mr. Cole stated that some characterizations of the tank have been mentioned that it will be used for personal
11 storage for the Warner's farming operation and that it will be used for commercial purposes. He asked Mr.
12 Warner if the tank will be used for storage.

13
14 Mr. Warner stated yes, storage for Warner Bros.

15
16 Mr. Cole asked Mr. Warner if Warner Bros. understood that the construction of the tank was perfectly legal.

17
18 Mr. Warner stated yes.

19
20 Mr. Cole asked Mr. Warner if he understood that the only way that the construction of the tank would be
21 illegal was that if the tank was used for commercial purposes and not Warner Bros. Mr. Cole stated that Mr.
22 Follmer's testimony indicated that the tank was built illegally. Mr. Cole stated that the tank was built legally
23 so long as it was for the use of the Warner Bros.

24
25 Mr. Thorsland noted that staff addressed the legality of the tank.

26
27 Mr. Cole asked Mr. Warner to indicate the percentage of increase over the current business' truck traffic
28 there would be if there is a use of full capacity for the tank.

29
30 Mr. Gene Warner stated for Warner Bros. use the increase would be very little but in relationship to the
31 amount of pickup trucks and cars that comes in and out of the Kinze dealership on a daily basis it may
32 increase 10%.

33
34 Mr. Cole asked Mr. Warner if that increase would be seasonal.

35
36 Mr. Warner stated yes, in the spring when the product is being delivered and hauled out. He said that the
37 product would be delivered in January or February and hauled out in April. He said that he believes that the
38 weight limit for the road is 80,000 pounds. He said that the delivery trucks will not weigh more than a
39 standard semi-truck that hauls grain off of the farm during harvest. He said that the request had to be
40 approved by the township and during their meeting last night and although he does not have any
41 documentation the township had issue with the tank's location.

42

1 Mr. Cole asked Mr. Warner if they could fill the tank to capacity to use personally for multiple seasons and
2 not expect to sell the product to anyone else or allowing anyone else to store their product in the tank.
3
4 Mr. Warner stated yes. He said that the tank could be filled for Warner Bros. to use during multiple seasons.
5
6 Mr. Cole asked Mr. Warner if the truck traffic for Warner Bros. use would be any different than the truck
7 traffic for other people's use of the product in the tank.
8
9 Mr. Warner stated that on average the truck traffic would be the same because more than likely the tank will
10 be filled once in early spring.
11
12 Mr. Thorsland asked Mr. Cole if there was anything else that he would like to add.
13
14 Mr. Cole stated no.
15
16 Mr. Warner stated that ever since Warner Bros. has been farming the ground around the subject property
17 they have tiled and maintained it. He said that Mr. Kenneth Warner has not installed any tile of his own for
18 drainage and Warner Bros. tiled along the west side of Kenneth's property at no charge. He said that
19 Kenneth has not tiled his own yard therefore it does stay wet in his yard area. He said that if Kenneth is
20 concerned about water on the Warner Bros. property he should not be because Warner Bros. has already
21 taken care of their drainage issues. He said that Kenneth should worry about water on his own property if he
22 is concerned about drainage.
23
24 Mr. Warner stated that bathroom facilities are located within the Kinze dealership and there will be a wash
25 station in the new building in case someone is exposed to the chemicals.
26
27 Mr. Thorsland asked the Board if there were any questions for Mr. Gene Warner.
28
29 Mr. Passalacqua asked Mr. Gene Warner if the tank has product in it.
30
31 Mr. Gene Warner stated yes. He said that the tank has been filled with ten train car loads.
32
33 Mr. Passalacqua stated that he does not understand how full the tank is by stating ten car loads.
34
35 Mr. Warner stated that there are eight rings on the tank and there are only two rings which have fertilizer in
36 it.
37
38 Mr. Passalacqua asked Mr. Warner if he received the letter from Mr. Hall indicating that filling the tank is a
39 bad idea.
40
41 Mr. Gene Warner stated that he did not see the letter.
42

1 Mr. Cole stated that Mr. Hall's letter encouraged the petitioners to not use the tank to store agricultural
2 product prior to approval but Warner Bros. assumed that Mr. Hall's letter was in reference to commercial
3 product and not personal product. He said that Warner Bros. has not placed any chemical in the tank for
4 commercial use.

5
6 Mr. Passalacqua asked Mr. Warner if this is the only fertilizer type business that Warner Bros. is part of in
7 the County.

8
9 Mr. Gene Warner stated no, at this time Warner Bros. owns 10% of Farmer's Ag Service in Gifford which is
10 also owned by Kenneth Warner.

11
12 Mr. Courson asked Mr. Gene Warner if the product that is currently in the tank is owned by Warner Bros.
13 and if so could receipts be submitted to prove that such is true.

14
15 Mr. Gene Warner stated yes.

16
17 Mr. Courson asked Mr. Warner if he is indicating that on average Warner Bros. would only use one tank per
18 year for personal use.

19
20 Mr. Warner stated yes.

21
22 Mr. Courson asked Mr. Warner if Warner Bros. would constantly fill the tank.

23
24 Mr. Warner stated no.

25
26 Mr. Thorsland asked the Board if there were any other questions for Mr. Gene Warner and there were none.

27
28 Mr. Thorsland asked if staff had any questions for Mr. Warner and there were none.

29
30 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Warner. He reminded the
31 audience that they may only ask Mr. Warner questions which are based on his testimony.

32
33 Mr. Kent Follmer asked Mr. Gene Warner if there is the capacity of ten rail cars in the tank currently. He
34 asked Mr. Warner when the product was placed in the tank.

35
36 Mr. Warner stated yes, there is the capacity of ten rail cars in the tank which was filled approximately five
37 weeks ago.

38
39 Mr. Follmer asked Mr. Warner if March and April is the time when the product is needed by the farmers for
40 their corn.

41
42 Mr. Warner stated yes.

1
2 Mr. Follmer asked Mr. Warner how many gallons of product have been sold thus far.
3
4 Mr. Warner stated none because the product is for Warner Bros. use only.
5
6 Mr. Follmer asked Mr. Warner if the product came from Crop Production Services.
7
8 Mr. Warner stated yes, Crop Production Services ordered the product for Warner Bros.
9
10 Mr. Follmer asked Mr. Warner how the ordering process works.
11
12 Mr. Warner stated that Warner Bros. orders the product from Crop Production Services for application in the
13 spring.
14
15 Mr. Follmer asked Mr. Warner how many tankers would equal ten rail cars.
16
17 Mr. Warner stated that a rail car holds approximately 3-1/2 times what a semi-tanker would hold.
18
19 Mr. Follmer stated that it would take approximately 35 semi-tankers to equal ten rail cars.
20
21 Mr. Cole stated that the math is irrelevant because what matters is the tanks capacity and how often is it
22 emptied.
23
24 Mr. Thorsland stated that Mr. Gene Warner's testimony was in reference to the traffic direction and the
25 amount of trucks is very relevant to his testimony. He said that the Board is trying to determine how many
26 trucks have been at the subject property thus far based on the rail car testimony versus truck. He said that
27 two rings of the tank would indicate that the tank is at approximately 25% capacity.
28
29 Mr. Follmer asked Mr. Warner if it is true that Warner Bros. has had persons contact them for purchase of
30 the product which is stored in the tank.
31
32 Mr. Thorsland noted that Mr. Warner did not testify to such and only indicated that the product was
33 purchased for Warner Bros. use. He said that if someone has information regarding this case then they are
34 welcome to attend the meeting to testify or they can submit their statement in writing.
35
36 Mr. Thorsland asked the audience if anyone else would like to cross examine Mr. Warner at this time and
37 there was no one.
38
39 Mr. Thorsland called James Rusk to testify.
40
41 Mr. James Rusk, Rantoul Township Supervisor, stated that Danny Sage, Rantoul Township Highway
42 Commissioner was unable to attend tonight's meeting therefore Mr. Rusk has attended the meeting in Mr.

1 Sage's behalf. He said that the Rantoul Plan Commission met last night with Rantoul Township and they
2 did not vote on the special use permit because they are not allowed to by state law. He said that the Plan
3 Commission has no protest on the map amendment because they feel that it should have been changed 30
4 years ago. He said that there was concern with the volume of vehicles that would be on the township road
5 and it is true that vehicles of 80,000 pounds will travel the road but the number of vehicles is the concern if
6 the special use permit is approved. He asked that if the facility becomes a full blown fertilizer operation
7 what would be the number of vehicles up and down the road. He said that the township understands that due
8 to the facility that additional tax dollars would be brought into the township but it is unsure if the amount
9 would equal the repair that will be required for the road. He said that the township has no other concerns
10 regarding the request other than the volume of trucks that will travel the road.

11
12 Mr. Thorsland asked Mr. Rusk if he would submit the letter from Rantoul Township as a Document of
13 Record.

14
15 Mr. Rusk stated yes.

16
17 Mr. Thorsland stated that the findings for the special use permit indicates that the average daily trips for the
18 road in question is 75. He asked Mr. Rusk if the ADT seems reasonable for the road with the current
19 dealership.

20
21 Mr. Rusk stated yes. He said that the township's concern is the heavy trucks. He said that currently almost,
22 but not all, farmers have semi-trucks to haul their grain during harvest season and the township has
23 constantly been improving the roads to handle that heavy traffic. He said that if this request is approved the
24 township would like to know how much more heavy traffic would be traveling the road.

25
26 Mr. Thorsland asked Mr. Rusk if the road's weight limit is 80,000 pounds.

27
28 Mr. Rusk stated that he is not sure and would have to have Mr. Sage discuss that with the Board. He said
29 that the road is a gravel based road with oil chip over it. He said that there are 80,000 pound vehicles that
30 travel the road daily and the concern is that there will be more 80,000 pound vehicles traveling the road.

31
32 Mr. Thorsland asked the Board if there were any questions for Mr. Rusk.

33
34 Mr. Courson asked Mr. Rusk if he knows whether the road has any seasonal weight restrictions.

35
36 Mr. Rusk stated that the road does not have any seasonal weight restrictions. He said that it is a double
37 edged knife in that if you post the road it is posted for everyone therefore the farmer down the road can't get
38 his grain to the elevator as well as people not being able to bring the tankers to the subject property. He said
39 that the road is a 10-inch base road which is a well built township road but it is not a hard pavement road.

40
41 Mr. Courson stated that it would be helpful if Mr. Sage could provide a written statement discussing his
42 concerns.

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Mr. Rusk submitted Mr. Sage's letter as a Document of Record.

Mr. Thorsland asked the Board if there were any additional questions for Mr. Rusk and there were none.

Mr. Thorsland asked if staff had any questions for Mr. Rusk.

Mr. Hall stated that the Board is always interested in the concern of the highway commissioners, even if the township does not have a plan commission, this Board is always very interested in what the highway commissioner thinks. He said that in addition to the volume of traffic, when there is heavy business use, many times just the actual driveway entrance to the public street becomes an issue. He asked Mr. Rusk if Mr. Sage had any concerns about the driveway entrance to the public street.

Mr. Rusk stated that he cannot answer Mr. Hall's question because Mr. Sage did not mention anything regarding the driveway entrance. Mr. Rusk stated that the township discussed this issue for over one hour and the actual meeting issue only lasted three minutes because the main topic was about a zoning change that should have occurred over 30 years ago. He said that all of the plan commission members voiced concern about the volume of traffic that may occur although no formal protest is being made.

Mr. Hall stated that even municipalities do not have protest rights in special use cases but the Board always asks a municipality if they have concerns that they could take into consideration. He said that he cannot speak for the Board other than what he has observed in previous cases but the Board is always interested in the comments of townships or municipalities in regards to a special use permit and they usually do everything that they can to address those concerns although this is not saying that the Board will be able to solve every problem but they do work very hard. He said that if the Rantoul Plan Commission wrestled that long they might want to document their concerns in writing so that the ZBA can see what those concerns are and if those concerns only had to do with traffic then those concerns have been made pretty clear. He said that just because there is no protest right does not mean that the Board is not interested.

Mr. Rusk stated that he has always felt that the Board has done a good job with cases and that their concern is always legitimate. He said that he wanted to attend the meeting tonight because Mr. Sage could not indicate the township's concerns regarding the volume of traffic especially since almost every vehicle that would be on the subject property would be a heavy vehicle. He noted that the township always appreciates the possibility of new tax dollars coming in but he is not sure that the tax dollars would cover the \$50,000 required per mile to fix the road for extensive repair.

Mr. Thorsland asked the Board if there were any additional questions for Mr. Rusk.

Mr. Passalacqua stated that since these cases would be continued it would be beneficial to have Mr. Rusk and Mr. Sage included on the mailing list for future meeting packets.

Mr. Rusk stated that if he and Mr. Sage continue to receive information from staff then he will be sure that

1 he and Mr. Sage are in attendance.
2
3 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Rusk and there were
4 none.
5
6 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Rusk. He noted that any questions
7 should be limited to Mr. Rusk’s testimony at tonight’s public hearing.
8
9 Mr. Paul Cole, attorney for the petitioners, asked Mr. Rusk if he would have any concerns about who is
10 driving the heavy vehicles up and down the road, for instance, if it were the Warners or someone else that
11 they had sold chemicals to.
12
13 Mr. Rusk stated that he is concerned about the volume of trucks and not who is driving the trucks.
14
15 Mr. Cole asked Mr. Rusk if his concern would be lessened if the chemical that is in the tank is only for the
16 use of Warner Bros. farm operation. He said that the petitioner has testified that a certain number of trucks
17 would be present on the road and subject property in January when the tank is being filled and then the same
18 number of trucks would be present in April when the chemical is utilized on the farm ground. He asked Mr.
19 Rusk if it would matter if all of the trucks were driven by the Warner family and no one else was storing
20 fertilizer in the tank.
21
22 Mr. Rusk stated that the volume of trucks is the only thing that matters to the township.
23
24 Mr. Cole asked Mr. Rusk if he understood that if the trucks were only driven by the Warners for their farm
25 operation they would be in full compliance.
26
27 Mr. Rusk stated yes, but there is still a volume issue.
28
29 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Rusk and there was no one.
30
31 Mr. Thorsland asked the audience if anyone else desired to sign the witness register at this time to present
32 testimony regarding 731-S-12 and there was no one.
33
34 Mr. Thorsland stated the Board will take a five minute break.
35
36 **The Board recessed at 8:20 p.m.**
37 **The Board resumed at 8:27 p.m.**
38
39 Mr. Thorsland stated that the Board will now hear testimony regarding the map amendment case.
40
41 Mr. Thorsland called Paul Cole to testify.
42

1 Mr. Paul Cole, attorney for the petitioner, stated that the map amendment is being requested because the
2 petitioner intends to cooperate with the County in connection with the Special Use Permit application. He
3 said that the implement dealership has been in operation for nearly 40 years and if it had been 40 years or
4 more we would not be here today but since it has only been approximately 39 years the County has asked the
5 petitioner to clean up the map and create what is a true fact, a business district into a business district, and
6 acknowledge it as such. He said that this is tied to the Special Use Permit application because the petitioner
7 is not permitted is go to the tank across the property that is the present subject of the map amendment request
8 because it is business use that is different from what is being used now. He said that he is attempting to
9 explain the rationale for the map amendment and asked Mr. Hall if the petitioner receives the Special Use
10 Permit then they must also have the map amendment.

11
12 Mr. Hall stated yes.

13
14 Mr. Cole stated that it is interesting how the two cases are tied together and he does not know if the
15 petitioner would really want to pursue a map amendment if they didn't have the special use and he does not
16 know why they wouldn't cooperate with the County in that respect anyway. He said that there is a
17 disconnect between the two and they can be treated separately but the petitioner is willing to do the map
18 amendment if that is what the County desires.

19
20 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Cole and there were none.

21
22 Mr. Thorsland called Kent Follmer to testify.

23
24 Mr. Kent Follmer, attorney for Kenneth and Victoria Warner, stated that his clients reside next to the subject
25 property and there is photograph in the Preliminary Memorandum that depicts the residential property. He
26 said that Kenneth and Victoria Warner have resided at their property for many years and they have not made
27 any objections over the years because the proposed business is much different than what they are concerned
28 about in the other case. He said that there are some notations on page 8 of the Findings of Fact under item
29 14.A(3)(a) indicating that the proposed rezoning will remove less than one acre of best prime farmland from
30 production. He asked how it is less than one acre of best prime farmland when it is a 3.8 acre tract being
31 requested to rezone. He said that he is sure that there is a very simple answer to his question.

32
33 Mr. Follmer stated that on page 10 of the Finding of Fact item 14. C(1)(d) indicates that there is one nearby
34 dwelling that is adjacent to the subject property and no complaint has ever been received about the existing
35 business from the owner of the adjacent property. Mr. Follmer stated that item 14.C(1)(d) is true. He said
36 that on page 14 of the Finding of Fact item 21.B(2) indicates that in regards to the value of nearby residential
37 properties, it is not clear if the requested map amendment would have any affect and whatever reduction in
38 value that has occurred would have occurred along time ago. He said that there may be some evidence or
39 testimony in respect to the values and Mr. and Mrs. Warner have considered hiring an appraiser to determine
40 if the value of their property would be lowered if the proposed map amendment and special use would be
41 approved. He said that just because the current business has been in existence for 20 years does not mean
42 that it must remain and just because there has not been any objections voiced in 20 years does not mean that

1 can't be objections now.
2
3 Mr. Thorsland asked the Board if there were any questions for Mr. Follmer and there were none.
4
5 Mr. Thorsland asked if staff had any questions for Mr. Follmer.
6
7 Mr. Hall stated that if there is going to be a claim of property value impacts or incompatibilities of any kind
8 then the next question would be what can be done to mitigate that. He said that normally staff would ask if
9 screening, buffers, etc, could be used to mitigate the impacts or incompatibilities.
10
11 Mr. Follmer stated that he does appreciate Mr. Hall's comments and he has completed some preliminary
12 investigations regarding buffers and fences. He said that the intent is to be a good neighbor but at the same
13 time his clients' desire to protect the value of their property.
14
15 Mr. Kass stated that in regards to Mr. Follmer's question regarding removing less than one acre of best
16 prime farmland from production the intent of the statement was to document that the expansion of the area
17 will be less than one acre. He said that the existing lot has already taken up farmland but accommodating the
18 full east/west building will be less than one acre.
19
20 Mr. Follmer thanked Mr. Kass for that clarification.
21
22 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Follmer and there
23 were none.
24
25 Mr. Thorsland called Kenneth Warner to testify.
26
27 Mr. Kenneth Warner, who resides at 1254 CR 2700, Rantoul, stated that he had no further comments to add
28 at this time.
29
30 Mr. Thorsland asked the audience if anyone would like to present testimony regarding either Case 731-S-12
31 or 747-AM-13 at there was no one.
32
33 Mr. Follmer stated that after much discussion it appears that Warner Bros. wants to use this tank for their
34 own farming operation but they have solicited and obtained a letter from Crop Production Services which is
35 evidence of doing business with other businesses. He said that Crop Production Services is a billion dollar
36 company with branches all over Illinois and elsewhere.
37
38 Mr. Passalacqua stated that the Board has requested a new site plan indicating Ken and Victoria Warner's
39 property and everything that exists and is proposed on the subject property.
40
41 Mr. Thorsland stated that there will be a homework session for the petitioner very soon.
42

1 Mr. Thorsland asked if anyone else desired to present testimony regarding either case.
2
3 Mr. Paul Cole stated that he desires to speak very briefly about both cases. He said that he finds the need to
4 give a small rebuttal to Mr. Follmer's testimony regarding Warner Bros. intended use for the property. He
5 said that the fact that Warner Bros. solicited a letter of support from a very large fertilizer dealer does not
6 mean that the proposed use is a commercial operation. He said that Warner Bros. farms over 5,800 acres
7 therefore they constructed a large tank to store the fertilizer for their use and they do not need to do a
8 commercial business for fertilizer sales or storage. He said that the uses are relevant and why they decided to
9 build a large tank is irrelevant and what matters is what Warner Bros. will be allowed to do with the tank.
10 He said that Warner Bros. will be allowed to use the tank for their own purpose.
11
12 Mr. Cole stated that this is a very useful process because it is the push and shove of arguments and an
13 exchange of ideas and not the truth of what will happen. He said that he appreciates the attention that the
14 Board and staff have given to this issue and he understands that the cases will be continued to a later date.
15 He said that the petitioners will gather the best information for submittal to the Board and will address the
16 site plan issues and the Board's concerns.
17
18 Mr. Thorsland asked the Board if there were any questions for Mr. Cole.
19
20 Mr. Passalacqua asked Mr. Cole how many gallons of chemical would be sprayed on one acre of farm
21 ground.
22
23 Mr. Gene Warner stated that 60 to 65 gallons of chemical would be sprayed upon one acre of farm ground.
24
25 Mr. Passalacqua stated that based upon 5,800 acres at 60 to 65 gallons of chemical per acre Warner Bros.
26 could possibly store two seasons of chemical in the tank.
27
28 Mr. Cole stated yes and is not only what Warner Bros. would do but could do. He said that he understands
29 that things change from season to season and Warner Bros. may need more or less chemical, depending upon
30 which type of crops are grown each year. He said that the tank could be devoted strictly to Warner Bros.
31 operation but why should it be limited to only that intention. He asked why other users who need storage
32 capacity should not have it if the issues and concerns can be addressed.
33
34 Mr. Passalacqua asked Mr. Cole if the space available in the tank would be rented or would it be offered to
35 the neighbor for storage.
36
37 Mr. Cole stated someone is going to have to pay for the storage space for their fertilizer.
38
39 Mr. Passalacqua asked Mr. Cole if charging for the storage makes this a commercial operation.
40
41 Mr. Cole stated yes, which is why a Special Use Permit is necessary. He said that the tank can be used for
42 the petitioner's own use and it may be feasible to purchase more than one year's worth of fertilizer.

