

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **July 25, 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 (April 11, 2013, May 1, 2013, May 30, 2013)
5. Continued Public Hearings

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

- *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.**
- *Case 754-V-13** Petitioner: **KH Farms, Inc. with owner Khalid Hussain**
- Request: **Authorize the following in the AG-1 Zoning District:**
- Part A. Variance for a lot area of .924 acre in lieu of the minimum required 1acre.**
- Part B. Variance for an average lot width of 110.17 feet in lieu of the minimum required 200 feet.**
- Location: **Lot 1 of KH Farms Subdivision in the Southwest Quarter of Section 2 of Scott Township and commonly known as the house and outbuilding at 456 CR 1700N, Champaign.**

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
JULY 25, 2013

Case 757-AT-13 Petitioner: **Champaign County Zoning Administrator**
Request: **Amend the Champaign County Zoning Ordinance as follows:**
 Part A. Adopt an updated Flood Insurance Study with an effective date of October 2, 2013.
 Part B. Adopt updated Digital Flood Insurance Rate Maps (DFIRM) for Champaign County, Illinois with an effective date of October 2, 2013. The new maps can be viewed at www.illinoisfloodmaps.org
 Part C. Adopt a new Special Flood Hazard Area Ordinance based on the minimum requirements of the National Flood Insurance Program (NFIP) and the State of Illinois.

6. New Public Hearings

Case 758-AM-13 and Case 759-S-13

Petitioner: **Charles Jesse**

Case 758-AM-13 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 in order to authorize the proposed Special Use in related zoning Case 759-S-13, on the subject property below.**

***Case 759-S-13** Request: **Authorize the following as a Special Use in the B-1 Rural Trade Center Zoning District on the subject property below:**

Part A. Authorize multiple principal uses and buildings on the same lot consisting of (1) a heating and cooling contractors facility with accessory outdoor storage that was originally authorized by Case 970-S-95; and (2) Self-Storage Warehouses, providing heat and utilities to individual units as a special use.

Part B. Authorize the construction and use of Self-Storage Warehouses, providing heat and utilities to individual units as a special use.

Location: **A 10-acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road, Champaign.**

***Case 760-V-13** Petitioner: **Sangamon Valley Public Water District and Kerry Gifford, General Manager**

Request: **Authorize a County Board Variance from Subsection 13.2.1A.4. that requires construction or use to comply with the SUBDIVISION regulations of a municipality when the requirement for annexation to that municipality is pursuant to or is a requirement for plat approval by that municipality, for a proposed water storage tank and pump station that are owned and operated by a predominately rural water district in the AG-2 District.**

Location: **An approximate 0.75 acre tract located in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 10 of Mahomet Township and commonly known as the property located immediately east of the Living Word Omega Message Church at 2272 CR 350E, Mahomet.**

7. Staff Report

8. Other Business
 A. Review of Docket

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

10. Adjournment

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

DRAFT

SUBJECT TO APPROVAL

Cases And Disposition:

Case 732-AT-12 (pages 2 to 7; continued to June 13, 2013)
Case 735-S-12 (pages 7 to 13; Final Action)
Cases 736-V-12 & 737-V-12 (pages 13 to 21; Final Action)
Case 744-V-13 (pages 22 to 28; Final Action)

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 E. Washington Street
Urbana, IL 61802**

DATE: April 11, 2013

**PLACE: John Dimit Meeting Room
1776 East Washington Street**

TIME: 7:00 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Roger Miller

MEMBERS ABSENT : Brad Passalacqua

STAFF PRESENT : Connie Berry, John Hall, Andrew Kass

OTHERS PRESENT : Matt Warren, Katie Warren, Keith Padgett, John Murphy

1. Call to Order

The meeting was called to order at 7:00 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with one member absent and one vacant Board seat.

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

3. Correspondence

None

4. Approval of Minutes (January 31, 2013, February 14, 2013 and February 28, 2013)

Mr. Thorsland entertained a motion to approve the January 31, 2013, February 14, 2013 and February 28, 2013, minutes.

1 Ms. Capel moved, seconded by Mr. Palmgren to approve the January 31, 2013, February 14, 2013,
2 and February 28, 2013, minutes.

3
4 Mr. Thorsland asked the Board if there was any discussion, notes or addendums required for the minutes.

5
6 Ms. Capel stated that on page 20, line 37 the word “laboratory” should be corrected to state “lavatory”.

7
8 Mr. Thorsland asked the Board if there were any additional corrections and there were none.

9
10 **The motion carried by voice vote.**

11
12 Mr. Thorsland entertained a motion to re-arrange the agenda and hear Case 732-AT-12 as the last case of the
13 meeting.

14
15 **Ms. Capel moved, seconded by Mr. Palmgren to re-arrange the agenda and hear Case 732-AT-12 as**
16 **the last case of the meeting. The motion carried by voice vote.**

17
18 **5. Continued Public Hearing**

19
20 **Case 732-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
21 **Ordinance as follows: Part A. Revise paragraph 7.1.2B. as follows: (1) Strike “non-family” and**
22 **replace with “non-resident”; and (2) Revise subparagraph 7.1.2B.i. to strike “five acres” and replace**
23 **with “two acres in area”; and renumber the subparagraph to 7.1.2B.(1); and (3) Revise**
24 **subparagraph 7.1.2B.ii to strike “five acres” and replace with “that are two acres in area”; add the**
25 **phrase “and provided that”; and renumber the subparagraph to 7.1.2B.(2); and (4) Add new**
26 **subparagraph 7.1.2B.(3) to authorized that all employees may be present and working on the**
27 **premises for no more than 5 days with any 30 day period due to inclement weather or as necessitated**
28 **by other business considerations; and (5) Add new subparagraph 7.1.sB.(4) to authorize that family**
29 **members who are residents of the property when the HOME OCCUPATION is operating but who**
30 **subsequently move from the premises may remain active in the HOME OCCUPATION and shall not**
31 **be counted as a non-resident employee as long as their participation in the HOME OCCUPATION**
32 **continues. Part B. Revise paragraph 7.1.2E. as follows: (1) Strike “Second Division vehicle as**
33 **defined by the Illinois Vehicle Code” and replace with “MOTOR VEHICLES”; and add the phrase**
34 **“and parked at”. (2) Add new subparagraph 7.1.2E(1) to require that the number of MOTOR**
35 **VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used**
36 **in any way for the RURAL HOME OCCUPATION shall be within the limits established. (3)**
37 **Renumber subparagraph 7.1.2E.i.to be 7.1.2E.(2) and strike “vehicles over 8,000 gross weight” and**
38 **replace with “MOTOR VEHICLES that are either a truck tractor and/or a MOTOR VEHICLE with**
39 **tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq)”;**
40 **and add the phrase**
41 **“and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS**
5/15-111)”. (4) Renumber subparagraph 7.1.2E.ii. to be 7.1.2E.(3) and strike “vehicles” and replace