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Mr. Passalacqua asked Mr. Cole if he understands that if the Special Use Permit is approved then all of the concerns regarding the neighbor’s property value, volume of trucks and, road repair are very relevant issues.

Mr. Cole stated that the concerns are legitimate but the petitioners are attempting to assist the County in cleaning up the zoning map.

Mr. Palmgren asked Mr. Cole if the entire 5,800 acres is planted in corn.

Mr. Gene Warner stated that 5,800 acres is the total acreage farmed by Warner Bros. He said that approximately one-half of the acreage is planted in corn.

Mr. Palmgren asked if the chemical is only applied to corn ground.

Mr. Gene Warner stated yes.

Mr. Thorsland asked the Board and staff if there were any additional questions and there were none.

Mr. Thorsland stated that the Board has requested the following items from the petitioner: 1. Complete site plan indicating all existing and future uses; and 2. Lights; 3. Drainage on the Kenneth Warner property and the subject property; 4. Address staff concerns regarding the entrance by obtaining comments from the Rantoul Township Highway Commissioner; 5. Tank status; and 6. Receipts or documents from witnesses to uphold their testimony.

Mr. Passalacqua reminded the audience that no hearsay is allowed therefore new testimony regarding what someone heard or said must be documented in writing.

Mr. Thorsland stated that there is an implication that all of the state and federal permitting requirements have been met therefore the Board is requiring a copy of the approved permit or certificate from these entities.

Mr. Thorsland entertained a motion to continue Cases 731-S-12 and 747-AM-13 to the May 16, 2013, meeting.

Ms. Capel moved, seconded by Mr. Passalacqua to continue Cases 731-S-12 and 747-AM-13 to the May 16, 2013, meeting. The motion carried by voice vote.

Case 739-V-12 Petitioner: David and Kathy Reineke Request: Authorize the expansion of an existing 2 acre lot that consists of best prime farmland by an addition of 2.11 acres to create a 4.11 acre lot in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-1 District. Location: Lot 5 of Hedgerows of Bloomfield (Phase 1) Subdivision and an adjacent 2.11 acre parcel in the Northwest Quarter of the northeast Quarter of Section 8 of Mahomet Township and commonly known as the

1 home at 155 CR 2300N, Mahomet.

2
3 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
4 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
5 of hands for those who would like to cross examine and each person will be called upon. He requested that
6 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
7 those who desire to cross examine are not required to sign the witness register but are requested to clearly
8 state their name before asking any questions. He noted that no new testimony is to be given during the cross
9 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
10 from cross examination.

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12 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
13 sign the witness register for that public hearing. He reminded the audience that when they sign the witness
14 register they are signing an oath.

15
16 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

17
18 Mr. David Reineke, who resides at 155 CR 2300N, Mahomet stated that he has petitioned to correct an
19 error regarding his property. He said that he purchased the property in 2002 from Tom Brown, adjacent
20 landowner and developer of the Hedgerows of Bloomville (Phase One), and Mr. Reineke assumed that the
21 additional two acres that he purchased would be combined with his residential lot, Lot 5 of the Hedgerows
22 of Bloomville, although the two parcels remained separate because he receives two real estate tax bills. He
23 said that he recently found out that the two acre parcel is an illegal lot therefore he could not build upon it
24 and if he wanted to sell his home in the future he could not. He said that he plans to live at his current
25 residence for at least another ten years and would like to have the zoning issue corrected.

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27 Mr. Thorsland asked the Board if there were any questions for Mr. Reineke and there were none.

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29 Mr. Thorsland asked if staff had any questions for Mr. Reineke and there were none.

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31 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Reineke and there was no one.

32
33 Mr. Thorsland called John Hall to testify.

34
35 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated March 28, 2013,
36 to the Board for review. He said that attached to the memorandum is a copy of the recorded plat for The
37 Hedgerows Phase I and a copy of the Warranty Deed for the 2.11 acre tract purchased by Mr. Reineke. He
38 said that the property is Lot 5 of The Hedgerows Phase I and the total area, lot 5 and the 2.11 acre tract,
39 comprises a 4 acre lot. He said that the following evidence is proposed to be added to Item 7: C. The
40 subdivision The Hedgerows Phase I was filed with the Champaign County Recorder of Deeds on June 14,
41 2000, as Recorder document 2000R12823; and D. The petitioner purchased Lot 5 and the adjacent 2.11 acre
42 tract in 2002 but did not apply for subdivision approval with the Village of Mahomet at that time; and E.

1 The subject property became within 1.5 miles of the Village of Mahomet sometime between 1980 and 1991;
2 and F. The Village of Mahomet has had subdivision jurisdiction since approximately 1961 when they first
3 adopted a comprehensive plan; and G. The maximum lot size on best prime farmland was not added to the
4 Zoning Ordinance until July 22, 2004.
5

6 Mr. Hall stated that staff proposes the following evidence to be added to Item 9. of the Summary of
7 Evidence: C. Regarding the purchase of the subject property: (1) The petitioner purchased Lot 5 and the
8 adjacent 2.11 acre tract in 2002 but did not apply for subdivision approval with the Village of Mahomet at
9 that time; and (2) The Plat Act Affidavit recorded with the deed as Recorder’s Document 2003R38042 was
10 sworn by the previous owner, Thomas Brown, and indicates that the conveyance of the 2.11 acre tract was a
11 “sale or exchange of parcels of land between owners of adjoining and contiguous land” which was accurate
12 but did not address the fact that the division of land was in an area subject to municipal subdivision
13 jurisdiction; and D. The maximum lot size on best prime farmland was added to the Zoning Ordinance on
14 July 22, 2004. He said that the deed was attached because the Recorder requires that a Plat Act Affidavit is
15 completed and it accurately indicates that this was a sale of land between owners of adjoining and
16 contiguous land. Mr. Reineke’s purchase of Lot 5 was actually recorded before this therefore in terms of
17 timing this is all accurate. He said that he wonders if the Plat Act Affidavit could be improved. He said that
18 the Plat Act goes on to talk about when there is a Plat of Subdivision in an area affected by a Comprehensive
19 Plan it has to be signed by the relevant municipal authority but it apparently never anticipates that even
20 though there are exemptions the municipalities do not generally accept those exemptions and still require a
21 plat. He said it is easy to imagine a better form of a Plat Act Affidavit which would recognize that if the
22 land is in an area where there is a municipal comprehensive plan it would mention something about
23 municipal approval but it doesn’t. He said that this is a glaring problem although the Plat Act was written at
24 a point in time and deals primarily with Plats of Subdivision. He said that the point is that in regards to item
25 9, “was this the action of the petitioner,” the answer would be “no” because the petitioner did not sign the
26 Plat Act Affidavit and even if he had the Plat Act Affidavit is accurate. He said that this is just one of those
27 things in which the petitioner had the property reviewed by an attorney but apparently the attorney thought
28 that the Plat Act Affidavit automatically took care of municipal subdivision issues. He said that this is all
29 relevant evidence and when he read the petitioner’s statement on the application he wondered if the
30 petitioner had thought that the two parcels had been joined before the petitioner’s purchase. Mr. Hall stated
31 that the 2.11 acre tract was created at the time that the petitioner purchased the property and did not exist
32 prior to that purchase.
33

34 Mr. Reineke stated that the 2.11 acre tract was created at the time of his purchase. He said that Mr. Brown
35 has the adjoining farmland and the 2.11 acre tract was part of the deal when he purchased Mr. Brown’s
36 original home. He said that the property was surveyed and he believed that the two parcels would
37 automatically be combined but it appears that he was incorrect. He said that he always wondered why he
38 received two real estate tax bills but didn’t think much about it until last year when he was told that he
39 owned an illegal lot that he could not sell or build upon.
40

41 Mr. Hall stated that although this is an expansion of a lot that is best prime farmland the 2.11 acres contains
42 no best prime farmland. He said that the way that best prime farmland is defined and the maximum lot size

1 of three acres, yes this is increasing the size of a best prime farmland lot but it isn't taking any more best
2 prime farmland out of production. He said that there isn't any way to fix the Ordinance so that variances like
3 this would not be necessary but he is sure that there are a lot of people who wouldn't want things like this to
4 be anything other than a required variance and yet the 2.11 acres is not best prime farmland itself.

5
6 Mr. Reineke stated that he currently uses the 2.11 acres as a balloon launch site.

7
8 Mr. Thorsland asked the Board if there were any questions for Mr. Hall or Mr. Reineke and there were none.

9
10 Mr. Thorsland asked Mr. Hall if the ZBA could apply some guidance or do they even have an opportunity to
11 voice a change in the Plat Act Affidavit to make it clearer.

12
13 Mr. Hall stated that such a change would be up to the Recorder of Deeds and the Recorder is required to
14 have people sign the affidavit but the Recorder is not supposed to be a policeman. He said that the Plat Act
15 never contemplates that while there may be a municipal subdivision required to create a new lot it does not
16 contemplate that there would be a municipal subdivision required for the sale of land between adjacent
17 landowners and that only comes about because of the way that the municipal statutes relate to the Plat Act.
18 He said that this is just an unfortunate circumstance and the Recorder has to require the Plat Act Affidavit
19 but nothing more, as frustrating as it might be he does not believe that anything can be changed. He said that
20 staff read the Plat Act today and it is clear that this kind of situation is not anticipated by the Plat Act but
21 nonetheless staff can pass Mr. Thorsland's question along to the State's Attorney.

22
23 Mr. Thorsland stated that this is not the first time that a situation like this has occurred and there is no handy
24 guide book for someone to read. He said that there have been issues where the public does not understand
25 the need for a permit, or the difference between a rural lot versus a lot in a municipality's ETJ, etc. He said
26 that the information is available for the public but somewhere along the lines either the County, the
27 Recorder, the realtor or the attorney are failing people in properly informing the public before they either
28 make a purchase or change to their property. He said that he does not know where, if any place, the ZBA
29 could do a better job but to file data indicating that the job needs to get done.

30
31 Mr. Hall maintained that the knowledge is out there and it is hard to believe that a practicing attorney in
32 Champaign County in 2013 does not understand something like this but it is known that engineers and
33 attorneys have specialties so maybe that is the beginning but there is no way to stamp out ignorance because
34 it exists and always will exist. He said that ignorance is one reason why the ZBA has to have the variance
35 process included in the Zoning Ordinance and there has to be a way to fix things like this. He said that he
36 cannot imagine that the ZBA would be able to develop an information system that would make everyone
37 fully cognizant at all times and prevent things like this, it is not possible.

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39 Mr. Thorsland stated that one can dream.

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41 Mr. Hall stated that all that has to be done is for the public to call the office and ask.

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Mr. Palmgren asked Mr. Hall if many attorneys call the office.

Mr. Hall stated that there are some attorneys who call the office almost every week.

Mr. Palmgren stated that perhaps there would be a way to promote that more.

Mr. Hall stated that it is hard to believe that calling the office is not an automatic thing. He said that the attorney should know to call the Department of Planning and Zoning to see if it is okay to divide a property in Champaign County.

Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall or the petitioner and there were none.

Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present testimony regarding Case 739-V-12 and there was no one.

Mr. Thorsland closed the witness register at this time.

Mr. Thorsland asked the Board if there was any additional input to the findings other than what staff recommended and there was none.

Mr. Passalacqua asked Mr. Hall if the Village of Mahomet had any objection with this request.

Mr. Hall stated no. He said that the petitioner has contacted the Village of Mahomet and they were supportive of the variance.

Mr. Hall stated that as the Board goes through the evidence everywhere where it refers to the total area being 4.11 acres should be revised to indicate 4.0 acres. He said that the acreage correction is a small difference but every difference helps and the name of the subdivision needs to be revised to indicate The Hedgerows Phase I. He said that due to the acreage revision the percentage of the variance should be revised to indicate 133%.

Mr. Thorsland read the proposed special conditions as follows:

A. The petitioner shall file an application for subdivision approval with the Village of Mahomet within 30 days after final action to Case 739-V-12.

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

That the petitioner files an application for subdivision approval in a timely manner.

B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioner has received subdivision approval from the Village of Mahomet.

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

That the proposed lot expansion is in compliance with the Village of Mahomet subdivision regulations.

Mr. Thorsland asked Mr. Reineke if he agreed to the proposed special conditions as read.

Mr. Reineke stated that he agreed.

Mr. Thorsland entertained a motion to approve the proposed special conditions as read.

Mr. Miller moved, seconded by Mr. Palmgrem to approve the proposed special conditions as read. The motion carried by voice vote.

Mr. Thorsland stated that a new Item 4 should be added to the Documents of Record as follows: 4. Supplemental Memorandum dated March 28, 2013, with attachments.

Findings of Fact for Case 739-V-12:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 739-V-12 held on March 28, 2013, the Zoning Board of Appeals of Champaign County finds that:

- 1. Special conditions and circumstances DO 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.**

Mr. Passalacqua stated that special conditions and circumstances DO 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 of the maximum lot size requirement for best prime farmland.

Ms. Capel stated that the property was purchased with the assumption that it was one parcel when it was actually two and granting the variance will allow the petitioner to build on the lot.

Mr. Courson stated that the land was purchased prior to the effective date of the Ordinance regulating the maximum lot size on best prime farmland.

Mr. Kass read the Board's findings for Finding #1 as follows: Special conditions and circumstances DO 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 of the maximum lot size requirement for best prime farmland; and the property was purchased under the assumption that it was one lot; and granting the variance will allow the petitioner to build on the lot; and the land was purchased prior to the adoption of the ordinance regulating the maximum lot size on best prime farmland.

The Board agreed with the findings for Finding #1.

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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. Passalacqua 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 it would be non-compliant without the variance.

Mr. Thorsland stated that the lot is not buildable without the variance.

Mr. Kass read the Board’s finding for Finding #2 as follows: 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: It would be non-compliant without the variance; and the lot is not buildable without the variance.

The Board agreed to the findings for Finding #2.

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

Ms. Capel stated that special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because the land was purchased prior to the Ordinance regulating the maximum lot size on best prime farmland.

Mr. Passalacqua stated that it was assumed to be one parcel at the time of purchase.

Mr. Thorsland stated that perhaps we could indicate that based on the Plat Act Affidavit that had gone through the Recorder’s Office there was the assumption that this was one parcel at the time of purchase.

Ms. Capel stated that there was no indication on the Plat Act Affidavit that there was a problem.

Mr. Kass read the Board’s finding for Finding 3 as follows: The special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because: The land was purchased prior to the ordinance regulating the maximum lot size on best prime farmland; and it was assumed to be one parcel at the time of purchase because there was no indication on the Plat Act Affidavit that there was a problem.

The Board agreed to the findings for Finding #3.

4. The requested variance, subject to the proposed special conditions, IS in harmony with the general purpose and intent of the Ordinance.

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Ms. Capel stated that the requested variance, subject to the proposed special conditions, IS in harmony with the general purpose and intent of the Ordinance the additional 2.11 acre parcel is not best prime farmland and it is not easily farmed and the 2.11 acre parcel is not currently being farmed so no best prime farm land is being taken out of production.

Mr. Palmgren stated that the variance will make an unusable lot legal and useful.

Mr. Kass read the Board’s finding for Finding #4 as follows: The requested variance, subject to the proposed special conditions, IS in harmony with the general purpose and intent of the Ordinance because: The 2.11 acre parcel is not best prime farmland and it is not easily farmed; and the 2.11 acre parcel is not currently being framed, therefore no land will be taken out of production; and the variance will correct a violation and will allow the land to be used if the petitioner chooses to do so.

The Board agreed with the findings for Finding #4.

5. The requested variance, subject to the proposed special conditions, WILL not be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.

Mr. Miller stated that the requested variance, subject to the proposed special conditions, WILL not be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because the existing lot will not change anything or add any extra burden to the existing infrastructure.

Ms. Capel stated that all of the neighbors have been contacted and are supportive and the Village of Mahomet also supports the variance.

Mr. Kass read the Board’s findings for Finding #5 as follows: The requested variance, subject to the proposed special conditions, WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: The existing lot will not be changing and will not be adding any burden to the existing infrastructure; and the surrounding neighbors are supportive of the variance, as well as the Village of Mahomet.

The Board agreed to the findings for Finding #5.

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

Mr. Passalacqua stated that the requested variance, subject to the proposed special conditions, IS the minimum variation that will make possible the reasonable use of the land/structure because it corrects a violation that makes the parcel useful and sellable.

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Mr. Kass read the Board’s finding for Finding #6 as follows: The requested variance, subject to the proposed special conditions, IS the minimum variation that will make possible the reasonable use of the land/structure because it will correct a violation and will make the parcel useful and sellable.

The Board agreed to the findings for Finding #6.

7. The special conditions imposed herein are required for the particular purposes described below:

A. The petitioner shall file an application for subdivision approval with the Village of Mahomet within 30 days after final action to Case 739-V-12.

The special condition stated above is required to ensure the following:
That the petitioner files an application for subdivision approval in a timely manner.

B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioner has received subdivision approval from the Village of Mahomet.

The special condition stated above is required to ensure the following:
That the proposed lot expansion is in compliance with the Village of Mahomet subdivision regulations.

Mr. Thorsland entertained a motion to approve the Findings of Fact as amended.

Ms. Capel moved, seconded by Mr. Passalacqua to approve the Findings of Fact as amended. The motion carried by voice vote.

Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended.

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

Mr. Thorsland entertained a motion to move to a Final Determination for Case 739-V-12.

Ms. Capel moved, seconded by Mr. Palmgren to move to a Final Determination for Case 739-V-12. The motion carried by voice vote.

Final Determination for Case 739-V-12:

Mr. Courson moved, seconded by Ms. Capel that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the

1 requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted
2 by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of
3 Champaign County determines that the Variance requested in Case 739-V-12 is hereby GRANTED
4 WITH CONDITIONS to the petitioners David and Kathy Reineke to authorize the expansion of an
5 existing 1.89 acre lot that consists of best prime farmland by an addition of 2.11 acres to create a 4.0
6 acre lot in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-1 District.
7 Subject to the following conditions:

- 8
- 9 A. The petitioner shall file an application for subdivision approval with the Village of
10 Mahomet within 30 days after final action to Case 739-V-12.
11 The special condition stated above is required to ensure the following:
12 That the petitioner files an application for subdivision approval in a timely manner.
13
- 14 B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or
15 issue a Zoning Compliance Certificate on the subject property until the petitioner
16 has received subdivision approval from the Village of Mahomet.
17 The special condition stated above is required to ensure the following:
18 That the proposed lot expansion is in compliance with the Village of Mahomet
19 subdivision regulations.
20

21 Mr. Thorsland requested a roll call vote.

22			
23	Miller-yes	Palmgren-yes	Passalacqua-yes
24	Capel-yes	Courson-yes	Thorsland-yes
25			

26 Mr. Hall informed the petitioner that he has received an approval and staff will send out the final paperwork
27 as soon as possible. He noted that if the petitioner has any questions he should feel free to contact staff.
28

29 **Case 743-AT-13 Petitioner: Zoning Administrator Request: Amend the Champaign County Zoning**
30 **Ordinance as follows: Part A. Revise Section 9.1.9 as follows: 1. Authorize County Board approved**
31 **variances as authorized in Section 13; and 2. Require Findings for County Board approved variances;**
32 **and 3. Authorize the conditions for County Board approved variances; and 4. Require three-fourths**
33 **of all members of the County Board to approve a variance when a written protest against the variance**
34 **is submitted by a township board in a township that has a plan commission, within 30 days after the**
35 **close of the public hearing at the Zoning Board of Appeals. Part B. Revise Section 13 as follows: 1.**
36 **Add “or the Governing Body” after each use of “Board”;** and 2. Authorize that a variance or special
37 use permit or zoning use permit or zoning compliance certificate may be authorized when a
38 construction or use would violate the subdivision regulations of a municipality when the use would
39 violate the subdivision regulations of a municipality when the requirement for annexation is a
40 requirement for plat approval by that municipality involving the expansion and/or construction of a
41 water treatment plant or related facilities owned and operated by a predominately rural water
42 district, when the municipality has its own water treatment plant and related facilities. If no plat

1 approval shall be considered without the requirement for annexation then a VARIANCE from the
2 requirement for compliance with the municipal SUBDIVISION regulations may be considered by the
3 GOVERNING BODY. Part C. Revise Section 9.2.2 to require three-fourths of all members of the
4 County Board to approve a text amendment or map amendment when a written protest against the
5 amendment is submitted by a township board in a township that has a plan commission, within 30
6 days after the close of the public hearing at the Zoning Board of Appeals.
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8 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
9 sign the witness register for that public hearing. He reminded the audience that when they sign the
10 witness register they are signing an oath.
11

12 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.
13

14 Mr. John Hall, Zoning Administrator, stated that the way that this case was advertised with a time limit of 30
15 days after the close of the public hearing for township protest astute readers would have noticed that the way
16 that it was actually written in the proposed amendment is 15 days and that is because the statute only
17 provides for a 15 day limit which is an extraordinary short time. He said that he hopes the Board can take
18 action on this case tonight but even if they can't he would recommend an item #18 to the Summary of
19 Evidence recognizing that the statutory limits is 15 days and encourage the County Board to increase that to
20 30 days if possible. He said that he has not had a chance to consult with the State's Attorney about proposed
21 item #18 but having a 15 day limit in the Ordinance when all of the other limits are 30 days is a recipe for
22 disaster and he believes that the County will be better served by indicating 30 days. He said that sometimes
23 things that seem so reasonable are just not possible because the State does not authorize it. He said that if
24 the ZBA agrees with proposed item #18 it can be added to the Summary of Evidence and leave it up to the
25 County Board to approve or leave the case at the ZBA for another meeting so that it can be fixed at that time.
26 He said that he does not intend to rush the Board through this case but this case is intended to provide a
27 means by which the Sangamon Valley Public Water District could actually obtain a Zoning Use Permit
28 within a reasonable time to allow the expansion of their water treatment plant. He said that it is written
29 generally but the Board should recognize that the text amendment is intended to facilitate Sangamon Valley.
30

31 Mr. Hall distributed new Supplemental Memorandum dated March 28, 2013, which indicates the proposed
32 revision to paragraph 13.2.1.A.4.a. He said that the original amendment language for the variance was
33 rushed at the time and so when the case was advertised staff continued to improve the language. He said that
34 paragraph 13.2.1A.4.a. in the new memorandum indicates the new wording which is hopefully clearer and
35 uses the phrase "construction or change of use" and also includes the following text after water treatment
36 plant and sewage treatment plant: owned and operated by a predominately rural water district. He said that
37 the last sentence in 13.2.1A.4.a. has been changed as follows: The governing body may consider a variance
38 from the requirement for compliance with the municipal subdivision regulations if the municipality will not
39 consider plat approval without the requirement for annexation. He said that if the municipality documents in
40 writing that they would fully consider plat approval without annexation then no variance would be required
41 with the County although the subject case does not have such a statement in writing therefore a variance is
42 required. He said that approving the text amendment does not pre-judge any variance because the variance is

1 its own case with facts that either support or do not support the approval of the variance and this is only a
2 text amendment. He said that even though this is a complicated concept it is really very simple because the
3 Board needs to decide whether or not they are going to recommend that the variance be possible or not and
4 hopefully no matter what the Board's recommendation is hopefully the Board will have time to finish the
5 case. He said that staff has already added the case to the ELUC agenda for next Thursday but if no action is
6 taken tonight by the ZBA then the case will be pulled from the ELUC agenda. He noted that if the Board is
7 not ready for action tonight then he recommended that they do not take action.

8
9 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

10
11 Ms. Capel asked Mr. Hall if staff had received any information from the municipalities.

12
13 Mr. Hall stated no. He said that a Regional Planning Commission Technical meeting is scheduled for next
14 Tuesday and one of things that staff does during that meeting is review the list of amendments and cases and
15 he expects that staff will hear something next Tuesday. He said that the municipalities now have a good
16 understanding that it doesn't make a lot of sense in providing comments to an ongoing hearing and makes
17 more sense to wait and see what the ZBA recommendation actually is and then make comments on that
18 recommendation. He said that no comments from the municipalities is no reason for the ZBA to not take
19 action tonight.

20
21 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall and there were none.

22
23 Mr. Thorsland asked the Board if they agreed to the addition of new item #18.

24
25 The Board agreed.

26
27 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
28 regarding this case and there was no one.

29
30 Mr. Thorsland closed the witness register.

31
32 Mr. Thorsland read staff's recommendations for the Summary Finding of Fact as follows: 1. The proposed
33 text amendment will NOT IMPEDE the Land Resource Management Plan because of the following: A. The
34 proposed text amendment will NOT IMPEDE the following LRMP goals: 1-10; and 2. The proposed
35 amendment HELPS ACHIEVE the purpose of the Zoning Ordinance as follows: Fixes regulations and
36 standards to which buildings, structures, or uses therein shall conform; and 3. The proposed text amendment
37 will IMPROVE the Zoning Ordinance as follows: Allows the County Board to authorize a variance from the
38 Section 13 requirement of compliance with municipal subdivision regulations; and allows the Zoning
39 Administrator to authorize a Zoning Use permit for the expansion and/or construction of a water treatment
40 plant or related facility that is predominately owned and operated by a rural water district if the proposed use
41 is in compliance with County zoning regulations; and provides relief from County enforcement of municipal
42 subdivision regulations, but will still allow a municipality to enforce their regulations; and clarify the effect

1 of a township protest by a township with a planning commission for map amendments and for county Board
2 authorized variances.

3
4 Mr. Thorsland asked the Board if they agreed with staff's recommendations for the Summary Finding of
5 Fact.

6
7 The Board agreed.

8
9 Mr. Hall read new item #18 to the Summary of Evidence as follows: The ZBA recognizes that the statutory
10 requirement is 15 days for a township protest on a County Board authorized variance but feels that 30 days is
11 a more reasonable deadline for a township protest on a County Board authorized variance, if permissible by
12 law.

13
14 Mr. Thorsland asked if indicating, if permissible by law, means that if the State's Attorney determines that it
15 is not permissible then staff is willing to do 15 days.

16
17 Mr. Hall stated that is all staff can do.

18
19 Mr. Thorsland asked the Board if they agreed to the text for proposed item #18.

20
21 The Board agreed.

22
23 Mr. Thorsland stated that a new item #2. should be added to the Documents of Record indicating the
24 Supplemental Memorandum dated March 28, 2013.

25
26 Mr. Thorsland entertained a motion to approve the Summary Findings of Fact.

27
28 **Ms. Capel moved, seconded by Mr. Palmgren to approve the Summary Finding of Fact as amended.**
29 **The motion carried by voice vote.**

30
31 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
32 of Fact as amended.

33
34 **Mr. Courson moved, seconded by Mr. Miller to adopt the Summary of Evidence, Documents of**
35 **Record and Findings of Fact as amended. The motion carried by voice vote.**

36
37 Mr. Thorsland informed the petitioner that a full Board is present tonight.

38
39 Mr. Thorsland entertained a motion to move to a Final Determination for Case 743-AT-13.

40
41 **Mr. Courson moved, seconded by Mr. Passalacqua to move to the Final Determination for Case 743-**
42 **AT-13. The motion carried by voice vote.**

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Final Determination for Case 743-AT-13:

Ms. Capel moved, seconded by Mr. Courson that pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the Zoning Ordinance Amendment requested in Case 743-AT-13 should BE ENACTED by the County Board in the form attached hereto.

Mr. Thorsland requested a roll call vote.

Miller-yes	Palmgren-yes	Passalacqua-yes
Capel-yes	Courson-yes	Thorsland-yes

Mr. Hall stated that this case will be included on the ELUC agenda for next Thursday’s meeting.

7. Staff Report

None

8. Other Business

A. Review of Docket

B. April 11, 2013, Special Meeting at 7:00 p.m. in John Dimit Meeting Room

Mr. Hall stated that the meeting is to be held at 7:00 p.m. unless the Board desires an earlier time.

Mr. Passalacqua stated that he prefers 7:00 p.m.

Mr. Thorsland stated that the meeting will remain at 7:00 p.m.

Mr. Hall asked the Board if they would prefer that the April 25th meeting begin at 6:30 p.m. in lieu of 7:00 p.m.

Mr. Miller asked if redundant testimony is necessary.

Mr. Thorsland stated that he is going to be very hard about redundant testimony. He said that the witness who was last at the previous meeting, who was a contributor as to why the meeting went so long, complained that he wished that the Board could take final action. Mr. Thorsland stated that he stated that the only reason why the Board was not able to move to final action was because all of the witnesses testified far too long.

The Board agreed that the April 25, 2013, meeting should begin at 6:30 p.m.

1
2 Mr. Passalacqua asked staff for clarification of Case 748-V-13.
3
4 Mr. Hall stated that Case 748-V-13 is in regard to the Rural Home Occupation at a different location. He
5 said that this is a variance for the number of employees. He noted that this case is in a different township
6 than the previous cases by the same petitioner.
7
8 Mr. Kass stated that the township does not have protest rights although they are allowed to submit
9 comments.
10
11 Mr. Hall stated that townships only have protest rights if they have a plan commission and only if it is a
12 County Board variance.
13
14 Mr. Miller asked if there is any reason why Case 752-S-13, Premier Cooperative Inc, could not be bumped
15 up to an earlier date on the docket., preferably May 16th.
16
17 Mr. Kass stated that he is not comfortable with moving Case 752-S-13 to the May 16th meeting. He said that
18 the documentation that staff has received to date are pretty good but stormwater management may need to be
19 provided but he needs to complete some calculations to decide whether or not it will be necessary because it
20 is his understanding that there will be some removals and replacements of structures. He said that he is
21 concerned about the number of new cases that the Board has prior to this case that may need to be continued.
22
23 Mr. Miller asked Mr. Kass if, based on the submitted material, this would be a one meeting case.
24
25 Mr. Kass stated that it is unknown at this time. He said that he has not had a chance to review new
26 information that was submitted on Tuesday although Premier Cooperative has always been very cooperative
27 with staff in submitting pertinent information for their cases. He said that the application is pretty complete
28 except for the stormwater information.
29
30 Mr. Miller stated that he represents Premier Cooperative as a director therefore he is asking if, since Premier
31 is a reputable company that is trying to go about this process in the correct manner as opposed to other
32 people in the County that construct prior to requesting permission, could Premier begin construction. He
33 said that timing is of the essence.
34
35 Mr. Kass stated that his concern is in regards to the amount of new cases ahead of Premier Cooperative's
36 case and also the amount of cases that have already been continued.
37
38 Mr. Miller asked if there is a chance that Premier could be granted permission to go ahead and begin
39 construction since Premier has been so cooperative and has a reputation based on their previous cases.
40
41 Mr. Kass stated that this would be a question to ask the Zoning Administrator.
42

1 Mr. Hall stated that in regards to whether or not Case 752-S-13 could be moved up there are two cases
2 docketed for June 13, 2013. He said that staff could check with the petitioner for Cases 750-S-13 and 751-S-
3 13 to see if they are in a hurry, but he would suspect that they are in as much of a hurry as Premier
4 Cooperative therefore staff cannot pick and choose which applicant gets moved up. He said that generally
5 staff tries to find a way to move everyone up on the docket. He said that during Mr. Kass' first year he has
6 already learned that when there are seven new cases in a space of a month trying to move yet another case in
7 that month is not going to happen because we do not have staff for that. He said that it is true that Premier
8 Cooperative does provide staff with superlative site plans which are submitted on time and it is normally
9 staff who cannot keep up with them. He said that staff does do its best for uses like Premier Cooperative
10 because they are highly valuable and if staff can find a way to move them forward on the docket staff will
11 but we can't move them up at the detriment to other applicants and we don't want to move it up and find out
12 that staff cannot meet the deadlines.

13
14 Mr. Miller stated that Premier's biggest challenge is making contact with the State Fire Marshal. He asked
15 Mr. Hall if there is any chance that Premier could begin construction.

16
17 Mr. Hall apologized but he has lost track of what Premier is requesting.

18
19 Mr. Kass stated that Premier is requesting a special use permit for multiple principal uses on the property
20 which is 50+ acres.

21
22 Mr. Hall stated that he can review this case later with Mr. Kass but staff always advises people that they can
23 always prepare their foundations and even pour them but once you get above foundations you are
24 approaching something that really does need zoning approval. He said that if you put in foundations at your
25 own risk and find out that a foundation is all that it can ever be used for then that is at that their cost but you
26 are willing to do it then it will be allowed to happen. He said that maybe this would be all the flexibility that
27 Premier would need at this point because it sounds like even that would be a lot of work but he does not
28 know if Premier wants to go to that kind of risk. He said that the other thing is that the total facility is
29 probably one of the most complicated land uses in our jurisdiction which makes completing the
30 memorandums and findings of fact more difficult and that being said this is a valued use that has never
31 received a complaint therefore hopefully we can get this case through in a timely fashion and provide a little
32 flexibility if the petitioner decides to take advantage of it.

33
34 **9. Audience Participation with respect to matters other than cases pending before the Board**

35
36 None

37
38 **10. Adjournment**

39
40 Mr. Thorsland entertained a motion to adjourn the meeting.

41
42 **Mr. Courson moved, seconded by Mr. Palmgren to adjourn the meeting at 9:17 p.m. The motion**

1 **carried by voice vote.**

2
3 The meeting adjourned at 9:17 p.m.

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7 Respectfully submitted

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12 Secretary of Zoning Board of Appeals

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CASE NO. 746-AM-13

PRELIMINARY MEMORANDUM

May 8, 2013

Petitioners: **Parkhill Enterprises, LLC**

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Site Area: **0.877 acres**

Time Schedule for Development:
Construction Season 2015

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: Amend the Zoning Map to change the zoning district designation from the AG-2 Agriculture Zoning District to the B-3 Highway Business Zoning District.

Location: A 0.877 acre tract in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 13 of Mahomet Township and commonly known as the farmland immediately north of the Super Pantry convenience store located at 506 South Prairieview Road, Mahomet.

BACKGROUND

The petitioner requests to rezone an undeveloped .877 acre tract to allow for the redevelopment and expansion of the adjacent Super Pantry convenience store. Upon rezoning the petitioner will seek plat approval through the Village of Mahomet to combine the existing adjacent 2.142 acre lot and the .877 acre tract that is proposed to be rezoned in this case. The Petitioner will not be entering into an annexation agreement with the Village of Mahomet. Presumably, once the rezoning and the subdivision are approved the petitioner will sell the subject property to the adjacent landowner Tri-Star Marketing.

The proposed development is subject to providing stormwater management. It is unclear at this time whether the Village of Mahomet will require stormwater management at the time of platting or if it will need to be provided at the time of permitting under the County policy. A special condition has been proposed to ensure compliance with either the County policy or Village of Mahomet requirements.

If the rezoning is approved this would not create an "island" of B-3 zoning because the property adjacent to the south was rezoned from AG-2 to B-3 in Cases 450-AM-82 and 582-AM-86.

EXTRA TERRITORIAL JURISDICTION (ETJ)

The subject property is within the ETJ of the Village of Mahomet, a municipality with zoning. The Village of Mahomet has protest rights on the proposed map amendment and has been notified of this case.

In a telephone conversation on January 29, 2013, between Bob Mahrt, Village Planner, Village of Mahomet, and Andy Kass, Associate Planner, Champaign County, Mr. Mahrt indicated that the Village of Mahomet is supportive of the request to rezone the subject property to the B-3 Highway Business Zoning District.

VILLAGE OF MAHOMET COMPREHENSIVE LAND USE MAP

The Comprehensive Land Use Map for the Village of Mahomet identifies the subject property and the area surrounding the subject property as Commercial.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Agriculture	AG-2 Agriculture
North	Agriculture	AG-2 Agriculture
East	Undeveloped	AG-2 Agriculture
West	Agriculture	AG-2 Agriculture
South	Gas Station and Convenience Store	B-3 Highway Business

NATURAL RESOURCE REPORT

A Natural Resource Report was prepared by the Champaign County Soil and Water Conservation District. The report is summarized as follows:

- The subject property has limitations related to its low strength and this will need to be addressed if the property is developed for a commercial use with a parking lot.
- The subject property may be susceptible to erosion during and after construction and care should be taken to prevent erosion.
- The subject property is not best prime farmland.
- Provided that adequate erosion and sedimentation controls are in place water quality should not be significantly impacted.