1 with "MOTOR VEHICLES"; and strike "vehicles under 8,000 lbs. gross vehicle weight"; and insert
2 "licensed"; and strike "and off-road vehicles"; and insert the phrase "or owner". (5) Renumber
3 subparagraph 7.1.2E.(4)(a) to require that no more than 1 motor vehicle may be parked outdoors less
4 than five feet from a side or rear property line or less than 10 feet from a front property line; and (b)
5 Add subparagraph 7.1.2E.(4)(b) to require that outdoor parking for more than one motor vehicle shall
6 be no less than 50 feet from any lot line and no less than 100 feet from any offsite dwelling; and (c)
7 Add subparagraph 7.1.2E.(4)(c) to require that outdoor parking for more than one motor vehicle that
8 does not meet certain requirements shall be at least 10 feet from any lot line and be screened. (6) Add
9 subparagraph 7.1.2E.(5) to require that paragraphs 7.1.2E. and 7.1.2F. apply to all new RURAL
10 HOME OCCUPATION and to any expansion of a RURAL HOME OCCUPATION that is filed after
11 September 1, 2012. (7) Add subparagraph 7.1.2E.(6)(a) and (b) to require the following: (a) Any
12 MOTOR VEHICLE or licensed trailer or piece of equipment that was included on an application for
13 a RURAL HOME OCCUPATION that was received before September 1, 2012, may continue to be
14 used provided that the total number of vehicles are not more than 10 and no more than 3 may be
15 truck tractors or MOTOR VEHICLES with tandem axles as defined by the Illinois Vehicle Code; (b)
16 Any RURAL HOME OCCUPATION that complies with 7.1.2E.(6) shall be authorized to have the
17 same number of motor vehicles or licensed trailers or pieces of equipment as long as it continues in
18 business at that location and any MOTOR VEHICLE or licensed trailer or piece of equipment may
19 be replaced with a similar motor vehicle or licensed trailer or piece of equipment. Part C. Add new
20 paragraph 7.1.2F. as follows: (1) Limit the number of motorized or non-motorized complete pieces of
21 non-farm equipment in outdoor storage to 10 complete pieces, provided that the number of pieces of
22 equipment that may be in outdoor storage shall be reduced by the number of MOTOR VEHICLES
23 and licensed trailers that are also parked outdoors; and (2) Require that equipment in outdoor
24 storage meet the same separations required for MOTOR VEHICLES in 7.1.2E.(4)(b) and
25 7.1.2E.(4)(c). Part D. Revise paragraph 7.1.2H. to require that more than four vehicles for patrons
26 and onsite employees shall be screened; and also provide that loading berths are not required for
27 RURAL HOME OCCUPATIONS. Part E. Revise paragraph 7.1.2K. as follows: (1) Add the phrase
28 "for other than equipment used in any RURAL HOME OCCUPATION"; and strike the phrase
29 "screened as provided by Section 7.6, and replace with the phrase "shall be provided as follows:" (2)
30 Add subparagraph 7.1.2K.(1) to require that no outdoor storage be located in any required off street
31 parking spaces; and (3) Add subparagraph 7.1.2K.(2) to require screening if outdoor storage occurs
32 in any yard within 1,000 feet of certain specified uses of surrounding property.

33
34 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
35 sign the witness register for that public hearing. He reminded the audience that when they sign the
36 witness register they are signing an oath.

37
38 Mr. Thorsland called Mr. John Hall to testify.

39
40 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum dated April 11, 2013, to the
41 Board for review. He said that the memorandum simplifies the definition of equipment and the light shading

1 indicates the changes that are proposed tonight. He said that equipment does not include motor vehicles or
2 licensed semitrailers or licensed pole trailers or hand tools or bench tools or tools mounted on a table or
3 wheel barrows or similar tools. He said that equipment does include any motorized or non-motorized device
4 or implement, trailers, except for licensed semitrailers and licensed pole trailers, devices mounted on trailers,
5 and any agriculture equipment used for non-agricultural uses. He said that instead of trying to list all of the
6 things that could be equipment it was easier to indicate things that are not considered equipment. He said
7 that the memorandum that went out in the mailing included a discussion about the limit on equipment
8 attachments although we have gotten along just fine since 1993 without discussing equipment attachments
9 therefore he is comfortable to simply say that equipment attachments may be kept in outdoor storage and/or
10 used outdoors. He said that the equipment will need to be screened, just like everything else in outdoor
11 storage, and he is comfortable proceeding with no limit. He said that if the Board puts a limit on the number
12 of equipment attachments that could be stored outside then the case will need to be re-advertised.
13

14 Mr. Hall stated that the memorandum dated April 5, 2013, reviewed the number of Rural Home Occupations
15 since 2000. He said that there were 48 Rural Home Occupation applications received since 1/1/2000 and of
16 those 48 only 10% or 5 had more than two vehicles. He said that the review indicates that this issue does not
17 come up very often but it is an issue where there are hundreds of questions. He said that the rules that have
18 been added, as encouraged by the public, are good because there is not much that is not defined as to how
19 these rules are supposed to be applied.
20

21 Mr. Hall stated that there are two attachments to the April 11, 2013, memorandum. He said that the current
22 Rural Home Occupation Application is the last attachment and item #8 of the application requests that the
23 applicant describe any commercial vehicle(s) to be kept on site (make, model, and license #). He said that
24 item #8 is not a very good way to ask such a question for the existing Ordinance. He said that the first
25 attachment to the new memorandum, page B-1, indicated the revised item 8 of the RHO Application. He
26 said that revised item #8.a requests that the applicant identify all vehicles to be used in the home occupation
27 that will be on-site at anytime and identify any vehicles that are either a truck tractor and/or a vehicles with
28 tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq). He said that the
29 application will request the make, model, year, color and license #. He said that item #8.b. requests that the
30 applicant list all other vehicle(s) and licensed semitrailers and licensed pole trailers used in the home
31 occupation that will be on-site at anytime and to identify the make, model, year, color, license #, and gross
32 vehicle weight for each. He said that any vehicle that weighs more than 15,000 pounds or any combination
33 of vehicle and equipment that weighs more than 15,000 pounds should be screened, and that is an existing
34 requirement that has not changed. He said that item #8.c. requests that the applicant indicate how many
35 employee vehicles and/or patron vehicles may be on-site at anytime.
36

37 Mr. Hall stated that a new item #9 on the Rural Home Occupation Application requests that the applicant
38 identify all equipment used in the Rural Home Occupation that will be on-site and stored outdoors at
39 anytime. He said that only equipment that will be outdoors, whether it is being used or stored, is to be
40 indicated and not any equipment that is being stored indoors should be included. He said that the same
41 request is for new item #10 although the applicant is to identify all equipment attachments used in the Rural

1 Home Occupation that will be on-site and stored outdoors at anytime. He said that if the Board chooses to
2 place a limit on the number of equipment attachments then they should be listed but if there is no limit then
3
4 it does not need to be included although there must be some way to alert applicants that anything that is
5 stored outside must be screened.
6

7 Mr. Hall stated that there is no pressing need for the Board to take action tonight. He said that staff is
8 proposing to list a new item #11 to the Rural Home Occupation Application as follows: Please list all home
9 occupation activities that will be occurring outdoors on the property and indicate where the activities will be
10 occurring on the site plan. He said that there are a lot of things that the current application overlooks and
11 that is understandable because the application was created in 1993 which was before the County had any
12 experience with these kinds of standards. He said that if this case is continued to a later date the Board can
13 either add a limit on the number of equipment attachments or not and staff can submit a completed new
14 Rural Home Occupation Application. He said that he has always wanted to have a handout with an example
15 site plan but doing an example site plan for a Rural Home Occupation really takes a lot of time so that you
16 make sure that nothing has been omitted and everything which needed to be included is included. He said if
17 the Board desires to have an example site plan then he will be happy to work on it. He said that it would be
18 a good idea to show the County Board that we have an example plan to distribute to all applicants and that
19 the ZBA has reviewed and approved this example plan.
20

21 Mr. Thorsland asked Mr. Hall if new item #10 is necessary if the Board decides to not place a limit on
22 equipment attachments.
23

24 Mr. Hall stated that the application should at least call out whether equipment attachments are going to be
25 stored outdoors.
26

27 Mr. Thorsland asked Mr. Hall if someone completes this application and three years later their equipment
28 needs change would they be required to amend the application.
29

30 Mr. Hall stated yes. He said that this is the most difficult part about a Rural Home Occupation because one
31 that is successful and growing will change.
32

33 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.
34

35 Mr. Courson asked Mr. Hall if there should be any restrictions on lighting. He said that the Board places
36 restrictions on lighting in a Special Use Permit and he could see a home occupation installing big halogen
37 lights out back for security. He asked if ADA requirements will apply.
38

39 Mr. Hall stated that ADA applies now for everything that is new and typically we have no problems with
40 new structures meeting the ADA requirements and staff does contact Don Gamble at the Capital
41 Development Board a lot. He said that the Zoning Ordinance does not discuss the ADA but it is something

1 that would ideally be included on the handout as another thing that applies. He said that he would not
2 propose to write it into the Ordinance because Champaign County has never actually adopted it to that extent
3 because it applies whether or not it is in the Ordinance. He said that it would be good to document the ADA
4
5 requirement in the handout to make folks aware of the requirements but if they are not adding anything new
6 then the ADA would not apply.

7
8 Mr. Thorsland stated that the ADA is a moot point because it is a State requirement anyway.
9

10 Mr. Hall stated that he would really like to see the handouts as part of this case so that the ZBA has reviewed
11 them and indicated their approval. He said that Mr. Dillard is very unhappy with the current Rural Home
12 Occupation handout and Mr. Hall could not tell him that the ZBA approved the handout because that is not
13 true.
14

15 Mr. Thorsland proposed that the Board review the handout during the review of this case. He said that he
16 agreed with Mr. Courson's concern about outdoor lighting therefore could it be a requirement for the
17 applicant of any new RHO to indicate any proposed outdoor lighting on the site plan and that it should
18 comply with the Special Use Permit standard regarding lighting.
19

20 Mr. Hall stated that technically this would be something that would need to be advertised and his position on
21 something like this is that it could always be advertised as a new part but the entire case would have to be re-
22 advertised. He said that this case would need to be continued to a later date and who knows if the County
23 Board would omit that part during their review.
24

25 Mr. Thorsland stated that the addition of a lighting requirement would make it consistent with the Special
26 Use Permits that the Board reviews. He said that some of the larger Rural Home Occupations border on a
27 Special Use Permit.
28

29 Mr. Courson stated that he is only referring to outdoor lighting within the screened area.
30

31 Mr. Thorsland stated that there are some lighting installations within the screened area that can be just as
32 atrocious.
33

34 Mr. Hall stated that this issue is tricky but it is up to the Board.
35

36 Mr. Courson stated that having special lighting on a Special Use Permit is somewhat inconsistent with by-
37 right uses. He said that with a by-right use someone could install whatever type of lighting that they desire
38 on their property but a Special Use Permit requires a specific lighting requirement. He said that agricultural
39 use could have any kind of lighting that they want because he has a large agricultural machine shed near his
40 Special Use Permit property and the lighting on the agricultural shed illuminates a lot of Hensley township
41 although Mr. Courson's lighting for his special use had to be full cut-off. He said that it appears that the

1 County is picking on Special Use Permit applicants in regards to lighting requirements. He said that he
2 understands that the County is trying to prevent light pollution but if it is not going to apply to everyone then
3 it should not apply to only certain people.
4

5
6 Mr. Hall stated that his concern is that a Rural Home Occupation is by-right and picking out one by-right for
7 a lighting requirement is a recipe for failure at the County Board. He said that the only thing that he could
8 think of that is almost in between a Special Use Permit and by-right is a Minor Rural Specialty Business and
9 even that could have lighting issues but again it is by-right.
10

11 Mr. Thorsland stated that perhaps no lighting restrictions are necessary at all.
12

13 Mr. Hall stated that Mr. Courson's initial point was that if there is going to be an outdoor storage or outdoor
14 work area which clearly will not happen anywhere other than a Rural Home Occupation then a lighting
15 standard should apply to only that area. He said that this standard may be acceptable and appreciated by any
16 neighbor.
17

18 Mr. Thorsland stated that the Ordinance would specify that in the outdoor screened storage and work area a
19 specific type of lighting will be authorized.
20

21 Mr. Courson stated that the lighting should be folded into the screening requirements so that the lights are
22 not atrocious to the neighbors.
23

24 Mr. Hall stated that he does not believe that this is an unreasonable request.
25

26 Mr. Thorsland asked the Board if they were happy with the modified attachments.
27

28 Mr. Courson stated yes, as long as there are lighting requirements included for the screened area.
29

30 Mr. Thorsland asked the Board if they had any additional comments regarding the information included in
31 the memorandums. He said that he would like to review the revised application if possible and he agrees to
32 include a restriction on lighting in the outdoor storage area.
33

34 Ms. Capel asked Mr. Hall to clarify if there are two backhoes on a semitrailer then there are two pieces of
35 equipment plus a trailer.
36

37 Mr. Hall stated yes.
38

39 Mr. Thorsland stated that the equipment count could go up on a Rural Home Occupation for short term
40 because a piece of equipment was unloaded from a trailer.
41

1 Mr. Hall stated that the applicant will need to keep track of the number of pieces of equipment allowed and
2 even if there is a violation it is assumed that it is a short term thing that would be corrected soon.

3
4 Mr. Thorsland entertained a motion to continue Case 732-AT 12 to June 13, 2013, meeting.

5
6
7 **Mr. Courson moved, seconded by Ms. Capel to continue Case 732-AT-12 to the June 13, 2013,**
8 **meeting. The motion carried by voice vote.**

9
10 **Case 735-S-12 Petitioner: TC Management, LLC, with owners John F. Murphy and Terry Woller**
11 **Request to authorize the use of existing multiple principal buildings on the same lot in the I-1 Light**
12 **Industry Zoning District as a Special Use. Location: Lot 2 of Stahly Subdivision in the Southeast**
13 **Quarter of Section 8 of Champaign Township and commonly known as the buildings at 309 Tiffany**
14 **Court, Champaign.**

15
16 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
17 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
18 of hands for those who would like to cross examine and each person will be called upon. He requested that
19 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
20 those who desire to cross examine are not required to sign the witness register but are requested to clearly
21 state their name before asking any questions. He noted that no new testimony is to be given during the cross
22 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
23 from cross examination.