COMPLIANCE WITH THE LAND RESOURCE MANAGEMENT PLAN

The proposed rezoning was evaluated for compliance with the Goals, Objectives, and Policies of Land Resource Management Plan (LRMP). Staff has made a recommendation that proposed rezoning will **HELP ACHIEVE** the following LRMP Goals:

- Goal 4 Agriculture
- Goal 5 Urban Land Use
- Goal 8 Natural Resources

Staff has made the recommendation that the proposed rezoning will **NOT IMPEDE** the achievement of the following LRMP Goals:

- Goal 1 Planning and Public Involvement
- Goal 2 Governmental Coordination
- Goal 3 Prosperity
- Goal 6 Public Health and Public Safety
- Goal 7 Transportation)
- Goal 10 Cultural Amenities

Lastly, staff has made the recommendation that the proposed rezoning is **NOT RELEVANT** to the following LRMP Goal:

- Goal 9 Energy Conservation

PROPOSED SPECIAL CONDITIONS OF APPROVAL

- A. A Zoning Use Permit Application shall not be approved for construction on the subject Property until the applicant has submitted a stormwater drainage plan that is in compliance with the Champaign County Stormwater Management Policy or the equivalent requirements of the Village of Mahomet.**

The above special condition is required to ensure the following:

That the proposed development of the subject property is in compliance with applicable stormwater management policies.

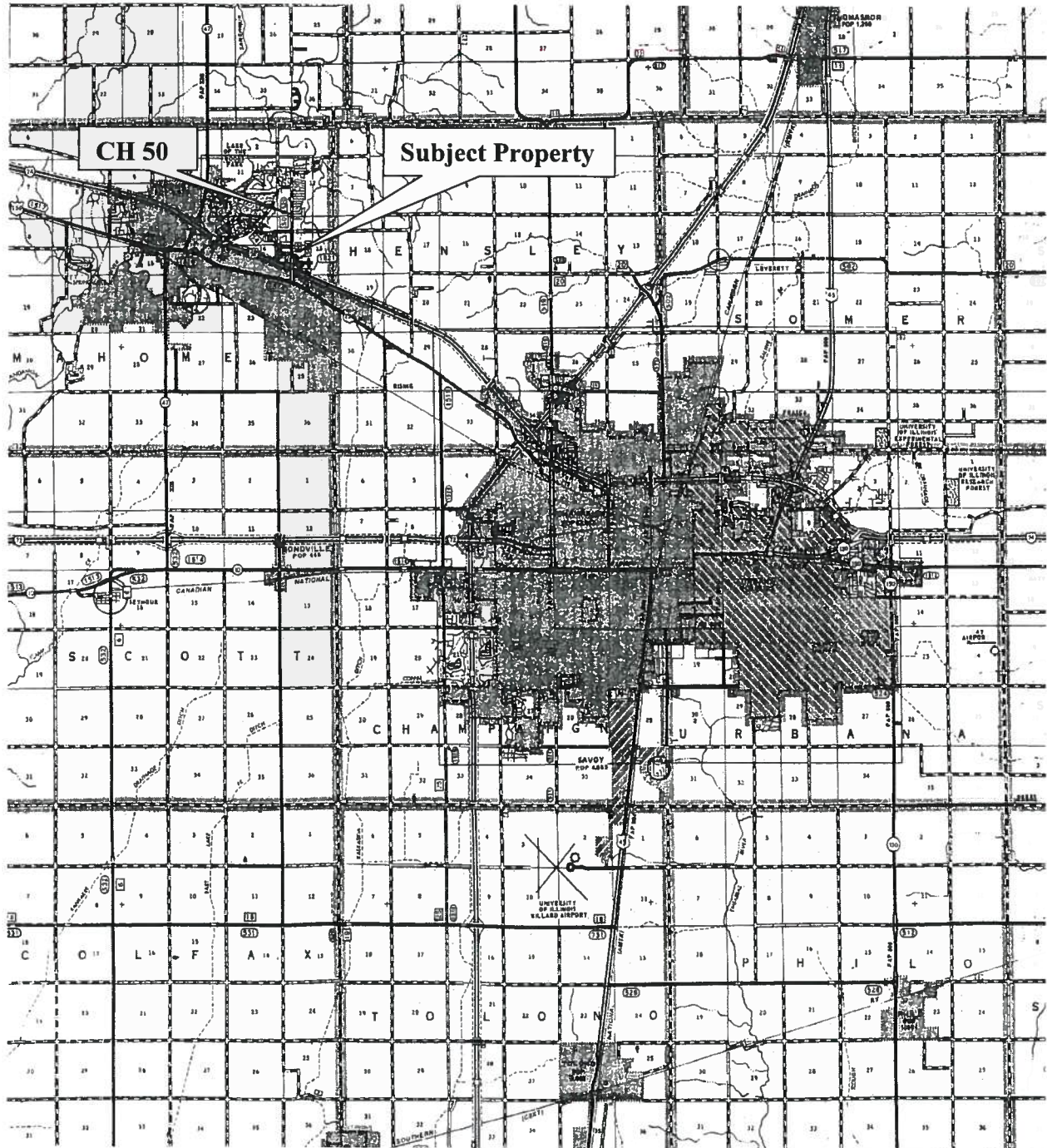
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received February 28, 2013
- C Minor Plat of Subdivision prepared by Chad M. Osterbur, PE, received March 4, 2013
- D Natural Resources Report received May 6, 2013
- E Village of Mahomet Comprehensive Land Use Map
- F LRMP Land Use Management Areas Map (included separately)
- G LRMP Goals, Objectives, Policies, and Defined Terms (included separately)
- H Draft Finding of Fact and Final Determination (included separately)

ATTACHMENT A. LOCATION MAP

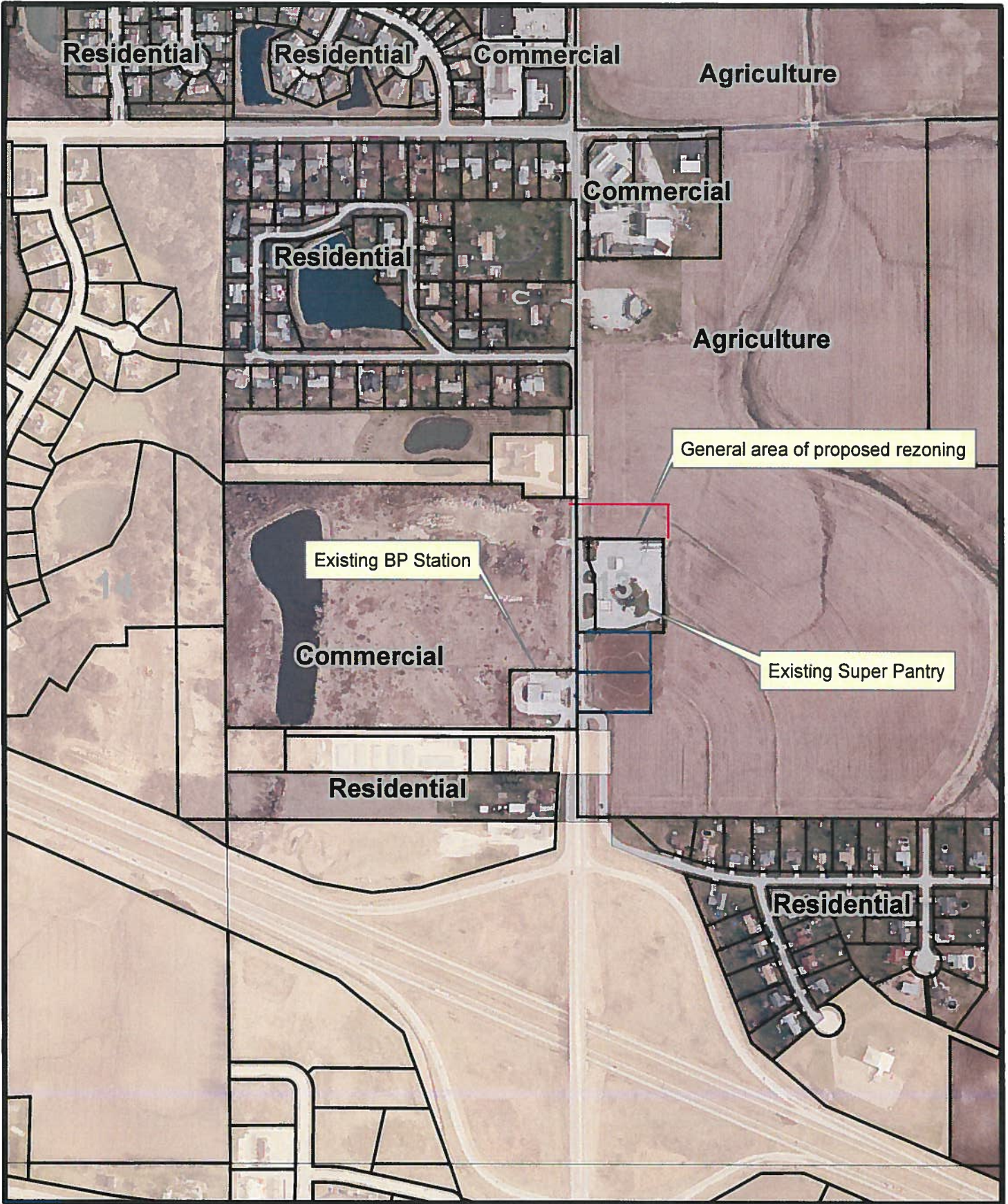
Case 746-AM-13



May 8, 2013



Champaign
County
Department of
PLANNING &
ZONING

Attachment A: Land Use Map
Case 746-AM-13
May 8, 2013



 Annexation Agreement
 Municipal Boundary

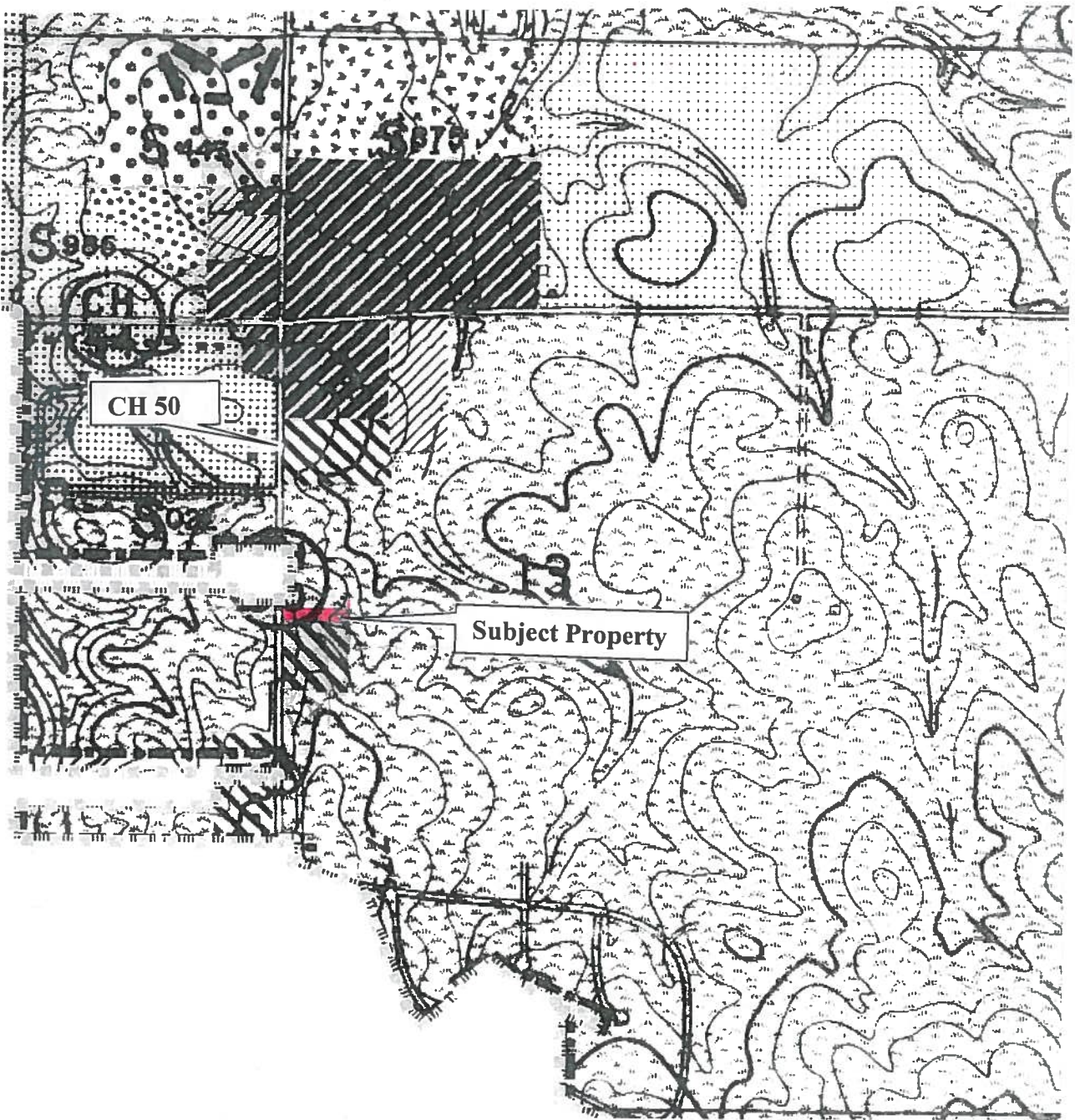
1 inch = 500 feet



ATTACHMENT A. ZONING MAP

Case: 746-AM-13

May 8, 2013

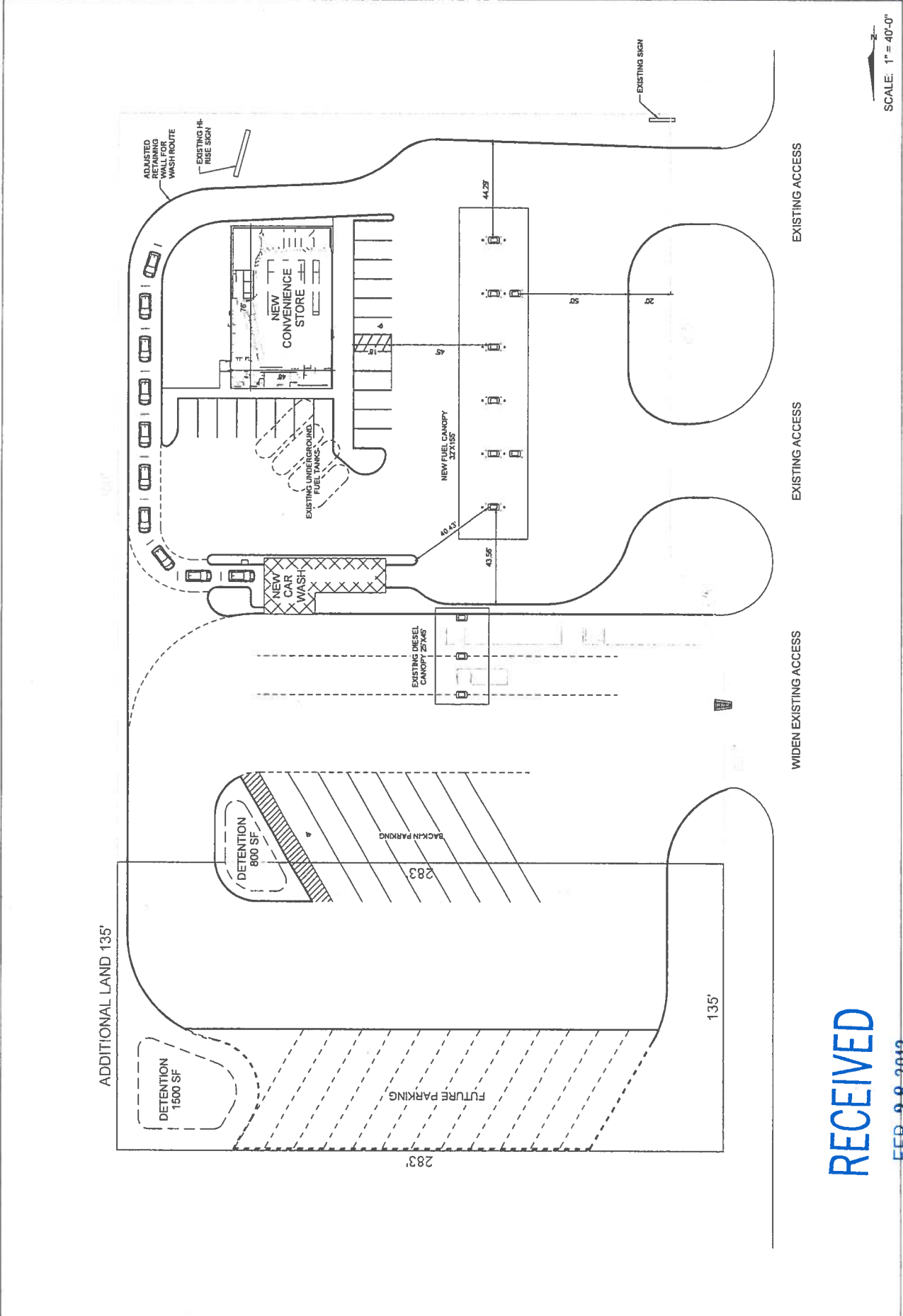


AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH Champaign County Department of PLANNING & ZONING
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation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

No.	Description	Date

Very Preliminary Site Plan - North Addition
Super Pantry #12
Mahomet, IL
506 S. Prairie View Rd.

OPT 1B
Project Number: 2013-42
Date: 12-11-12
Drawn by: PDS
Checked by: CFC



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CHAMPAIGN CO. P & Z DEPARTMENT

Champaign County Soil and Water Conservation District

2110 W. Park Court, Suite C

Champaign, IL. 61821

(217) 352-3536, Ext. 3

NATURAL RESOURCE REPORT

Development Name: Parkhill Enterprises Subdivision

Date Reviewed: March 1, 2013

Requested By: Chad Osterbur, Sodemann and Associates

Address: Parkhill Enterprises
PO Box 1485
Champaign, IL 61824

Location of Property: Part of the Southwest Quarter of Section 13, T20N, R7E, Mahomet Township, Champaign County, IL. This is on the east side of County Highway 54 (South Prairieview Road) consisting of the lot with a Tri Star Marketing gas station and the lot to the north. The project consists of dividing the north .877 acres into a separate lot from the station along with its 2.142 acres.

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract March 1, 2013.

SITE SPECIFIC CONCERNS

1. The area that is in farmland has severe limitations related to its low strength. This will be especially important if the land is eventually developed for commercial use and has a parking lot.
2. The north lot has a significant slope that could cause erosion when any construction may commence in the future.

SOIL RESOURCE

a) Prime Farmland:

This tract is NOT considered best prime farmland for Champaign County.

This tract has an L.E. Factor of 78; No calculation worksheet was used because the entire tract that is not developed is 622C2 Wyonet Silt Loam soil type. One lot is a convenient store and virtually all paved with concrete and buildings and the other lot has soybean stubble.