24
25 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
26 sign the witness register for that public hearing. He reminded the audience that when they sign the
27 witness register they are signing an oath.

28
29 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

30
31 Mr. John Murphy, who resides at 1948 CR 150E, Seymour, stated that he is a principal partner with TC
32 Management, LLC, which is the company that owns the property located at 309 Tiffany Court, Champaign.
33 He said that one of the two issues which brought him before the Board is the fact that they had an existing
34 nonconforming second building that was present when they purchased the property last year. He said that
35 they finished and enclosed the building transforming it into storage units. He said that at the last meeting the
36 Board gave direction regarding some future events and parking issues for the property and they promptly
37 addressed those issues and presented the results to staff.

38
39 Mr. John Hall, Zoning Administrator, stated that there is no new information for this case tonight. He said
40 that there are two proposed special conditions indicated on page 22 of 28 of the Summary of Evidence. He
41 said that the proposed special conditions remain unchanged and are as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

A. Within 30 days of Final Action of Cases 735-S-12 and 744-V-13 the Petitioner shall pay the fee for the Zoning Use Permit Application received on January 23, 2013.

The above special condition is required to ensure the following:

That applicable permit fees are paid in a timely manner and to ensure that the permit is reviewed and issued in a timely manner.

B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use Permit until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.

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

That the proposed Special Use meets applicable state requirements for accessibility.

Mr. Hall asked Mr. Murphy if he had contacted Mr. Gamble at the Illinois Capital Development Board regarding accessibility.

Mr. Murphy stated yes.

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

Mr. Thorsland asked Mr. Murphy if there were any questions for Mr. Hall and there were none.

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

Mr. Thorsland asked Mr. Murphy if he agreed to the proposed special conditions.

Mr. Murphy stated that he agreed to the proposed special conditions.

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

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

Mr. Thorsland noted that there were no additions to the Documents of Record.

Finding of Fact for Case 735-S-12:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 735-V-12 held on February 14, 2013, and April 11, 2012, the Zoning Board of Appeals of Champaign

1 County finds that:
2

3 **1. The requested Special Use Permit IS necessary for the public convenience at this**
4 **location.**
5

6 Ms. Capel stated that the requested Special Use Permit IS necessary for the public convenience at this
7 location because the gymnastics center serves an audience which were originally part of a YMCA program
8
9 which no longer exists. She said that the storage units will provide additional income for the owners and
10 allows a defunct building to be used. She said that both uses are by-right uses in the I-1 District.
11

12 Mr. Palmgren stated that the petitioners will be able to use what was previously considered a blighted
13 building.
14

15 **2. The requested Special Use Permit, subject to the special conditions imposed herein, is**
16 **so designed, located, and proposed to be operated so that it WILL NOT be injurious to**
17 **the district in which it shall be located or otherwise detrimental to the public health,**
18 **safety, and welfare because:**
19

20 **a. The street has ADEQUATE traffic capacity and the entrance location has**
21 **ADEQUATE visibility.**
22

23 Mr. Courson stated that the street has ADEQUATE traffic capacity and the entrance location has
24 ADEQUATE visibility.
25

26 **b. Emergency services availability is ADEQUATE.**
27

28 Ms. Capel stated that emergency services availability is ADEQUATE.
29

30 **c. The Special Use WILL be compatible with adjacent uses.**
31

32 Mr. Palmgren stated that the Special Use WILL be compatible with adjacent uses.
33

34 **d. Surface and subsurface drainage will be ADEQUATE.**
35

36 Mr. Miller stated that surface and subsurface drainage will be ADEQUATE.
37

38 **e. Public safety will be ADEQUATE.**
39

40 Mr. Courson stated that public safety will be ADEQUATE.
41

f. The provision for parking will be ADEQUATE.

Ms. Capel stated that the provision for parking will be ADEQUATE.

Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

3a. The requested Special Use Permit, subject to the special conditions imposed herein, DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein, DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

3b. The requested Special Use Permit, subject to the special conditions imposed herein, DOES preserve the essential character of the DISTRICT in which it is located because:

a. The Special Use will be designed to CONFORM to all relevant County ordinances and codes.

Ms. Capel stated that the Special Use will be designed to CONFORM to all relevant County ordinances and codes.

b. The Special Use WILL be compatible with adjacent uses.

Mr. Courson stated that the Special Use WILL be compatible with adjacent uses.

c. Public safety will be ADEQUATE.

Mr. Courson stated that public safety will be ADEQUATE.

Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein, DOES preserve the essential character of the DISTRICT in which it is located.

4. The requested Special Use Permit, subject to the special conditions imposed herein, IS in harmony with the general purpose and intent of the Ordinance because:

a. The Special Use is authorized in the District.

b. The requested Special Use Permit IS necessary for the public convenience at this

1 **location.**

2
3 Ms. Capel stated that the requested Special Use permit IS necessary for the public convenience at this
4 location.

5
6 **c. The requested Special Use Permit, subject to the special conditions imposed**
7 **herein, is so designed, located, and proposed to be operated so that it WIL NOT**
8 **be injurious to the district in which it shall be located or otherwise detrimental**
9 **to the public health, safety, and welfare.**

10
11 Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein,
12 is so designed, located, and proposed to be operated so that it WIL NOT be injurious to the district in which
13 it shall be located or otherwise detrimental to the public health, safety, and welfare.

14
15 **d. The requested Special Use Permit, subject to the special conditions imposed**
16 **herein, DOES preserve the essential character of the DISTRICT in which it is**
17 **located.**

18
19 Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein,
20 DOES preserve the essential character of the DISTRICT in which it is located.

21
22 Mr. Thorsland stated that the requested Special Use Permit, subject to the Special Conditions imposed herein
23 IS in harmony with the general purposed and intent of the Ordinance.

24
25 **5. The requested Special Use IS NOT an existing nonconforming use.**

26
27 **6. The special conditions imposed herein are required to ensure compliance with the**
28 **criteria for Special Use Permits and for the particular purposes described below:**

29
30 **A. Within 30 days of Final Action of Cases 735-S-12 and 744-V-13 the Petitioner**
31 **shall pay the fee for the Zoning Use Permit Application received on January 23,**
32 **2013.**

33 The above special condition is required to ensure the following:
34 **That applicable permit fees are paid in a timely manner and to ensure that the**
35 **permit is reviewed and issued in a timely manner.**

36
37 **B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for**
38 **the proposed Special Use Permit until the petitioner has demonstrated that the**
39 **proposed Special Use complies with the Illinois Accessibility Code.**

40 The special condition stated above is necessary to ensure the following:
41 **That the proposed Special Use meets applicable state requirements for**

1 accessibility.

2
3 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
4 of Fact as amended.

5
6 **Mr. Courson moved, seconded by Ms. Capel to adopt the Summary of Evidence, Documents of Record
7 and Findings of Fact as amended. The motion carried by voice vote.**

8
9 Mr. Thorsland entertained a motion to move to the Final Determination.