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b) Erosion:

This area will be susceptible to erosion both during and after construction. Any areas left bare for more than 30 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area is covered with soybean stubble which should minimize erosion at this time. No plan for construction was provided with the application.

c) Sedimentation:

A complete erosion and sedimentation control plan and storm water pollution prevention plan (SWPPP) should be developed and implemented on this site prior to and during major construction activity. All sediment-laden runoff should be routed through sediment basins before discharge. Silt fences should not be used in concentrated flow areas, with drainage areas exceeding 0.5 acres. A perimeter berm could be installed around the entire site to totally control all runoff from the site. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control.

d) Soil Characteristics:

There is one (1) soil type on this site that is not covered with concrete; see the attached soil map. The soils present have moderate to severe limitations for development in their natural, unimproved state. The possible limitations include low strength that will need to be considered if the site is developed for commercial use with a parking lot.

A development plan will have to take these soil characteristics into consideration; specific problem areas are addressed below.

Map Symbol	Name	Slope	Shallow			Steel	Concrete
			Excavations	Basements	Roads	Corrosion	Corrosion
622C2	Wyanet Silt Loam	5-10%	moderate: dense layer	Slight:	Severe: low strength	moderate	moderate

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WATER RESOURCE

a) Surface Drainage:

The water from the north lot flows to the east. The tract has very little that flows onto it from adjacent properties. See attached map.

Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much of possible should be considered. Rain Gardens are one effective practice that could be incorporated into the development plan. They can be used to increase infiltration of runoff water for minimal cost. They can also be incorporated into roadway designs so some runoff is diverted into rain gardens through cuts in curbing. A booklet on rain garden design can be found at <http://clean-ater.uwex.edu/pubs/home.htm#rain>. This site contains other valuable information on reducing stormwater pollution.

Information on a successful project in Burnsville, MN that uses these techniques can be found at http://www.landandwater.com/features/vol48no5/vol48no5_2.php

b) Subsurface Drainage:

This site may contain agricultural tile, if any tile is found, care should be taken to maintain it in working order. The likelihood of tile on the site is minimal due to the slope and location of the tract.

c) Water Quality:

As long as adequate erosion and sedimentation control systems are installed as described above, the quality of water should not be significantly impacted.

EPA Stormwater Pollution Prevention Plan Reference Tool:

EPA requires a plan to control stormwater pollution for all construction sites over 1 acre in size. *A Guide for Construction Sites* is a reference tool for construction site operators who must prepare a SWPPP in order to obtain NPDES permit coverage for their stormwater discharges. The guide describes the SWPPP development process and provides helpful guidance and tips for developing and implementing an effective plan.

Two model plans, based on hypothetical sites, are now available as a supplement to the guide. The first example plan is for a medium-sized residential subdivision and the second is for a small commercial site. Both examples utilize the SWPPP template that is included in the guide. To view the guide, models and template, visit <http://www.epa.gov/npdes/swpppguide>.

U of I site <http://www.fs.uiuc.edu/stormwatermanagement/index.html>

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d) Low impact development:

The EPA's new report, "Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices." Provides ideas to improve water quality through unique designs. The report contains 17 case studies from across North America that show using LID practices in construction projects can lower costs while improving environmental results. LID practices are innovative stormwater management practices used to manage urban stormwater runoff at its source. The goal of LID practices is to mimic the way water moves through an area before development occurs, which is achieved using design techniques that infiltrate, evapotranspire and reuse runoff close to its source. Some common LID practices include rain gardens, grassed swales, cisterns, rain barrels, permeable pavements and green roofs. LID practices increasingly are used by communities across the country to help protect and restore water quality. For a copy of the report, go to www.epa.gov/owow/nps/lid/costs07.

CULTURAL, PLANT, AND ANIMAL RESOURCE

a) Plant:

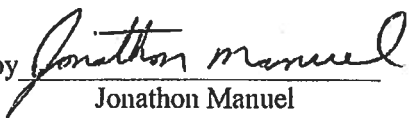
For eventual landscaping of the site, the use of native species is recommended whenever possible. Some species include White Oak, Blue Spruce, Norway Spruce, Red Oak, and Red Twig Dogwood.

b) Cultural:

The Illinois Historic Preservation Agency may require a Phase I Archeological Review to identify any cultural resources that may be on the site.

If you have further questions, please contact the Champaign County Soil and Water Conservation District.

Signed by 
Steve Stierwalt
Board Chairman

Prepared by 
Jonathon Manuel
Resource Conservationist

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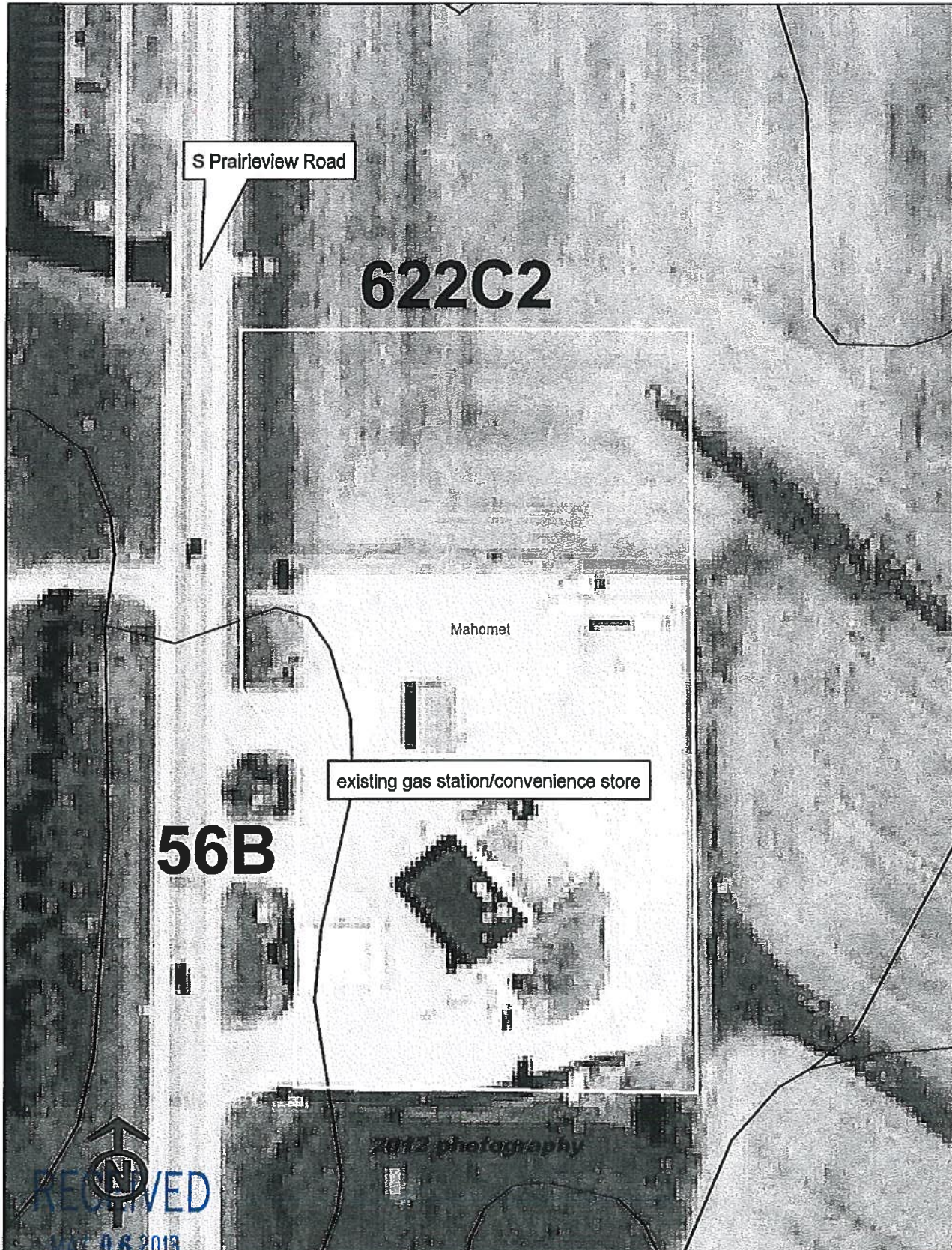
MAY 06 2013

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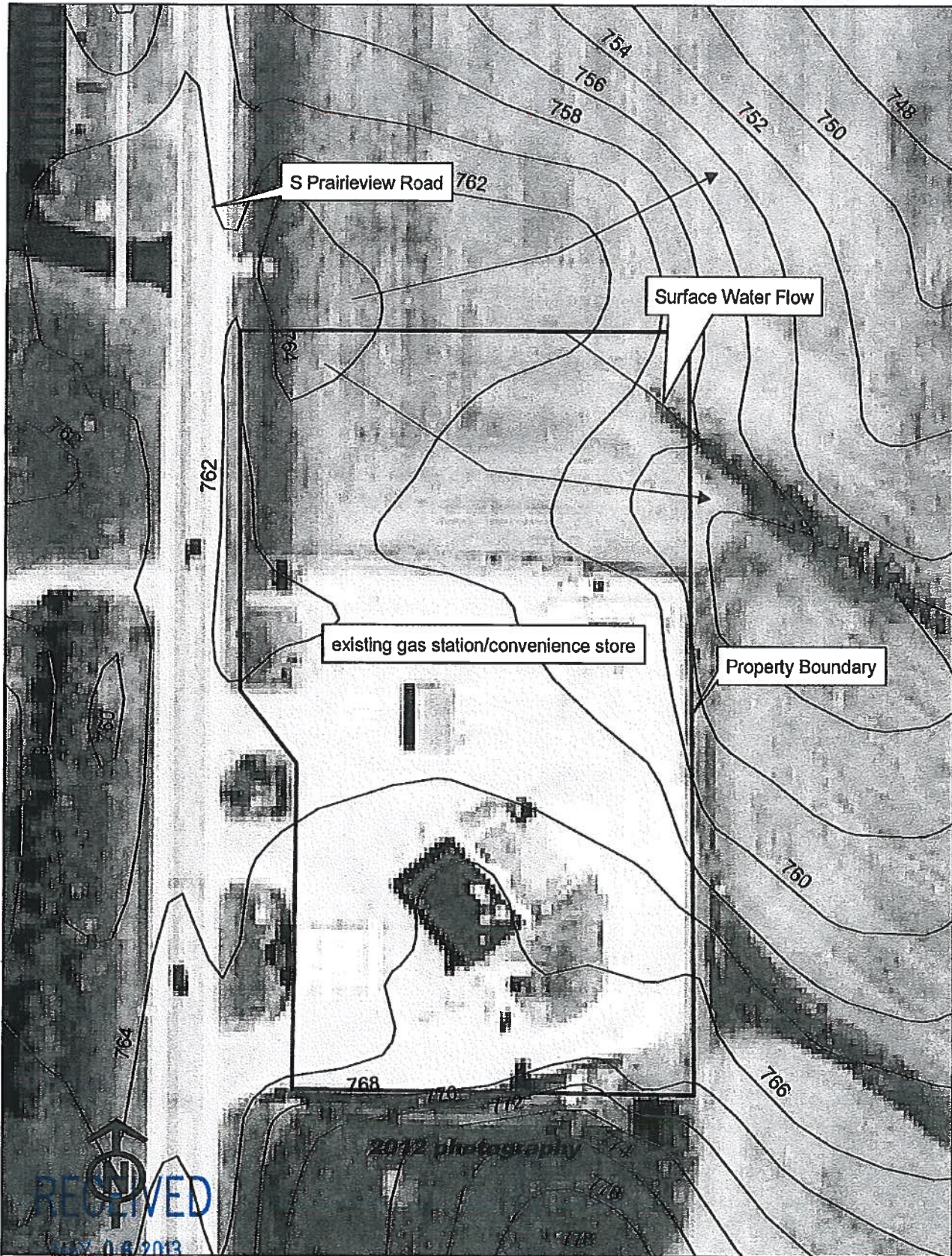
Parkhill Subdivision-Site Overview



Parkhill Subdivision-Soils



Parkhill Subdivision-Surface Water Flow



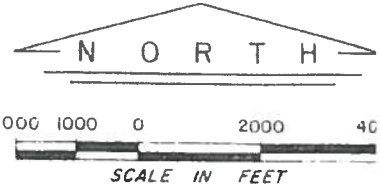
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0 75 150 300 Feet

AREA

Comprehensive Land Use Plan

ADOPTED AUGUST, 1992



NOTE

THIS MAP IS A PORTION OF THE VILLAGE OF MAHOMET COMPREHENSIVE PLAN. IT IS NOT A ZONING MAP. REFERENCE FOR ZONING MATTERS SHOULD BE MADE TO THE OFFICIAL ZONING MAPS OF THE VILLAGE OF MAHOMET OR CHAMPAIGN COUNTY.

January, 2005

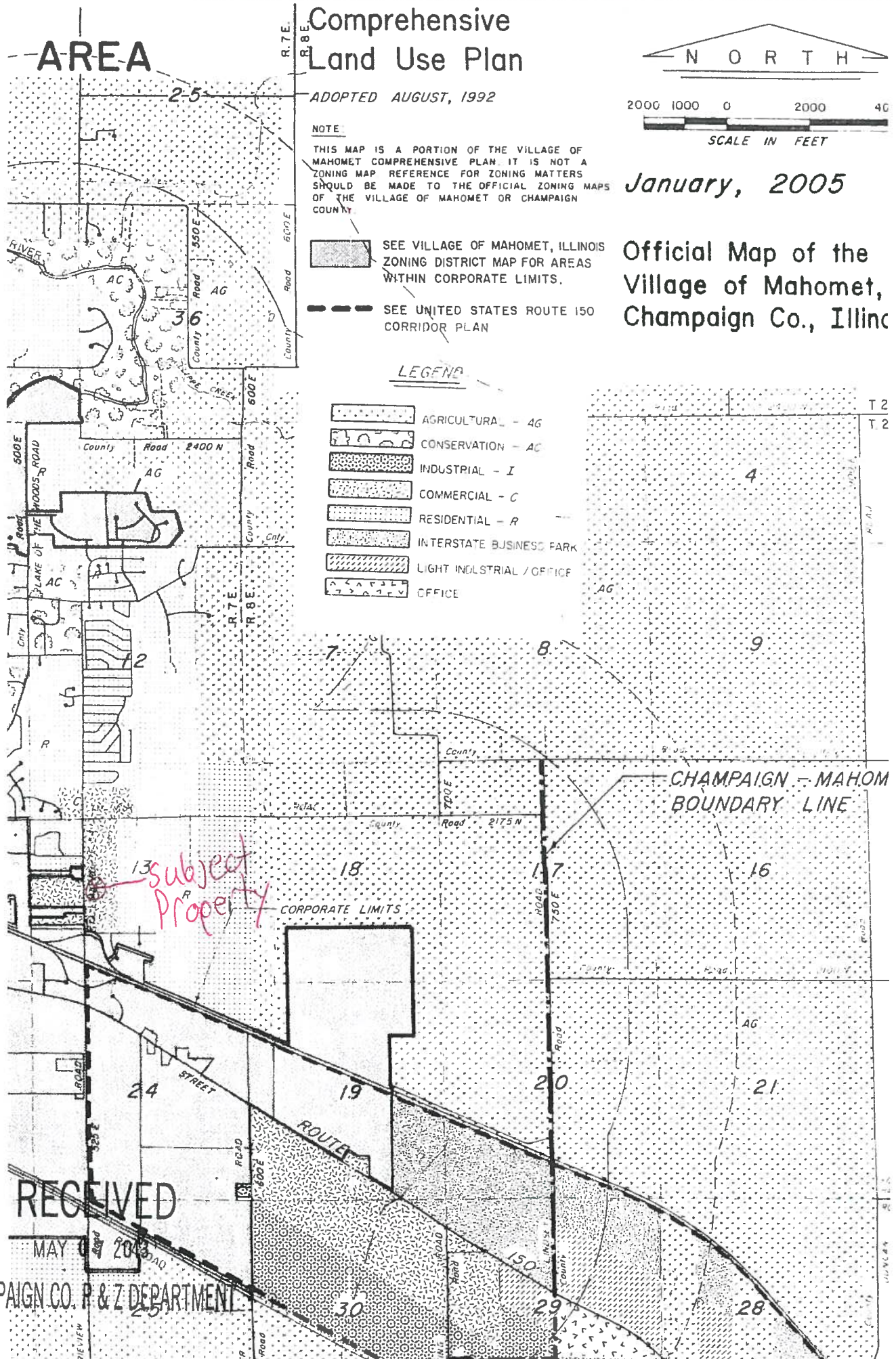
SEE VILLAGE OF MAHOMET, ILLINOIS ZONING DISTRICT MAP FOR AREAS WITHIN CORPORATE LIMITS.

SEE UNITED STATES ROUTE 150 CORRIDOR PLAN

Official Map of the Village of Mahomet, Champaign Co., Illinois

LEGEND

- AGRICULTURE - AG
- CONSERVATION - AC
- INDUSTRIAL - I
- COMMERCIAL - C
- RESIDENTIAL - R
- INTERSTATE BUSINESS PARK
- LIGHT INDUSTRIAL / OFFICE
- OFFICE



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GOALS, OBJECTIVES AND POLICIES

The Goals, Objectives and Policies section details the County's land use and resource management aspirations and outlines how they can be achieved. Goals, objectives and policies are created based on input from the Existing Conditions and Trends section, public comments, examples from other communities, and best planning practices. For purposes of this document, the following definitions were used:

- Goal: an ideal future condition to which the community aspires
- Objective: a tangible, measurable outcome leading to the achievement of a goal
- Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

Background

Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies. The process of finalizing this superseding document occurred over 15 months, and included:

- Research - A sampling of other communities' land use and resource management goals, objectives and policies were collected and analyzed for their relevance to Champaign County's needs.
- Evaluation – Existing Champaign County land use goals and policies were evaluated for their relevance and for what might need to be revised to make them timely.
- Comment – Input from public workshops held in April 2008, a survey of key township and municipal officials, and interviews regarding local adopted municipal comprehensive plans and recent land use development trends provided guidance and perspectives for developing the goals, objectives and policies.
- Development - A draft set of statements for review by the LRMP Steering Committee was created.
- Discussion – In a series of 25 meetings, the LRMP Steering Committee finalized the Goals, Objectives and Policies. Discussion then moved to the Champaign County Board's Environment and Land Use Committee for further revision and approval. All meetings had public involvement opportunities to further guide the final set of statements.

The result of this inclusive and public process is a set of ten goals, 42 objectives, and 100 policies which are intended to guide the Champaign County Board as it manages issues and resources related to land resource management in Champaign County. The Goals, Objectives and Policies are guiding principles rather than regulatory requirements, and are subject to review and amendment by the Champaign County Board as it enacts any legislative decisions or action relating to land resource management in the future.

The specific intent, language, and terminology of the objectives and policies are used to provide clarity and guidance for any related future regulatory changes considered by the County Board. The level of specificity documented is not intended to be binding, but is intended to provide examples of how the LRMP Goals could be addressed and implemented by future county boards.