10
11
12 **Mr. Palmgren moved, seconded by Mr. Courson to the move to the Final Determination. The motion
13 carried by voice vote.**

14
15 Mr. Thorsland informed the petitioners that a full Board is not present at this time due to absence of one
16 Board member and one vacant seat therefore it is at their discretion whether to move to a final determination
17 with the present Board or continue the case until the vacant seat is filled.

18
19 Mr. Murphy requested that the current Board proceed to the Final Determination.

20
21 **Final Determination for Case 735-S-12:**

22
23 **Mr. Courson moved, seconded by Ms. Capel that the Champaign County Zoning Board of Appeals
24 finds that, based upon the application, testimony, and other evidence received in this case, the
25 requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted
26 by Section 9.1.6B. of the Champaign County Zoning Ordinance, determines that the Special Use
27 requested in Case 735-S-12 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicant
28 TC Management, LLC to authorize the use of existing multiple principal buildings on the same lot in
29 the I-1 Light Industry Zoning District as a Special Use subject to related Case 744-V-13, on the
30 following property: Lot 2 of Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign
31 Township and commonly known as the buildings at 309 Tiffany Court, Champaign. Subject to the
32 following conditions:**

33
34 **A. Within 30 days of Final Action of Cases 735-S-12 and 744-V-13 the Petitioner
35 shall pay the fee for the Zoning Use Permit Application received on January 23,
36 2013.**

37 The above special condition is required to ensure the following:
38 **That applicable permit fees are paid in a timely manner and to ensure that the
39 permit is reviewed and issued in a timely manner.**

40
41 **B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for**

1 **the proposed Special Use Permit until the petitioner has demonstrated that the**
 2 **proposed Special Use complies with the Illinois Accessibility Code.**
 3 The special condition stated above is necessary to ensure the following:
 4 **That the proposed Special Use meets applicable state requirements for**
 5 **accessibility.**

6
7 Mr. Thorsland requested a roll call vote:

8			
9	Palmgren-yes	Capel-yes	Courson-yes
10	Miller-yes	Passalacqua-absent	Thorsland-yes

11
12
13 Mr. Hall informed the petitioners that they have a received an approval for Case 735-S-12 and staff will be
14 in touch regarding any additional paperwork.

15
16 Mr. Thorsland entertained a motion to re-arrange the agenda and hear new public hearing Case 744-V-13 as
17 the next case.

18
19 **Ms. Capel moved, seconded by Mr. Courson to re-arrange the agenda and hear new public hearing**
20 **Case 744-V-13 as the next case. The motion carried by voice vote.**

21
22 **Case 736-V-12 Petitioner: Matthew and Katie Warren Request to authorize the following in the R-1**
23 **Zoning District. Part A. Variance for a lot area of 7,507.5 square feet in lieu of the minimum**
24 **required 20,000 square feet required for lots connected to public water supply, but without a**
25 **connected public sanitary sewer system and created after September 21, 1993. Part B. Variance for a**
26 **front setback for an existing nonconforming dwelling of 33.5 feet from the centerline of Independence**
27 **Street in lieu of the minimum required 55 feet. Part C. Variance for a lot depth of 75 feet in lieu of**
28 **the minimum required 80 feet on the subject property described below. Location: Lot 7 of Block 2 of**
29 **B.R. Hammer’s Addition in the Northwest Quarter of Section 34 of East Bend Township and**
30 **commonly known as the dwellings at 317 Independence, Dewey, and 318 Railroad Street, Dewey.**

31
32 **Case 737-V-12 Petitioner: Matthew and Katie Warren Request to authorize the following in the R-1**
33 **Zoning District: Part A. Variance for a lot area of 7,507.5 square feet in lieu of the minimum**
34 **required 20,000 square feet required for lots connected to a public water supply, but without a**
35 **connected public sanitary sewer system and created after September 21, 1993. Part B. Variance for a**
36 **front setback for an existing nonconforming dwelling of 33.5 feet from the centerline of Independence**
37 **Street in lieu of the minimum required 55 feet. Part C. Variance for a depth of 75 feet in lieu of the**
38 **minimum required 80 feet on the subject property. Location: Lot 7 of Block 2 of B.R. Hammer’s**
39 **Addition in the Northwest Quarter of Section 34 of East Bend Township and commonly known as the**
40 **dwellings at 317 Independence, Dewey, and 318 Railroad Street, Dewey.**

1 Mr. Thorsland called Cases 736-V-12 and 737-V-12 concurrently.

2
3 Mr. Thorsland informed the audience that Cases 736-V-12 and 737-V-12 are Administrative Cases and as
4 such the County allows anyone the opportunity to cross examine any witness. He said that at the proper time
5 he will ask for a show of hands for those who would like to cross examine and each person will be called
6 upon. He requested that anyone called to cross examine go to the cross examination microphone to ask any
7 questions. He said that those who desire to cross examine are not required to sign the witness register but
8 are requested to clearly state their name before asking any questions. He noted that no new testimony is to
9 be given during the cross examination. He said that attorneys who have complied with Article 7.6 of the
10 ZBA By-Laws are exempt from cross examination.

11
12
13
14 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
15 sign the witness register for that public hearing. He reminded the audience that when they sign the
16 witness register they are signing an oath.

17
18 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

19
20 Ms. Katie Warren, who resides at 107 East Scarborough, Sidney, stated that at the last public hearing the
21 Board requested that she submit the septic inspection report and she has submitted that report to staff.

22
23 Mr. Thorsland asked the Board if there were any questions for Ms. Warren and there were none.

24
25 Mr. Thorsland asked if staff had any questions for Ms. Warren and there were none.

26
27 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Warren and there was no one.

28
29 Mr. Thorsland called John Hall to testify.

30
31 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated April 11, 2013,
32 for the Board's review. He said that the new memorandum includes the septic tank inspection report by
33 Berg Tanks. He said that the Supplemental Memorandum dated April 5, 2013, proposed a special condition
34 regarding the filing of a miscellaneous document so that in the future someone doesn't purchase the property
35 without being aware that a variance was granted to authorize the creation of the lots and that there were
36 concerns regarding whether the existing septic systems can be replaced because the lots are so small.

37
38 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

39
40 Mr. Thorsland called Matthew Warren to testify.

41

1 Mr. Matthew Warren, who resides at 107 Scarborough, Sidney, stated that he had no new information to add
2 at this time.

3
4 Mr. Thorsland asked the Board if there were any questions for Mr. Warren and there were none.

5
6 Mr. Thorsland asked if staff had any questions for Mr. Warren and there were none.

7
8 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Warren and there was no one.

9
10 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
11 regarding these cases and there was no one.

12
13 Mr. Thorsland closed the witness register.