In May of each year, the County Board adopts the Annual Budget Process Resolution establishing the parameters for the ensuing fiscal year budget. Based on the budgetary guidelines established by the Annual Budget Process Resolution, the Regional Planning Commission planning staff shall present, in June of each year, to the Environment and Land Use Committee (ELUC), options for a work plan for the ensuing fiscal year. The options presented shall be based upon the LRMP and the annual budgetary guidelines as stated above, and shall be submitted for the review and ultimate recommendation for approval by ELUC. ELUC shall establish the priorities to be accomplished in the annual work plan, and recommend approval of that work plan to the County Board no later than the September Meeting of the County Board each year.

The following Purpose Statement introduces the proposed LRMP Goals, Objectives and Policies:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”

LRMP Goals

1 Planning and Public Involvement	Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.
2 Governmental Coordination	Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.
3 Prosperity	Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.
4 Agriculture	Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.
5 Urban Land Use	Champaign County will encourage <i>urban development</i> that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.
6 Public Health and Public Safety	Champaign County will ensure protection of the public health and public safety in land resource management decisions.
7 Transportation	Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.
8 Natural Resources	Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.
9 Energy Conservation	Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.
10 Cultural Amenities	Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 1 Planning and Public Involvement

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Policy 1.2.1

County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Policy 1.3.1

ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Policy 1.4.1

A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

Policy 1.4.2

The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

Goal 2 Governmental Coordination

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 Objectives

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Policy 2.1.1

The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

Policy 2.1.2

The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 2.1.3

The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 3 Prosperity

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 Objectives

Objective 3.1 Business Climate

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

Objective 3.2 Efficient County Administration

Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

Objective 3.3 County Economic Development Policy

Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.

Goal 4 Agriculture

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 Objectives

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

continued

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to rural residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.

Policy 4.1.1

Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.

Policy 4.1.2

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

Policy 4.1.3

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a

reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

Policy 4.1.4 The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

Policy 4.1.5

a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:

- 1 new lot allowed per parcel less than 40 acres in area;
- 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
- 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.

b. The County will not allow further division of parcels that are 5 acres or less in size.

Policy 4.1.6 Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
- ii. adequacy of infrastructure and public services for the proposed use;
- iii. minimizing conflict with agriculture;
- iv. minimizing the conversion of farmland; and
- v. minimizing the disturbance of natural areas,

then,

a) on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or

b) on *best prime farmland*, the County may authorize non-residential *discretionary development*; or

c) the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

Policy 4.1.8

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

Policy 4.1.9

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Policy 4.2.1

The County may authorize a proposed business or other non-residential *discretionary review* development in a *rural* area if the proposed development supports agriculture or involves a product or service that is provided better in a *rural* area than in an urban area.

Policy 4.2.2

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

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

Policy 4.2.3

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 4.2.4

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Policy 4.3.1

On other than *best prime farmland*, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.

Policy 4.3.2

On *best prime farmland*, the County may authorize a *discretionary review* development provided the site with proposed improvements is *well-suited overall* for the proposed land use.

Policy 4.3.3

The County may authorize a *discretionary review* development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.

Policy 4.3.4

The County may authorize a *discretionary review* development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.

Policy 4.3.5

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

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

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to *rural* residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Policy 4.6.1 The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

Policy 4.6.2 The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

Policy 4.6.3 The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Policy 4.9.1

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.

Goal 5 Urban Land Use

Champaign County will encourage *urban development* that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Policy 5.1.1

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

Policy 5.1.2

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

Policy 5.1.3

The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

Policy 5.1.4

The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
- b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 5.1.5

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 5.1.6

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.

Policy 5.1.7

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

Policy 5.1.8

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

Policy 5.1.9

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any *discretionary development* approval from the County that would otherwise be necessary without the annexation agreement.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Policy 5.2.1

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

Policy 5.2.2

The County will:

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

Policy 5.2.3

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and

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

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Policy 5.3.1

The County will:

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

Policy 5.3.2

The County will:

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

Policy 5.3.3

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.

Goal 6 Public Health and Public Safety

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.

Policy 6.1.1

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

Policy 6.1.2

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

Policy 6.1.3

The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.

Policy 6.1.4

The County will seek to abate blight and to prevent and rectify improper dumping.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Policy 6.2.1 The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

Policy 6.2.2 The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Policy 6.2.3 The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Goal 7 Transportation

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Policy 7.1.1

The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Policy 7.2.1

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

Policy 7.2.2

The County will encourage the maintenance and improvement of existing County railroad system lines and services.

Policy 7.2.3

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

Policy 7.2.4

The County will seek to implement the County's Greenways and Trails Plan.

Policy 7.2.5

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

Policy 7.2.6

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 8 Natural Resources

Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Objective 8.4 Surface Water Protection

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

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new *public parks and preserves* and protected private lands.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Policy 8.1.1

The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

Policy 8.1.2

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

Policy 8.1.3

As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

Policy 8.1.4

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

Policy 8.1.5

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

Policy 8.1.6

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

Policy 8.1.7

The County will ensure that existing and new developments do not pollute the groundwater supply.

Policy 8.1.8

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

Policy 8.1.9

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Policy 8.2.1

The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*. *Best prime farmland* is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Policy 8.3.1

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a) the operation poses no significant adverse impact to existing land uses;
- b) the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c) provisions are made to fully reclaim the site for a beneficial use.

Objective 8.4 Surface Water Protection

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

Policy 8.4.1

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

Policy 8.4.2

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

Policy 8.4.3

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

Policy 8.4.4

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

Policy 8.4.5

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

Policy 8.4.6

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Policy 8.5.1

For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.

Policy 8.5.2

The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

Policy 8.5.3

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

Policy 8.5.4

The County will support efforts to control and eliminate invasive species.

Policy 8.5.5

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Policy 8.6.1

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

Policy 8.6.2

a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.

b. With regard to *by-right development* on *good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

Policy 8.6.3

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

Policy 8.6.4

The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

Policy 8.6.5

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

Policy 8.6.6

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.

Policy 8.7.1

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

Policy 8.7.2

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

Policy 8.7.3

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

Policy 8.7.4

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

Policy 8.7.5

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

Policy 8.7.6 The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Policy 8.8.1 The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

Policy 8.8.2 In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Goal 9 Energy Conservation

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Policy 9.1.1

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 9.2.1

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

Policy 9.2.2

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 10 Cultural Amenities

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 Objective**Objective 10.1 Cultural Amenities**

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Goal 10 Objectives and Policy**Objective 10.1 Cultural Amenities**

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Policy 10.1.1

The County will work to identify historic structures, places and landscapes in the County.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

APPENDIX 10

DEFINED TERMS ¹

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy.

best prime farmland

'Best prime farmland' consists of soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

by right development

'By right development' is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County's Planning and Zoning Department. At the present time, 'by right' development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for 'over-the-counter' at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

contiguous urban growth area

Unincorporated land within the County that meets one of the following criteria:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
- land surrounded by incorporated land or other urban land within the County.

discretionary development

A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.

discretionary review

The County may authorize certain non-agricultural land uses in unincorporated areas of the County provided that a public review process takes place and provided that the County Board or County Zoning Board of Appeals (ZBA) finds that the development meets specified criteria and approves the development request. This is referred to as the 'discretionary review' process.

The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For 'discretionary review' requests, a

Note 1: These defined terms are additionally provided as an Appendix in Volume 2: Champaign County Land Resource Management Plan

discretionary review (continued)

public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

good zoning lot (commonly referred to as a 'conforming lot')

A lot that meets all County zoning, applicable County or municipal subdivisions standards, and other requirements in effect at the time the lot is created.

parks and preserves

Public land established for recreation and preservation of the environment or privately owned land that is participating in a conservation or preservation program

pre-settlement environment

When used in reference to outlying Champaign County areas, this phrase refers to the predominant land cover during the early 1800s, when prairie comprised approximately 92.5 percent of land surface; forestland comprised roughly 7 percent; with remaining areas of wetlands and open water. Riparian areas along stream corridors containing 'Forest Soils' and 'Bottomland Soils' are thought to most likely be the areas that were forested during the early 1800s.

public infrastructure

'Public infrastructure' when used in the context of rural areas of the County generally refers to drainage systems, bridges or roads.

public services

'Public services' typically refers to public services in rural areas of the County, such as police protection services provided the County Sheriff office, fire protection principally provided by fire protection districts, and emergency ambulance service.

rural

Rural lands are unincorporated lands that are not expected to be served by any public sanitary sewer system.

site of historic or archeological significance

A site designated by the Illinois Historic Preservation Agency (IHPA) and identified through mapping of high probability areas for the occurrence of archeological resources in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/3). The County requires Agency Report from the IHPA be submitted for the County's consideration during discretionary review of rezoning and certain special use requests. The Agency Report addresses whether such a site is present and/or nearby and subject to impacts by a proposed development and whether further consultation is necessary.

suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

well-suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

- the site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

urban development

The construction, extension or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system.

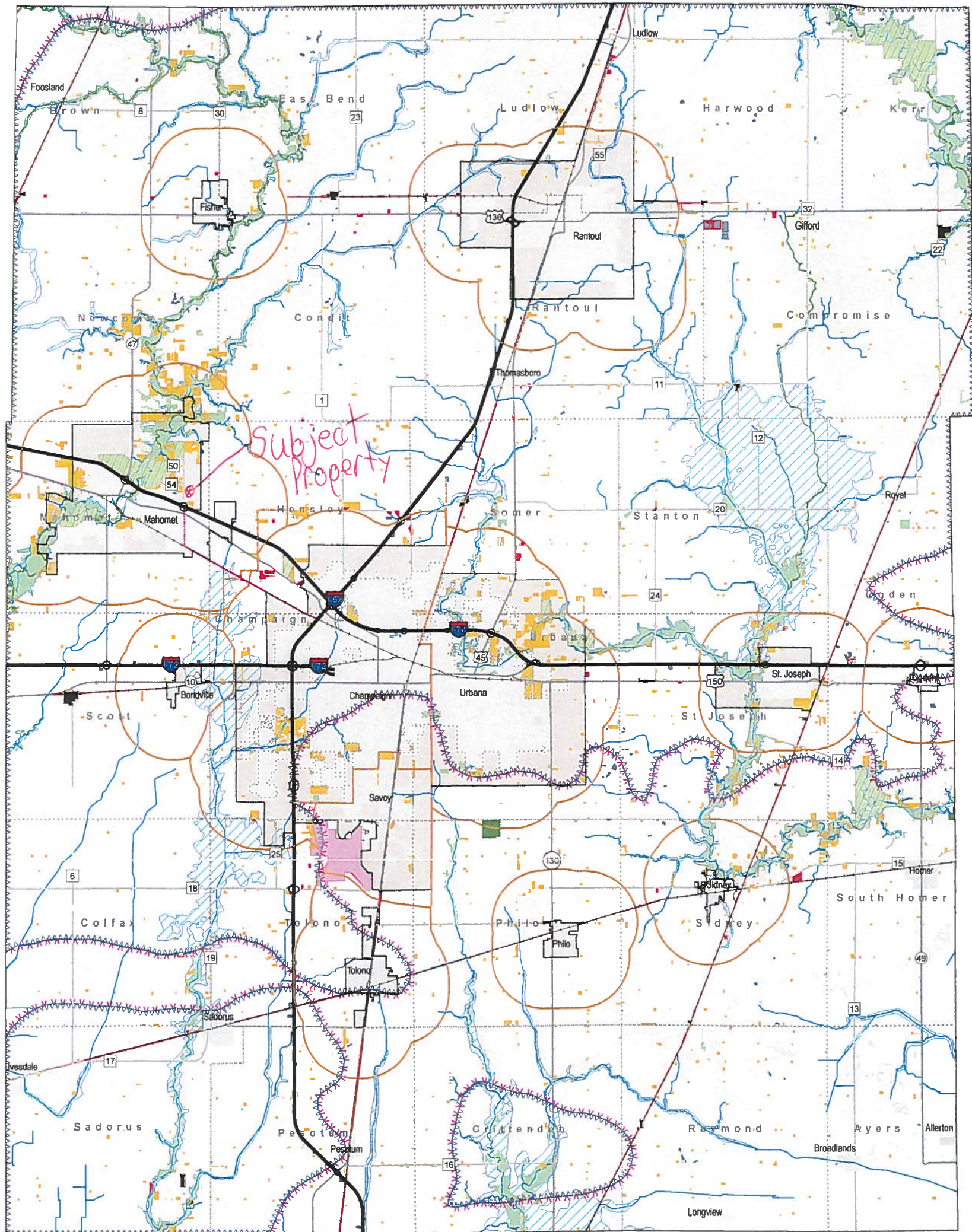
urban land

Land within the County that meets any of the following criteria:

- within municipal corporate limits; or
- unincorporated land that is designated for future urban land use on an adopted municipal comprehensive plan, adopted intergovernmental plan or special area plan and served by or located within the service area of a public sanitary sewer system.

urban land use

Generally, land use that is connected and served by a public sanitary sewer system.



Land Use Management Areas

Policy Areas

- Rural**
 - Best Prime Farmland
 - Non Best Prime Farmland
 - Existing Natural Area
 - Areas which may contain Natural Areas
 - Parks and Preserves
 - Mahomet Aquifer (approx.)
 - Limited Groundwater Availability (approx.)
 - Stream
 - Lake
- Urban**
 - Settlement
 - Contiguous Urban Growth Area
 - Municipal Extraterritorial Jurisdiction without Sanitary Sewer

Administrative Boundaries

- Extraterritorial Jurisdiction
- Extraterritorial Jurisdiction Boundary Agreement
- Township Boundary
- Floodplain

Existing Land Uses

- Commercial / Industrial
- Residential
- Existing Incorporated Area
- Airport

Roads

- Interstate
- Federal Highway
- State Highway
- County Highway
- Railroad

The Land Use Management Area map defines spatial extents of policies based on language and intent of the LRMP.



Map Produced April 2010

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746-AM-13

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

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

Date: **May 16, 2013**

Petitioners: **Parkhill Enterprises, LLC**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-2 Agriculture Zoning District to the B-3 Highway Business Zoning District.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 16, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Parkhill Enterprises, LLC, owns the subject property.
2. The subject property is a 0.877 acre tract in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 13 of Mahomet Township and commonly known as the farmland immediately north of the Super Pantry convenience store located at 506 South Prairieview Road, Mahomet.
3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Mahomet, a municipality with zoning. Municipalities are notified of such cases and do have protest rights on map amendment cases. Mahomet Township has a plan commission. The township has been notified and has protest rights as well.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated:

“Petitioner does not allege any technical error in the ordinance exists but rather believes the use of real estate in the immediate area has changed since the applicable zoning ordinance was adopted and the proposed rezoning is consistent with the current uses in the immediate area.”

5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following:

“B-3 zoning will allow for the expansion of the convenient store located directly adjacent to and south of the subject tract.”

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned AG-2 Agriculture and is currently in agricultural use.
 - 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 zoned AG-2 Agriculture and is in agricultural use.
 - (2) Land on the south is zoned B-3 Highway Business and is in commercial use for a Super Pantry convenience store.
 - (3) Land east of the subject property is zoned AG-2 Agriculture and is an undeveloped site.
 - (4) Land west of the subject property is zoned AG-2 Agriculture and is in agricultural use.

7. Previous zoning cases in the vicinity are the following:
 - A. Case 430-AM-81 was a request by Midland Corporation to rezone 5.19 acres from B-2 to B-4.
 - B. Case 449-AM-82 was a request by ELUC to rezone 3.56 acres from AG-2 and B-2 to B-3.
 - C. Case 450-AM-82 was a request by ELUC to rezone .955 acres from AG-2 to B-3. This case rezoned a portion of the Super Pantry property.
 - D. Case 582-AM-86 was a request by Stewart Oil Company and Parkhill Enterprises to rezone 1.12 acres from AG-2 to B-3. This case rezoned a portion of the Super Pantry property.
 - E. Case 929-AM-94 was a request by Frank Luksander and Louis Luksander to rezone .699 acres from B-2 to B-4.
 - F. Case 979-AM-95 was a request by Parkhill Enterprises to rezone 5.7 acres from AG-2 and B-3 to B-4.
 - G. Case 995-AM-95 was a request by Parkhill Heirs LLC to rezone 16.69 acres from AG-2 to R-1.
 - H. Case 060-AM-96 was a request by Chuck Rippy to rezone .99 acres from R-1 to B-4.
 - I. Case 070-AM-97 was a request by Olen G. Parkhill to rezone 20 acres from AG-2 to B-4.
8. Regarding the site plan:
 - A. The site plan received February 28, 2013, shows the entirety of the subject property and includes the following:
 - (1) The location of a new 48' × 76' convenience store.
 - (2) The location of a new 32' × 155' fuel canopy.
 - (3) The location of an existing 25' × 45' diesel canopy.
 - (4) The proposed location of a car wash.
 - (5) The location of parking spaces.
 - (6) The location of existing signage and underground fuel tanks.
 - (7) The proposed 135' × 283' area that is proposed to be rezoned.
 - (8) The proposed location of stormwater detention basis.
 - (9) The location of all existing ingress/egress points and an indication that northern ingress/egress will be widened.