14
15 Mr. Kass stated that the new Supplemental Memorandum dated April 11, 2013, proposes the following new
16 Item 7.I to the Summary of Evidence as follows: I. The septic tank inspection report prepared by Shaun
17 Deck of Berg Tanks dated March 8, 2013, regarding the septic system that serves the home at 317
18 Independence Street, Dewey, indicates the following: (1) the size of the tank is 1,000 gallons and is located
19 25 feet from the house on the south side of the house; and (2) the type of drainage is a field tile; and (3) the
20 home is vacant; and (4) the inlet tee/baffle and outlet tee/baffle are acceptable; and (5) no water was
21 observed flowing back into the tank from lateral field; and (6) the system function is acceptable; and (7) the
22 tank was pumped; and (8) one, septic tank previously served both homes, however, each home is now served
23 by separate tanks; and (9) the tank that serves the home at 318 Railroad Street, Dewey, was pumped a month
24 ago; and (10) both tanks seem to be working, but there is no guarantee on system life.

25
26 Mr. Thorsland asked the Board if there were any questions regarding the proposed new evidence and there
27 were none.

28
29 Mr. Thorsland read the proposed special condition as follows:

30
31 **A. Within 30 days of Final Action of Cases 736-V-12 and 737-V-12 the petitioners shall file**
32 **a miscellaneous document with the Champaign County Recorder of Deeds that**
33 **documents the following:**

34 **(1) Variances were granted in Zoning Cases 736-V-12 and 737-V-12 to authorize**
35 **the creation of two lots out of Lot 7 of Block 2 of B.R. Hammer’s Addition in the**
36 **Northwest Quarter of Sections 34 of East Bend Township.**

37 **(2) Because of the size of each new lot there are concerns whether a replacement**
38 **wastewater (septic) system can be installed on either lot in the future.**

39 **(3) Any new wastewater (septic) system will need to be authorized by the**
40 **Champaign County Health Department**

41 **(4) For further information interested parties should contact the Champaign**

County Department of Planning and Zoning.

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

That potential buyers of the properties are aware of how the lots were created and the possible limitations regarding the replacement of wastewater systems on the properties.

Mr. Thorsland asked the petitioners if they agreed to the special condition as read.

Mr. and Mrs. Warren indicated that they did agree to the special condition as read.

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

Mr. Miller moved, seconded by Mr. Palmgren to approve the special condition as read. The motion carried by voice vote.

Mr. Thorsland stated that a new item #7 should be added the Documents of Record indicating the following: Supplemental Memorandum for Cases 736-V-12 & 737-V-12 dated April 11, 2013, with attachments.

Finding of Fact for Cases 736-V-12 and 737-V-12:

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases 736-V-12 and 737-V-12 held on February 28, 2013, and April 11, 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. Courson 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 both homes were constructed prior to the adoption of zoning which would have given guidance for placement of the structures.

Ms. Capel stated that a lot which is 15,015 square feet for one house is not conforming much less for two houses.

Mr. Thorsland stated that no additional land is available for purchase to increase the lot area for either parcel.

Mr. Kass read the Board’s findings as follows:

- Both homes were constructed prior to zoning which would have given guidance on the placement of the homes**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

- **The 15,015 square feet is non-conforming even with one house**
- **No additional land is available to purchase to increase the area of the lots**

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.

Ms. Capel 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 will prevent the two homes from being sold separately.

Mr. Kass read the Board’s finding as follows:

- **It will prevent the two homes from being sold separately**

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

Mr. Palmgren stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because the existing situation was created in 1970. The homes were constructed on a single lot prior to the adoption of the Zoning Ordinance in 1973.

Mr. Thorsland stated that the two homes and the lot pre-date zoning.

Ms. Capel stated that the petitioners purchased a nonconforming lot with two nonconforming dwellings that were constructed prior to the adoption of the zoning in 1973.

Mr. Kass read the Board’s findings as follows:

- **The petitioners unknowingly purchased a nonconforming lot that was developed prior to the adoption of zoning in 1973**

Mr. Thorsland asked if the finding adequately addresses the Board’s intentions for Finding #3.

Mr. Hall stated that the finding is accurate but it is just not a nonconforming lot but it has two nonconforming uses.

Mr. Kass read the revised finding for Finding #3 as follows:

- **The petitioners purchased a nonconforming lot with two nonconforming dwellings that were developed prior to the adoption of zoning in 1973.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

Ms. Capel asked staff if this situation would have occurred if the petitioners were trying to sell the parcel as a whole in lieu of dividing it.

Mr. Hall stated that it depends whether not the person purchasing the property required a mortgage.

Mr. Thorsland asked if this was information that the realtor should have been aware of.

Mr. Hall stated that ideally this situation should have been addressed prior to the purchase by the petitioners.

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

Mr. Thorsland stated that the requested variance, subject to the proposed condition, IS in harmony with the general purpose and intent of the Ordinance because it allows the use of two existing dwellings to occupy two individual lots and a condition for the replacement of wastewater systems has been imposed to the variance.

Mr. Hall stated that the special condition isn't about the wastewater systems but merely is a condition that makes future buyers aware of possible replacement of the wastewater systems.

Mr. Palmgren asked staff when the new septic regulations were to go into effect.

Mr. Hall stated that the new regulations were supposed to go into effect in January although it hasn't happened yet. He said that it hasn't happened because some of the issues, such as with this case, are so complicated.

Mr. Kass stated that he spoke to Mike Flannigan, Champaign County Health Department, about this and he did not seem very confident that the regulations will take effect within the year.

Ms. Capel stated that the Board should add that the use is authorized in the District.

Mr. Kass read the Board's findings as follows:

- **It allows the use of two existing dwellings to occupy individual lots**
- **A condition making future buyers aware of possible replacement wastewater limitations.**
- **The use is authorized in the R-1 District.**

5. The requested variance, subject to the proposed condition, WILL NOT be injurious to

1 the neighborhood or otherwise detrimental to the public health, safety, or welfare.

2
3 Mr. Miller stated that the requested variance, subject to the proposed condition, WILL NOT be injurious to
4 the neighborhood or otherwise detrimental to the public health, safety, or welfare because the petitioner is
5 not changing the placement of the existing dwellings.

6
7 Mr. Thorsland stated that the fire protection district and the township highway commissioner have been
8 notified and no comments or concerns have been submitted.

9
10 Ms. Capel stated that approving the variance would promote occupancy of a vacant dwelling.

11
12 Mr. Kass read the Board’s findings as follows:

- 13
- 14 • The petitioner is not changing the placement of the existing homes
- 15 • Both the fire protection district and the road commissioner have been notified
- 16 and no comments were received.
- 17 • Approving the variance could promote occupancy of the vacant dwelling
- 18

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

21
22 Ms. Capel stated that the requested variance, subject to the proposed condition, IS the minimum variation
23 that will make possible the reasonable use of the land/structure because staff calculated the minimum
24 variance required and this is it.

25
26 Mr. Kass read the Board’s finding as follows:

- 27
- 28 • Staff calculated the minimum variance required and this is it.
- 29

30 7. The special condition imposed herein is required for the particular purposes described
31 below:

32
33 A. Within 30 days of Final Action of Cases 736-V-12 and 737-V-12 the petitioners
34 shall file a miscellaneous document with the Champaign County Recorder of
35 Deeds that documents the following:

- 36 (1) Variances were granted in Zoning Cases 736-V-12 and 737-V-12 to
- 37 authorize the creation of two lots out of Lot 7 of Block 2 of B.R.
- 38 Hammer’s Addition in the Northwest Quarter of Sections 34 of East
- 39 Bend Township.
- 40 (2) Because of the size of each new lot there are concerns whether a
- 41 replacement wastewater (septic) system can be installed on either lot in

the future.

(3) Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department

(4) For further information interested parties should contact the Champaign County Department of Planning and Zoning.

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

That potential buyers of the properties are aware of how the lots were created and the possible limitations regarding the replacement of wastewater systems on the properties.

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. Palmgren to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended. The motion carried by voice vote.

Mr. Thorsland entertained motion to move to the Final Determination for Cases 736-V-12 and 737-V-12..

Ms. Capel moved, seconded by Mr. Palmgren to move to the Final Determination for Cases 736-V-12 and 737-V-12. The motion carried by voice vote.

Mr. Thorsland informed the petitioners that a full Board is not present at this time due to absence of one Board member and one vacant seat therefore it is at their discretion whether to move to a final determination with the present Board or continue the case until the vacant seat is filled.

Mr. and Mrs. Warren requested that the current Board proceed to the Final Determination.

Final Determination for Cases 736-V-12 and 737-V-12:

Mr. Courson moved, seconded by Mr. Palmgren that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C HAVE been met, and that pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the requested variance requested in Cases 736-V-12 and 737-V-12 are hereby GRANTED WITH CONDITIONS to the petitioners Matthew and Katie Warren to authorize the following in the R-1 Single Family Residence Zoning District:

Part A. Variance for a lot area of 7,507.5 square feet in lieu of the minimum required 20,000 square feet required for lots connected to a public water supply, but without a connected public sanitary sewer system and created after September 21, 1993.

1 **Part B. Variance for a front setback for an existing nonconforming dwelling of 33.5 feet**
2 **from the centerline of Independence Street in lieu of the minimum required 55**
3 **feet.**

4 **Part C. Variance for a lot depth of 75 feet in lieu of the minimum required 80 feet.**
5

6 Mr. Thorsland requested a roll a call vote.
7

8	Miller-yes	Palmgren-yes	Passalacqua-absent
9	Capel-yes	Courson-yes	Thorsland-yes

10
11 Mr. Hall informed the petitioners that they have received approval of their two variance cases. He said that
12 staff will be in contact about getting the document recorded and will send out the final paperwork for the two
13 cases.
14

15 Mr. Thorsland stated that the Board will take a five minute break.
16

17 **The Board recessed at 8:16 p.m.**
18 **The Board resumed at 8:21 p.m.**
19

20 Mr. Thorsland stated that the Board will now hear Case 732-AT-12.
21

22 6. New Public Hearings
23

24 **Case 744-V-13 Petitioner: TC Management, LLC, with owners John F. Murphy and Terry Woller**
25 **Request to authorize the following in the I-1 Light Industry Zoning District: Authorize the following**
26 **in the I-1 Light Industry Zoning District: Part A. Variance for 22 parking spaces in lieu of the**
27 **minimum required 54 parking spaces in related Case 735-S-12. Part B. Variance for an open space**
28
29 **depth of 20 feet. Location: Lot 2 of Stahly Subdivision in the Southeast Quarter of Section 8 of**
30 **Champaign Township and commonly known as the buildings at 309 Tiffany Court, Champaign.**
31

32 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
33 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
34 of hands for those who would like to cross examine and each person will be called upon. He requested that
35 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
36 those who desire to cross examine are not required to sign the witness register but are requested to clearly
37 state their name before asking any questions. He noted that no new testimony is to be given during the cross
38 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
39 from cross examination.
40

41 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must

1 sign the witness register for that public hearing. He reminded the audience that when they sign the
2 witness register they are signing an oath.

3
4 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

5
6 Mr. John Murphy, who resides at 1948 CR 150E, Seymour, stated that the two buildings existed at the time
7 of purchase and it appears that the builders did not comply with the 20 foot space requirement between the
8 two buildings. He said that the two buildings are only 16 feet apart currently and even though they do not
9 meet the County's requirements it does provide adequate area for emergency vehicle access. He said that in
10 regards to the 22 parking space issue their tenant, operator of the gymnastics center, is using the space to
11 create a safe traffic flow through the parking lot. Mr. Murphy stated that their parking needs are less than
12 maybe other businesses would have because the traffic involved would include drop-off and pick-up of
13 children before and after their gymnastics classes. He said that currently the parking appears to be more than
14 adequate to accommodate the gymnastics business.

15
16 Mr. Thorsland asked the Board if there were any questions for Mr. Murphy and there were none.

17
18 Mr. Thorsland asked if staff had any questions for Mr. Murphy and there were none.

19
20 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Murphy.

21
22 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that he agreed with Mr. Murphy's
23 plan for the parking spaces as long as there is not a random event that would cause vehicles to be parked
24 along Tiffany Court.

25
26 Mr. Thorsland requested that Mr. Padgett sign the witness register so that he can present his testimony at that
27 time rather than during cross examination of Mr. Murphy.

28
29 Mr. Padgett agreed.

30
31 Mr. Thorsland asked if staff had any new information to add at this time.

32
33 Mr. Hall stated no.

34
35 Mr. Thorsland asked Mr. Murphy if he would like to add any additional testimony at this time.

36
37 Mr. Murphy stated no.

38
39 Mr. Thorsland asked the Board if there were any questions at this time.

40
41 Mr. Courson asked staff if the larger building was permitted with the County.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

Mr. Kass stated yes. He said that the larger building received a Zoning Use Permit in 1983 although the permit cannot be located on micro-film.

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

Mr. Thorsland called Keith Padgett to testify.

Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that he just wanted to make sure that during a large event at the gymnastics center that vehicles would not be parked along Tiffany Court. He said that the road district welcomes the petitioners to the community.

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

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

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

Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time and there was no one.

Mr. Thorsland closed the witness register.

Mr. Thorsland stated that Item #12 on page 12 of the Draft Summary of Evidence indicates one proposed special condition as follows:

A. No parking shall occur within the public right-of-way.

The above special condition is required to ensure the following:

That parking within the public right-of-way does not become a problem and to reflect the comments made by the Champaign Township Highway Commissioner at the February 14, 2013, public hearing for related Case 735-S-12.

Mr. Thorsland asked staff if the April 11, 2013, public hearing date should be included in the special condition since Mr. Padgett testified tonight as well.

Mr. Hall stated that he does not believe that the insertion of April 11, 2013, is necessary but it is up to the Board.