- B. The Minor Subdivision Plat prepared by Chad Osterbur, PE, and received on March 4, 2013, shows the existing 2.142 acre lot and the proposed .877 acre tract. This subdivision plat is subject to approval from the Village of Mahomet.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

9. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
- (1) The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - (2) The B-3, Highway Business DISTRICT is intended to provide areas for commercial establishments which primarily serve the needs of motorists and are intended for application only adjacent to major thoroughfares in the COUNTY.
- B. Regarding the general locations of the existing and proposed zoning districts:
- (1) The AG-2 District is generally located in areas close to urban areas
 - (2) The B-3 District is generally located throughout the county near major thoroughfares.
- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 13 types of uses authorized by right in the AG-2 District and there are 48 types of uses authorized by right in the B-3 District:
 - (a) The following 8 uses are authorized by right in both the AG-2 District and the B-3 District:
 - SUBDIVISION(s) of three LOTS or less;
 - AGRICULTURE including customary ACCESSORY USES;
 - Roadside Stand Operated by Farm Operator;
 - Rural Specialty Business, Minor;
 - Plant Nursery;
 - Township Highway Maintenance Garage (subject to Footnote 17);
 - Christmas Tree Sales Lot; and
 - TEMPORARY USES
 - (b) The following 5 uses are authorized by right in the AG-2 District but not in the B-3 District:
 - DWELLING, SINGLE FAMILY;

- Country Club or Golf Course;
 - Commercial Breeding Facility;
 - OFF-PREMISES SIGN within 660' of the edge of the RIGHT-OF-WAY of an interstate highway; and
 - OFF-PREMISES SIGN along federal highways except interstate highways
- (c) The following 40 uses are authorized by right in the B-3 District but not in the AG-2 District:
- HOTEL – No more than 15 LODGING UNITS (SUP in AG-2);
 - HOTEL – Over 15 LODGING UNITS;
 - TRAVEL TRAILER Camp (SUP in AG-2);
 - SUBDIVISION(s) totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS (SUP in AG-2);
 - RURAL SPECIALTY BUSINESS, Major (SUP in AG-2);
 - Commercial Greenhouse (SUP in AG-2);
 - Greenhouse (not exceeding 1,000 sq. ft.) (SUP in AG-2);
 - Garden Shop (SUP in AG-2);
 - Municipal or GOVERNMENT BUILDING (SUP in AG-2);
 - Police Station or Fire Station (SUP in AG-2);
 - Public Park or Recreational Facility (SUP in AG-2);
 - PARKING GARAGE or LOT;
 - Telephone Exchange (SUP in AG-2);
 - Telegraph Office;
 - MOTOR BUS Station (SUP in AG-2);
 - Roadside Produce Sales Stand (SUP in AG-2);
 - Artists Studio (SUP in AG-2);
 - Restaurant (indoor service only);
 - Supermarket or Grocery Store;
 - Drive-In Restaurant;
 - Tavern or Night Club;
 - Bakery (less than 2,500 SF);
 - Dairy Store;
 - Delicatessen;
 - Confectionery Store;
 - Retail Liquor Store;
 - Locker, Cold Storage for Individual Use;
 - Major AUTOMOBILE Repair (all indoors);

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- Minor AUTOMOBILE Repair (all indoors);
 - Gasoline Service Station;
 - AUTOMOBILE Washing Facility;
 - Automotive Accessories (new);
 - Antique Sales and Service (SUP in AG-2);
 - Lawnmower Sales and Service;
 - Bait Sales (SUP in AG-2);
 - Outdoor Commercial Recreational Enterprise (except amusement park) (SUP in AG-2);
 - Private Indoor Recreational Development (SUP in AG-2);
 - Public CAMP or picnic area (SUP in AG-2);
 - Commercial Fishing Lake (SUP in AG-2); and
 - OFF-PREMISES SIGN
- (2) There are 78 types of uses authorized by Special Use Permit (SUP) in the AG-2 District and 12 types of uses authorized by SUP in the B-3 District:
- (a) The following 8 uses may be authorized by SUP in both the AG-2 District and B-3 District:
- Township Highway Maintenance Garage (if req. of Footnote 17 are not met);
 - Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
 - Radio or Television Station;
 - Electrical Substation;
 - HELIPORT-RESTRICTED LANDING AREAS;
 - VETERINARY HOSPITAL; and
 - Self-Storage Warehouses, not providing heat and utilities to individual units
- (b) The following 70 uses may be authorized by SUP in the AG-2 District but not in the B-3 District:
- DWELLING, TWO-FAMILY;
 - Home for the Aged;
 - NURSING HOME;
 - HOTEL-No more than 15 LODGING UNITS (by-right in B-3);
 - TRAVEL TRAILER Camp (by right in B-3);
 - Residential PLANNED UNIT DEVELOPMENT;
 - SUBDIVISION(s) totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS;
 - RURAL SPECIALTY BUSINESS, Major (by right in B-

3);

- Artificial Lake of 1 or More Acres;
- Commercial Greenhouse (by right in B-3);
- Greenhouse (not exceeding 1,000 sq. ft.)(by right in B-3);
- Garden Shop (by right in B-3);
- Mineral Extraction, Quarrying, Topsoil Removal and Allied Activities;
- Elementary SCHOOL, Jr. High SCHOOL, or High SCHOOL;
- Church, Temple or Church Related TEMPORARY USES on Church PROPERTY;
- Municipal or GOVERNMENT BUILDING (by right in B-3);
- Penal or Correctional Institution;
- Police Station or Fire Station (by-right in B-3);
- Library, Museum or Gallery;
- Public Park or Recreational Facility (by right in B-3);
- Sewage Disposal Plant or Lagoon;
- Water Treatment Plant;
- Telephone Exchange (by right in B-3);
- Public Fairgrounds;
- MOTOR BUS Station (by right in B-3);
- Truck Terminal;
- Railroad Yards and Freight Terminals;
- AIRPORT;
- RESIDENTIAL AIRPORTS;
- RESTRICTED LANDING AREAS;
- HELIPORT/HELISTOPS;
- Mortuary or Funeral Home (must be on the same LOT as a cemetery under common management);
- Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
- Roadside Produce Sales Stand (by right in B-3);
- Feed and Grain (sales only);
- Livestock Sales Facility and Stockyards;
- Slaughter Houses;
- Grain Storage Elevator and Bins;
- Artists Studio (by right in B-3);
- RESIDENTIAL RECOVERY CENTER;
- Antique Sales and Service (by right in B-3);
- Amusement Park;
- Resort or Organized CAMP;
- Bait Sales (by right in B-3);
- Country Club Clubhouse;

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- Lodge or Private Club;
 - Outdoor Commercial Recreational Enterprise (except amusement park) (by right in B-3);
 - Private Indoor Recreational Development (by right in B-3);
 - Public CAMP or picnic area (by right in B-3);
 - Riding Stable;
 - Seasonal Hunting or Fishing Lodge;
 - Stadium or Coliseum;
 - THEATER, OUTDOOR;
 - Commercial Fishing Lake (by right in B-3);
 - Aviation Sales, Service or Storage;
 - Cemetery or Crematory;
 - Pet Cemetery;
 - KENNEL;
 - OFF-PREMISES SIGN beyond 660' of the edge of the RIGHT-OF-WAY of an interstate highway;
 - LANDSCAPE WASTE PROCESSING FACILITIES;
 - Contractors Facilities (with No Outdoor STORAGE Nor Outdoor OPERATIONS);
 - Contractors Facilities (with Outdoor STORAGE and/or Outdoor OPERATIONS);
 - AGRICULTURAL DRAINAGE CONTRACTOR Facility (with no Outdoor STORAGE and/or OPERATIONS);
 - AGRICULTURAL DRAINAGE CONTRACTOR Facility (with Outdoor STORAGE and/or OPERATIONS);
 - SMALL SCALE METAL FABRICATING SHOP;
 - Gas Turbine Peaker;
 - BIG WIND TURBINE TOWER (1-3 BIG WIND TURBINE TOWRERS);
 - Wood Fabricating Shop and Related Activities;
 - Sawmills and Planing Mills, and Related Activities; and
 - Pre-Existing Industrial Uses (Existing Prior to October 10, 1973)
- (c) The following 4 uses may be authorized by SUP in the B-3 District but not in the AG-2 District:
- Warehouse;
 - Self-Storage Warehouses, providing heat and utilities to individual units;
 - Gasoline and Volatile Oils Storage up to and including 80,000 gallon capacity in the aggregate; and
 - Liquefied Petroleum Gases Storage

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

10. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:
- “It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
- B. The LRMP defines Goals, Objectives, and Policies as follows:
- (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

REGARDING LRMP GOALS & POLICIES

11. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 has 4 objectives and 4 policies. The proposed rezoning will ***NOT IMPEDE*** the achievement of Goal 1.

(Note: bold italics typeface indicates staff’s recommendation to the ZBA)

12. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 2.

13. LRMP Goal 3 is entitled “Prosperity” and states as follows:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 3.

14. LRMP Goal 4 is entitled “Agriculture” and states as follows:

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. The proposed amendment will *HELP ACHIEVE* Goal 4 for the following reasons:

- A. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states, “**Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.**”

The proposed rezoning will *HELP ACHIEVE* Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. The proposed rezoning will not impede the achievement of Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9.
- (2) Policy 4.1.1 states, “**Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.**”

The proposed rezoning will *HELP ACHIEVE* Policy 4.1.1 because the subject property is not considered best prime farmland.

- (3) Policy 4.1.6 states, “**Provided that the use, design, site and location are consistent with County policies regarding:**
 - i. **Suitability of the site for the proposed use;**
 - ii. **Adequacy of infrastructure and public services for the proposed use;**
 - iii. **Minimizing conflict with agriculture;**
 - iv. **Minimizing the conversion of farmland; and**
 - v. **Minimizing the disturbance of natural areas; then**

- a) **On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
- b) **On best prime farmland, the County may authorize non-residential discretionary development; or**
- c) **The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.1.6 for the following reasons:

- (a) The Champaign County Soil and Water Conservation District prepared a Natural Resources Report dated March 1, 2013, that indicated that the subject property has an LE factor of 78 and is not considered best prime farmland. The report also indicates that a no calculation worksheet was used because the entire undeveloped tract is Wyanet Silt Loam (622C2) soil.
- (b) The proposed rezoning will remove less than one acre of farmland from production.

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

The proposed rezoning will *HELP ACHIEVE* Objective 4.2 because of the following:

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

The proposed rezoning will *HELP ACHIEVE* Policy 4.2.1 for the following reason:

- (a) The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
 - a. **is a type that does not negatively affect agricultural activities; or**

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- b. **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
- c. **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

- (a) The existing convenience store has been a long standing business at this location. There is no evidence that suggests the proposed expansion of the lot and the redevelopment of the site will negatively affect agriculture or interfere with agricultural activities.
- (b) There is no evidence to suggest that the proposed expansion of the lot and the redevelopment of the site will be negatively affected by agricultural activities.

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

The proposed rezoning will **HELP ACHIEVE** Objective 4.3 because of the following:

- (1) **Policy 4.3.1 states, “On other than best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is suited overall for the proposed land use.**

The proposed rezoning will **HELP ACHIEVE** Policy 4.3.1 for the following reasons:

- (a) The Champaign County Soil and Water Conservation District prepared a Natural Resources Report dated March 1, 2013, that indicated that the subject property has an LE factor of 78 and is not considered best prime farmland. The report also indicates that a no calculation worksheet was used because the entire undeveloped tract is Wyonet Silt Loam (622C2) soil.
 - (b) The subject property has direct access to Prairieview Road (County Highway 50).
 - (c) The proposed expansion of the existing lot is subject to subdivision approval from the Village of Mahomet.
- (2) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.3.3 for the following reason:

- (a) The subject property is located approximately 3 miles from the Cornbelt Fire Protection District Station. The fire protection district was notified of the case and no comments were received.

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

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.4 for the following reason:

- (a) The subject property has direct access to Prairieview Road (County Highway 50).
- (b) There is no evidence to suggest that the existing public infrastructure is not adequate to support the proposed improvements to the subject property.

15. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 has 3 objectives and 15 policies. The proposed rezoning will *HELP ACHIEVE* Goal 5 for the following reasons:

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

The proposed rezoning will *HELP ACHIEVE* Objective 5.1 because of the following:

- (1) Policy 5.1.3 states, **“The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.”**

The proposed rezoning will *HELP ACHIEVE* Policy 5.1.3 for the following reasons:

- (a) The subject property is identified as being within the contiguous urban growth area for the Village of Mahomet identified in the Land Use Management Areas Map of the Champaign County Land Resource Management Plan (LRMP).
- (b) The subject property is currently served by sanitary sewer and is connected to a public water supply.
- (c) The Village of Mahomet Land Use Map identifies the subject property as commercial.
- (d) In a telephone conversation on January 29, 2013, between Bob Mahrt, Village Planner, Village of Mahomet, and Andy Kass, Associate Planner, Champaign County, Mr. Mahrt indicated that the Village of Mahomet is supportive of the

request to rezone the subject property to the B-3 Highway Business Zoning District.

- (2) Policies 5.1.2, 5.1.4, 5.1.5, 5.1.6, 5.1.7, 5.1.8, and 5.1.9 are not relevant to the proposed. The proposed amendment will not impede the achievement of 5.1.1.

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

The proposed amendment will *HELP ACHIEVE* Objective 5.3 because of the following:

- (1) Policy 5.3.1 states, “**The County will:**
- a. **require that proposed new urban development in unincorporated areas is sufficiently served by available public services and without undue public expense; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development is sufficiently served by available public services and without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 5.3.1 for the following reasons:

- (a) The only public service provided other than law enforcement is fire protection.
 - (b) The subject property is located approximately 3 miles from the Cornbelt Fire Protection District Station. The fire protection district was notified of the case and no comments were received.
 - (c) The proposed rezoning should not result in a greater need for fire protection services.
- (2) Policy 5.3.2 states, “**The County will:**
- a. **require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 5.3.2 because the only public infrastructure serving the subject property is Prairieview Road (County Highway 50).

This road has adequate capacity to handle traffic generated and no significant traffic increase as a result of the rezoning is anticipated.

(3) Policy 5.3.3 is not relevant to the proposed rezoning.

16. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 6.

17. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 7.

18. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. The proposed rezoning will *HELP ACHIEVE* Goal 8 for the following reasons:

A. Objective 8.2 is entitled “Soil” and states, **“Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.”**

The proposed rezoning will *HELP ACHIEVE* Objective 8.2 because of the following:

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

The proposed rezoning will *HELP ACHIEVE* Policy 8.2.1 for the following reasons:

(a) The Champaign County Soil and Water Conservation District prepared a Natural Resources Report dated March 1, 2013, and is summarized as follows:

i. The subject property has an LE factor of 78 and is not considered best prime farmland. The report also indicates that a no calculation worksheet was used because the entire undeveloped tract is Wyonet Silt Loam (622C2) soil.

- ii. The area that is in farmland has severe limitations related to its low strength. This will be especially important in the land is eventually developed for commercial use and has a parking lot. A development plan will have to take the soil characteristics into consideration.
- iii. The subject property has a significant slope that could cause erosion when any construction may commence in the future. Any areas left bare for more than 30 days should be temporarily seeded or mulched and permanent vegetation established as soon as possible.
- iv. A complete erosion and sedimentation control plan and stormwater pollution prevention plan (SWPPP) should be developed and implemented on this site prior to and during major construction activity. All sediment-laden runoff should be routed through sediment basins before discharge. Silt fences should not be used in concentrated flow areas, with drainage areas exceeding 0.5 acres. A perimeter berm could be installed around the entire site to totally control all runoff from the site. Plans should be in conformance with the Illinois Urban Manual for erosion and sediment control.

B. The proposed amendment will not impede all other Objectives and Policies under Goal 8.

19. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. The proposed rezoning is *NOT RELEVANT* to Goal 9.

20. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 has 1 objective and 1 policy. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 10.

GENERALLY REGARDING THE LaSalle Factors

21. In the case of *LaSalle National Bank of Chicago v. County of Cook* the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. The *Champaign*

County Zoning Ordinance does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follow:

A. *LaSalle* factor: The existing uses and zoning of nearby property.

Table 1 below summarizes the land uses and zoning of the subject property and properties nearby.

Table 1: Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Agriculture	AG-2 Agriculture
North	Agriculture	AG-2 Agriculture
East	Undeveloped	AG-2 Agriculture
West	Agriculture	AG-2 Agriculture
South	Gas Station and Convenience Store	B-3 Highway Business

B. *LaSalle* factor: The extent to which property values are diminished by the particular zoning restrictions.

(1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.

C. *LaSalle* factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.

There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, and welfare.

D. *LaSalle* factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.

The proposed map amendment would allow the petitioner to sell the subject property to Tri-Star Marketing (owner of the Super Pantry). The gain to the public would be the availability of additional commercial services at the Super Party convenience store, such as a car wash. If the map amendment is not approved the petitioner would presumably continue agricultural operations on the subject property.

E. *LaSalle* factor: The suitability of the subject property for the zoned purposes.

The subject property is suitable for the zoned purposes.

F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**

The AG-2 District was planned in 1973 and thus was intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY. The subject property has been in agricultural production since 1973 and the surrounding land uses have been developed for some time. The land immediately south of the existing Super Pantry convenience store is planned to be developed for a commercial use subject to approval from the Village of Mahomet.

G. **Sinclair factor: The need and demand for the use.**

The subject property once it has received subdivision approval from the Village of Mahomet will be redeveloped with a new convenience store, additional parking, a new fueling area, and a car wash.

H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**

The proposed use generally conforms to goals and policies of the Champaign County Land Resource Management Plan.

The Village of Mahomet Land Use Map identifies the subject property as commercial.

In a telephone conversation on January 29, 2013, between Bob Mahrt, Village Planner, Village of Mahomet, and Andy Kass, Associate Planner, Champaign County, Mr. Mahrt indicated that the Village of Mahomet is supportive of the request to rezone the subject property to the B-3 Highway Business Zoning District.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

22. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is consistent with this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is consistent with this purpose.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed amendment is not expected to cause traffic congestion.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not expected to cause drainage or flooding problems, and will provide stormwater management pursuant to Village of Mahomet subdivision requirements.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is consistent with this purpose.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of buildings and structures hereafter to be erected.

The proposed amendment is consistent with this purpose. The new structures proposed will be subject to approval of a Zoning Use Permit Application (ZUPA) by Champaign County and must comply with Champaign County Zoning Ordinance.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is consistent with this purpose. The new structures proposed will be subject to approval of a Zoning Use Permit Application (ZUPA) by Champaign County and must comply with Champaign County Zoning Ordinance.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.

The proposed amendment is consistent with this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses.

The proposed amendment is consistent with this purpose because the proposed map amendment will allow uses to occur on the property either by right or by Special Use Permit that are not currently authorized in its current AG-2 Zoning Designation, but are uses that are seen as compatible with the District.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide 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.

The proposed amendment is consistent with this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which buildings, structures, or uses therein shall conform.

The proposed amendment is consistent with this purpose.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit uses, buildings, or structures incompatible with the character of such districts.

The proposed amendment is consistent with this purpose because the proposed B-3 District is compatible with surrounding uses and because it is located adjacent to existing B-3 zoning and the City of Urbana corporate limits are less than 400 feet away from the subject property. In addition, there are existing commercial uses near the subject property.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent 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 amendment is consistent with this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed amendment is consistent with this purpose.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is consistent with this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is consistent with this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is consistent with this purpose.

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

The proposed amendment is consistent with this purpose.

REGARDING SPECIAL CONDITIONS OF APPROVAL

- 23. Regarding proposed special conditions of approval:

- A. **A Zoning Use Permit Application shall not be approved for construction on the subject Property until the applicant has submitted a stormwater drainage plan that is in compliance with the Champaign County Stormwater Management Policy or the equivalent requirements of the Village of Mahomet.**

The above special condition is required to ensure the following:

That the proposed development of the subject property is in compliance with applicable stormwater management policies.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 16, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed amendment will **HELP ACHIEVE** the Land Resource Management Plan because of the following (objectives and policies are very briefly summarized):

A. The proposed map amendment will **HELP ACHIEVE** the following LRMP goals:

Goal 4 Agriculture because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will **HELP ACHIEVE** the following:

- Objective 4.1 requiring **minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland** because it will **HELP ACHIEVE** the following:
 - Policy 4.1.1 requiring that other land uses only be accommodated under very restricted conditions or in areas of less productive soils (see Item 14.A.(1)).
 - Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 14.A.(2)).
- Objective 4.2 requiring discretionary development to not interfere with agriculture because it will **HELP ACHIEVE** the following:
 - Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 14.B.(1)).
 - Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 14.B.(2)).
- Objective 4.3 requiring any discretionary development to be on a suitable site because it will **HELP ACHIEVE** the following:
 - Policy 4.3.1 requiring a discretionary development on other than best prime farmland to be suited overall (see Item 14.C.(1)).
 - Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(2)).
 - Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(3)).

Goal 5 Urban Land Use because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will **HELP ACHIEVE** the following:

- Objective 5.1 ensure that the population growth and economic development is accommodated by new urban development in or adjacent to existing population centers because it will **HELP ACHIEVE** the following:

- Policy 5.1.3 consider municipal ETJ areas that are served or that are planned to be served by sanitary sewer as contiguous urban growth areas (Item 15.A.(1)).
- Objective 5.3 requiring the County to oppose new urban development unless adequate utilities infrastructure, and public services are provided because it will *HELP ACHIEVE* the following:
 - Policy 5.3.1 require new urban development in unincorporated areas to be sufficiently served by available public services without undue public expense and encouraging other jurisdictions to do the same (Item 15.B.(1)).
 - Policy 5.3.2 require new urban development to be adequately served by public infrastructure without undue public expense and encouraging other jurisdictions to do the same (Item 15.B.(2)).

Goal 8 Natural Resources because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will *HELP ACHIEVE* the following:

- Objective 8.2 requiring the County to conserve its soil resources because it will *HELP ACHIEVE* the following:
 - Policy 8.2.1 requiring to County to minimize the conversion of farmland to non-agricultural development (Item 18.A.(1)).

B. The proposed amendment will *NOT IMPEDE* the following LRMP goal(s):

- **Goal 1 Planning and Public Involvement**
- **Goal 2 Governmental Coordination**
- **Goal 3 Prosperity**
- **Goal 6 Public Health and Public Safety**
- **Goal 7 Transportation**
- **Goal 10 Cultural Amenities**

C. The proposed amendment is *NOT RELEVANT* to the following LRMP goal(s):

- **Goal 9 Energy Conservation**

2. The proposed Zoning Ordinance map amendment *IS* consistent with the *LaSalle* and *Sinclair* factors because:
 - The subject property is suitable for the proposed use.
 - The proposed map amendment is in general conformance with the Village of Mahomet's Comprehensive Land Use Plan Map.
3. The proposed Zoning Ordinance map amendment will *HELP ACHIEVE* the purpose of the Zoning Ordinance because it is consistent with all of the purposes of the Zoning Ordinance.
4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:
 - The use of real estate in the immediate area has changed since the applicable zoning ordinance was adopted and the proposed rezoning is consistent with the current uses in the immediate area.

DOCUMENTS OF RECORD

1. Application for Map Amendment received February 28, 2013, and amended on May 7, 2013, signed by Olen G. Parkhill with attachment:
 - A Preliminary Site Plan
2. Cover Letter and Minor Plat of Subdivision prepared by Chad M. Osterbur, PE, Sodemann and Associates received March 4, 2013
3. Legal Description received March 12, 2013
4. Natural Resource Report prepared by the Champaign County Soil and Water Conservation District received May 6, 2013
5. Village of Mahomet Comprehensive Land Use Plan Map received May 7, 2013
6. Email from Patrick Fitzgerald dated May 7, 2013
7. Preliminary Memorandum dated May 8, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received February 28, 2013
 - C Minor Plat of Subdivision prepared by Chad M. Osterbur, PE, received March 4, 2013
 - D Natural Resources Report received May 6, 2013
 - E Village of Mahomet Comprehensive Land Use Map
 - F LRMP Land Use Management Areas Map
 - G LRMP Goals, Objectives, Policies, and Defined Terms
 - H Draft Finding of Fact and Final Determination

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FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 746-AM-13** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

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

CASE NO. 731-S-12

SUPPLEMENTAL MEMORANDUM

May 8, 2013

Petitioners: **Warner Brothers, Inc.**

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Site Area: **.96 acre (38.55 acre parcel)**

Time Schedule for Development: **Under
Construction**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

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

Location: **A .96 acre (41,817.6 square feet) portion of a 38.55 acre tract in the East One-Half of the Southeast Quarter of Section 18 of Rantoul Township and commonly known as the farm field adjacent to the Kinze farm equipment dealership at 1254 CR2700N, Rantoul.**

STATUS

This case is continued from the March 28, 2013, public hearing. New evidence and revisions to the Summary of Evidence are proposed (see Attachment A). The draft minutes from the March 28, 2013, public hearing have been included.

ILLINOIS DEPARTMENT OF AGRICULTURE (IDAG) PERMITS

On May 1, 2013, the petitioner's attorney submitted an Experimental Agrichemical Containment Permit issued by IDAG for the storage tank (Permit # AC13030985) and an Agrichemical Containment Permit issued by IDAG for the mixing building (Permit # AC13020954). Both permits indicate that they were issued on April 17, 2013. See Attachments B and C for more information regarding these permits.

COMPLETE SITE PLAN

At the March 28, 2013, public hearing it was made clear to the petitioner's that a complete site plan was required. As of May 8, 2013, a complete site plan had not been submitted by the petitioner.

ATTACHMENTS

- A Proposed Evidence and Revisions
- B IDAG Experimental Permit for Agrichemical Containment Facility received May 1, 2013
- C IDAG Permit Agrichemical Containment Facility received May 1, 2013
- D Letter from Danny Sage, Rantoul Township Road Commissioner, submitted at the March 28, 2013, public hearing by James Rusk
- E Draft March 28, 2013, Meeting Minutes (included separately)

Attachment A
Proposed Evidence and Revisions
Case 731-S-12
May 8, 2013

Add new Item 5.E.

- E. At the March 28, 2013, public hearing Gene Warner, co-petitioner, testified in regards to traffic, the storage tanks, and the operations of the tank as follows:
- (1) Trucks normally enter along the east side of the Kinze dealership.
 - (2) The tank will be used for storage for Warner Brothers and that he understood that construction of the tank was perfectly legal.
 - (3) For Warner Brothers use the increase in traffic would be very little in relation to the amount of traffic that goes in and out of the Kinze dealership on a daily basis and that it may increase 10%.
 - (4) The increase in traffic will be seasonal particularly in the spring when the product is being delivered and hauled out. The product will be delivered in January or February and hauled out in April. He believes the weight limit for the road is 80,000 pounds and the delivery trucks will not weigh more than a standard semi-truck that hauls grain off of the farm during harvest.
 - (5) The tank could be filled for Warner Brothers to use during multiple seasons.
 - (6) On average the truck traffic would be the same because more than likely the tank will be filled once in early spring.
 - (7) The tank has been filled with ten train car loads and that there are eight rings on the tank and only two of the rings that have fertilizer in it.
 - (8) During cross examination at the March 28, 2013, public hearing Gene Warner, co-petitioner indicated the following while answering questions from Attorney, Kent Follmer:
 - (a) The tank was filled approximately 5 weeks ago.
 - (b) None of the product has been sold because it is all for Warner Brothers use.
 - (c) Crop Production Services orders the product for Warner Brothers.

Add new Item 7.D.

- D. The petitioner's attorney, Paul Cole, testified at the March 28, 2013, public hearing that the larger tank is cost effective and will allow the opportunity to purchase additional product when the price is right and keep the product for multiple years to use on the petitioner's own land, and because the tank is on agricultural property there might be potential for other people to use the tank for excess storage capacity.

Attachment A
Proposed Evidence and Revisions
Case 731-S-12
May 8, 2013

Revise Item 8.C.(5) as follows:

- (5) Regarding the proposed special use and the anticipated traffic impacts: ~~—a significant traffic increase is not expected to the subject property.~~
- (a) At the March 28, 2013, public hearing James Rusk, Rantoul Township Supervisor, testified that the road is a ten inch gravel base road with oil chip over it, and the Township has concerns regarding the number of 80,000 pound vehicles that will travel the road if the Special Use Permit is approved.
- (b) At the March 28, 2013, public hearing Gene Warner, co-petitioner, testified that the increase in traffic will be seasonal particularly in the spring when the product is being delivered and hauled out. The product will be delivered in January or February and hauled out in April. He believes the weight limit for the road is 80,000 pounds and the delivery trucks will not weigh more than a standard semi-truck that hauls grain off of the farm during harvest.
- (c) At the March 28, 2013, public hearing Kent Follmer, Attorney for Kenneth and Victoria Warner, testified that if the subject tank is the biggest around there is reason to believe that there will be a huge increase in traffic for large tankers on this minor road that is only 20 feet wide. According to his research it would take 160 full size tankers to fill a tank of this size.
- (d) Refer to Item 8.K. for testimony from Kenneth Warner, adjacent landowner, given at the March 28, 2013, public hearing regarding traffic.

Revise Item 8.I. as follows:

- ~~I. The petitioners have been working with the Illinois Department of Agriculture (IDAG) to ensure that the tank and mixing building meet all IDAG requirements regarding permitting and containment.~~
- I. Regarding Compliance with Illinois Department of Agriculture (IDAG) requirements:
- (1) On May 1, 2013, The Department of Planning and Zoning received a copy of the Experimental Permit (# AC13030985) issued by the Illinois Department of Agriculture for the storage tank.
- (2) On May 1, 2013, The Department of Planning and Zoning received a copy of the Permit (# AC13020954) issued by the Illinois Department of Agriculture for the operational containment structures and the secondary containment structures in the mixing building.

Attachment A
Proposed Evidence and Revisions
Case 731-S-12
May 8, 2013

Add new Item 8.J. as follows:

J. At the March 28, 2013, public hearing Kent Follmer, Attorney for Kenneth and Victoria Warner, testified as follows:

- (1) The corner of his client's lot is 250 feet from the tank and their home is 500 feet from the tank.
- (2) His clients would like to know that there are some reasonable safeguards for the protection of their property including the obvious reduction in property value because who would want to purchase a beautiful rural farmhouse when there is a fertilizer plant next door.
- (3) After much discussion it appears that Warner Brothers wants to use the tank for their own farming operation but they have solicited and obtained a letter from Crop Production Services which is evidence of doing business with other businesses.

Add new Item 8.K. as follows:

K. At the March 28, 2013, public hearing Kenneth Warner, adjacent property owner testified as follows:

- (1) The subject property has housed a Kinze dealership for many years and there are a few semi-trucks which travel in and out but if they are going to load approximately 700,000 gallons of product to use during corn planting season it appears that there will be 320 semi-trucks traveling in and out of the property and he does not understand how there will not be a traffic issue.
- (2) If there was information regarding the truck traffic then he and his wife could determine whether or not they were still concerned. If it takes 160 semi-trucks to fill the tank and they may haul 80 trucks one day and 80 the next.
- (3) He would not have a problem with the tank if the petitioner would use it for their own farming operation.
- (4) He believes that commercial use of the tank would result in a lot more traffic. If the petitioner has 5,000 acres of corn and they use 50 gallons of chemical per acre that is 250,000 gallons of chemical required for their operation not 780,000 gallons. Fifty semi-loads of product for the farming operation versus 320 loads for the commercial use is a big difference.
- (5) He has observed 10 to 12 trucks come in and out of the property to deliver product to the tank which would approximately be 80,000 pounds.

State of Illinois
Department of Agriculture
AGRICHEMICAL CONTAINMENT PERMIT

EXPERIMENTAL

Permittee: Warner Brothers, Inc. 1254 CR 2700 N. Rantoul, IL 61866	Facility ID Number: AC0193410000 Facility Location: Rantoul
Permit #: AC13030985 Facility Type: Commercial: Retail Dealer Date Issued: April 17, 2013	Log Number: 13030985 Date Received: March 6, 2013 Expiration Date: April 17, 2015

An Experimental Permit is hereby granted to the above designated permittee to construct and operate an agrichemical containment facility as follows:

SECONDARY CONTAINMENT STRUCTURES

Installation and operation of a steel bulk liquid fertilizer storage tank with a storage capacity of 750,000 gallons with the installation and operation of a synthetic membrane liner within the aforementioned tank to serve as primary containment within each tank, in accordance with 8 Illinois Administrative Code 255.60.

There shall be no discharge of wastewater from the herein permitted facilities.

This experimental permit has been reviewed and approved by the Illinois Environmental Protection Agency per the attached permit endorsement. This experimental permit is subject to standard conditions on the reverse side of this document and the following special conditions:

SPECIAL CONDITION 1: The permittee shall provide backflow protection in accordance with the Illinois Department of Public Health Plumbing Code (77 Ill. Adm. Code 890) and the Illinois Environmental Protection Agency's Technical Policy Statement (35 Ill. Adm. Code 653.803(c)(4).

SPECIAL CONDITION 2: All product piping associated with the herein permitted structure shall be pressure tested semi-annually (2 times per year). Records of said testing shall be maintained on file at the facility.

SPECIAL CONDITION 3: The permittee shall notify the Department immediately of any detection of agrichemicals in the effluent recovered from the leak monitoring ports installed under the synthetic liner and the valve containment boxes.

SPECIAL CONDITION 4: The Department and the Agency may require conventional secondary containment structures in accordance with 8 Illinois Administrative Code 255.80 to be installed if the experimental design permitted herein fails to provide adequate containment.

SPECIAL CONDITION 5: The permittee shall maintain all monitoring valves in a closed position, except when facility personnel are directly attending these valves for leak monitoring and maintenance.



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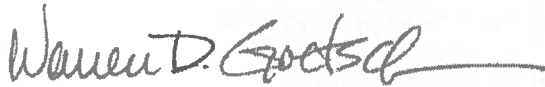
State of Illinois
Department of Agriculture
AGRICHEMICAL CONTAINMENT PERMIT

SPECIAL CONDITION 6: The permittee shall submit on the permit renewal application an inspection report indicating the condition of the liner system and the steel storage tank. The said inspection shall be performed by a qualified individual based upon education and/or equivalent experience who is employed outside of the company. The inspections shall be performed between **September 2014** and **March 2015** at a time that is convenient to empty the storage vessel(s).

SPECIAL CONDITION 7: The inspection and maintenance records for the structures and detection valves shall be maintained at the facility. The permittee shall notify the Department immediately of any detection of agrichemicals in effluent sampled or recovered from the leak monitoring ports installed under the proposed synthetic liner and the valve containment structures. The permittee shall sample, on a quarterly basis, any effluent collected at the monitoring ports and analyze samples for fertilizer content. Results of any analysis shall be reported to the Department immediately.

SPECIAL CONDITION 8: The permittee shall submit to the Department the results of all post-leak analyses used to establish baseline nitrate-nitrogen levels associated with the synthetic liner. Samples shall be taken of flush water removed during decontamination of the monitoring area and of any effluent forced out during the post repair filling of the storage tank.

THE STANDARD CONDITIONS OF ISSUANCE ON THE REVERSE SIDES OF THIS MUST BE COMPLIED WITH IN FULL.



Warren D. Goetsch, P.E.
Chief, Bureau of Environmental Programs

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State of Illinois
Department of Agriculture
AGRICHEMICAL CONTAINMENT PERMIT

Permittee: Warner Brothers, Inc. 1254 CR 2700 N. Rantoul, IL 61866	Facility ID Number: AC0193410000 Facility Location: Rantoul
Permit #: AC13020954 Facility Type: Commercial: Retail Dealer Date Issued: April 17, 2013	Log Number: 13020954 Date Received: February 13, 2013 Expiration Date: April 17, 2018

Permit is hereby granted to the above designated permittee to construct and operate an agrichemical containment facility as follows:

OPERATIONAL CONTAINMENT STRUCTURES

Installation and operation of a reinforced concrete operational containment structure measuring 22' (width) x 72' (length) x 1.17' (depth) with a total design capacity of 746 cubic feet (ft.³). The floor shall slope to a single trench measuring 1' (width) x 20' (length) x 0.5' (depth), which shall drain to a single sump measuring 2' (width) x 2' (length) x 1.5' (depth) to facilitate the collection and recovery of all escaped product and/or agrichemical wastewater. All recovered effluent shall be transferred to one (1) of two (2) 250 gallon recovery tanks with a manually activated sump pump. Segregation shall be performed based upon the applicable target crop and label use. All loading, unloading, and washing of bulk liquid agrichemical transportation and application equipment shall be performed within the said structure. This structure shall be referred to as **OC-1**.

Installation and operation of a reinforced concrete operational containment structure measuring 23.2' (width) x 43.1' (length) x 0.5' (depth) with a total design capacity of 333 cubic feet (ft.³). The floor shall slope to a single sump measuring 2' (width) x 2' (length) x 1.5' (depth) to facilitate the collection and recovery of all escaped product and/or agrichemical wastewater. All recovered effluent shall be transferred to one (1) of the two (2) aforementioned 250 gallon recovery tanks with a manually activated sump pump. Segregation shall be performed based upon the applicable target crop and label use. All mixing of liquid agrichemicals shall be performed within the said structure. This structure shall be referred to as **OC-2**.

SECONDARY CONTAINMENT STRUCTURES

Installation and operation of a reinforced concrete secondary containment structure measuring 23.2' (width) x 26.2' (length) x 0.83' (height) with a total design capacity of 503 cubic feet (ft.³). The floor shall slope to a single sump measuring 2' (width) x 2' (length) x 1.5' (depth) to facilitate the collection and recovery of all escaped product and/or agrichemical wastewater. All recovered effluent shall be transferred to one (1) of the two (2) aforementioned 250 gallon recovery tanks with a manually activated sump pump. Segregation shall be performed based upon the applicable target crop and label rate. All bulk liquid pesticides shall be stored within the said structure. This structure shall be referred to as **SC-1**.

There shall be no discharge of wastewater from the herein permitted facilities.



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State of Illinois
Department of Agriculture
AGRICHEMICAL CONTAINMENT PERMIT

This permit has been reviewed and approved by the Illinois Environmental Protection Agency per the attached permit endorsement. This permit is subject to standard conditions on the reverse side of this document and the following special conditions:

SPECIAL CONDITION 1: The permittee shall provide backflow protection in accordance with the Illinois Department of Public Health Plumbing Code (77 Ill. Adm. Code 890) and the Illinois Environmental Protection Agency's Technical Policy Statement (35 Ill. Adm. Code 653.803(c)(4).

THE STANDARD CONDITIONS OF ISSUANCE ON THE REVERSE SIDES OF THIS MUST BE COMPLIED WITH IN FULL.



Warren D. Goetsch, P.E.
Chief, Bureau of Environmental Programs

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SUPERVISOR
James A. Rusk

TOWNSHIP CLERK
William D. Ramm, Jr.

ROAD COMMISSIONER
Danny Sage

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217-893-9350
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rantoultownship1@aol.com

TRUSTEES
Duane E. Albers
Keith Barnes
John H. Jones
Carl Schlensker

March 28, 2013

Danny Sage, the Rantoul Township Road Commissioner has some concerns with the volume of heavy traffic that will take place over the township roads.

This is not a protest, however, a legitimate concern that we want to make known at this hearing.

⊛ Submitted by Jim Rusk at 3-28-13 public hearing

CASE NO. 747-AM-13

SUPPLEMENTAL MEMORANDUM

May 8, 2013

Petitioners: **Warner Farm Equipment, Inc.**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District to bring an existing Farm Equipment Sales and Service business into compliance.**

Site Area: **3.8 acres**

Time Schedule for Development: **Existing**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Location: **A 3.8 acre tract in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter and in the Southeast Quarter of the Southwest Quarter of Section 18 of Rantoul Township and commonly known as the Kinze farm equipment dealership at 1254 CR 2700N, Rantoul.**

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

STATUS

This case is continued from the March 28, 2013, public hearing. New evidence is proposed below. The draft minutes from the March 28, 2013, public hearing have been included.

Add new Item 22. to the Finding of Fact as follows:

22. Relevant testimony at the public hearing can be summarized as follows:
- A. At the March 28, 2013, public hearing the petitioner's attorney, Paul Cole, testified that the map amendment is being requested because the petitioner intends to cooperate with the County in connection with the Special Use Permit, and that the implement dealership has been in operation for nearly 40 years and if it had been 40 years or more we would not be here, but since it has only been 39 years the County has asked the petitioner to clean up the map.
 - B. At the March 28, 2013, public hearing Kent Follmer, attorney for Kenneth and Victoria Warner, testified that his clients have resided at their property for many years and they have not made any objections because the implement business is much different than what they are concerned about in the other case. Mr. Follmer also said that just because the business has existed for 20 years does not mean that it must remain and just because there has not been objections voiced before does not mean that there can't be any now.

ATTACHMENTS

- A Draft March 28, 2013, Meeting Minutes (included separately)