Mr. Thorsland asked the Board if they would like to insert April 11, 2013, and they indicated that they did

1 not.
2
3 Mr. Thorsland asked Mr. Murphy if he agreed to the proposed special condition.
4
5 Mr. Murphy stated that agreed to the proposed special condition.
6
7 Mr. Thorsland entertained a motion to approve the proposed special condition.
8
9 **Mr. Courson moved, seconded by Mr. Miller to approve the proposed special condition as read. The**
10 **motion carried by voice vote.**
11
12 Mr. Thorsland noted that there were no additions to the Documents of Record.
13
14 Mr. Thorsland asked staff if any new items of evidence, based on tonight’s testimony, need to be added to
15 the Summary of Evidence.
16
17 Mr. Hall stated that Item 11.B. could be revised to indicate that Mr. Padgett also attended and testified at the
18 April 11, 2013, public hearing.
19
20 Mr. Thorsland asked the Board and staff if there were any other additions to the Summary of Evidence and
21 there were none.
22
23 **Finding of Fact for Case 744-V-13:**
24
25 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
26 744-V-13 held on April 11, 2013, the Zoning Board of Appeals of Champaign County finds that:
27
28 **1. Special conditions and circumstances DO exist which are peculiar to the land or**
29 **structure involved, which are not applicable to other similarly situated land and**
30 **structures elsewhere in the same district.**
31
32 Mr. Miller stated that Special conditions and circumstances DO exist which are peculiar to the land or
33 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
34 same district because the buildings were previously constructed and out of compliance originally. He said
35 that the petitioner indicated that the existing structures will not impede public safety.
36
37 Ms. Capel stated that additional parking would result in additional impervious area which would exacerbate
38 drainage issues which already exist in the subdivision.
39
40 Mr. Courson stated that the building was permitted therefore it appears that the zoning office at the time
41 allowed the building to be build out of compliance.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

Ms. Capel stated that the building was not originally built out of compliance because the second building was an accessory structure and there were no regulations for open space at that time. She said that it was the conversion which caused the building to be out of compliance.

Mr. Thorsland asked Mr. Courson if he wanted to add his statement or leave it out.

Mr. Courson stated that he will not add his statement to the Finding.

Mr. Kass read the Board’s findings as follows:

- **The buildings were previously constructed and were out of compliance originally**
 - **Additional parking would result in additional impervious area which would exacerbate the existing drainage issues in the subdivision**
2. **Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or permitted use of the land or structure or construction.**

Mr. Palmgren stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or permitted use of the land or structure or construction because one of the issues was the additional parking and the additional impervious area and it would make the property unusable therefore the smaller building would need to be demolished.

Mr. Kass read the Board’s findings as follows:

- **Additional parking would result in greater impervious area and the smaller building would have to be demolished.**
3. **The special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.**

Ms. Capel stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because the property was set up as it was when the petitioners purchased it.

Mr. Thorsland stated that the site plan was established before the petitioners purchased the property.

Mr. Kass read the Board’s findings as follows:

- 1 • **The site plan was already established before the petitioners purchased the property.**
- 2
- 3 **4. The requested variance, subject to the proposed special condition, IS in harmony with**
- 4 **the general purpose and intent of the Ordinance.**
- 5

6 Ms. Capel stated that the requested variance, subject to the proposed special condition, IS in harmony with
 7 the general purpose and intent of the Ordinance because both are by-right uses in the I-1 District.

8
 9 Mr. Kass read the Board’s findings as follows:

- 10
- 11 • **Both proposed uses are by-right uses in the I-1 District.**
- 12
- 13 **5. The requested variance, subject to the proposed special condition, WILL NOT be**
- 14 **injurious to the neighborhood or otherwise detrimental to the public health, safety, or**
- 15 **welfare.**
- 16

17 Mr. Palmgren stated that the requested variance, subject to the proposed special condition, WILL NOT be
 18 injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because the
 19 building is being repurposed and is an upgrade to the neighborhood. He said that no additional impervious
 20 area will be required if the variance is granted.

21
 22 Mr. Miller stated the petitioner has demonstrated that the open space between buildings is adequate for
 23 emergency services and public access.

24
 25 Ms. Capel stated that the special condition ensures that parking will not occur in the public right-of-way of
 26 Tiffany Court and there is an indication from the neighbors that they will allow parking on their property if
 27 overflow parking is required.

28
 29 Mr. Kass read the Board’s findings as follows:

- 30
- 31 • **The building is being repurposed and is an upgrade to the neighborhood**
- 32 • **No additional impervious area will be required if the variance is granted**
- 33
- 34 • **The petitioner has demonstrated that the open space between the two buildings is**
- 35 **adequate for public safety access**
- 36 • **The special condition ensures that parking will not occur in the public right-of-way**
- 37 • **Neighbors have offered to accommodate overflow parking**
- 38
- 39 **6. The requested variance, subject to the proposed condition, IS the minimum variation that will**
- 40 **make possible the reasonable use of the land/structure.**
- 41

1 Mr. Miller stated that the requested variance, subject to the proposed condition, IS the minimum
2 variation that will make possible the reasonable use of the land/structure because additional land is not
3 available for purchase and the petitioner has demonstrated that additional land is not required to
4 accommodate the required parking spaces.

5
6 Mr. Kass read the Board’s findings as follows:

- 7 • **Additional land is not available for purchase to accommodate the required parking**
- 8 • **The petitioner has demonstrated that the existing parking is adequate and there is no**
9 **need for the minimum required 54 parking spaces.**

10
11 **7. The special condition imposed herein is required for the particular purpose described below:**

- 12
13 **A. No parking shall occur within the public right-of-way.**
14 The above special condition is required to ensure the following:
15 **That parking within the public right-of-way does not become a problem and to reflect**
16 **the comments made by the Champaign Township Highway Commissioner at the**
17 **February 14, 2013, public hearing for related Case 735-S-12.**

18
19 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
20 of Fact as amended.

21
22 **Ms. Capel moved, seconded by Mr. Courson to adopt the Summary of Evidence, Documents of Record**
23 **and Findings of Fact as amended. The motion carried by voice vote.**

24
25 Mr. Thorsland entertained a motion to move to the Final Determination for Case 744-V-13.

26
27 **Mr. Palmgren moved, seconded by Mr. Courson to move to the Final Determination for Case 744-V-**
28 **13. The motion carried by voice vote.**

29
30 Mr. Thorsland informed the petitioners that a full Board is not present at this time due to absence of one
31 Board member and one vacant seat therefore it is at their discretion whether to move to a final determination
32 with the present Board or continue the case until the vacant seat is filled.

33
34 Mr. Murphy requested that the current Board proceed to the Final Determination.

35
36 **Final Determination for Case 744-V-13:**

37
38 **Ms. Capel moved, seconded by Mr. Courson that the Champaign County Zoning Board of Appeals**
39 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
40 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted**
41 **by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of**

1 **Champaign County determines that the Variance requested in Case 744-V-13 is hereby GRANTED**
2 **WITH CONDITIONS to the petitioners TC Management LLC to authorize:**

- 3 **A. Variance for 22 parking spaces in lieu of the minimum required 54 parking spaces in**
4 **related zoning Case 735-V-12.**
- 5 **B. Variance for an open space depth of 16 feet between the two principal building in**
6 **related zoning Case 735-S-12 in lieu of the minimum required open space depth of 20**
7 **feet.**

8
9 **Subject to the following special condition:**

- 10 **A. No parking shall occur within the public right-of-way.**
11 **The above special condition is required to ensure the following:**
12 **That parking within the public right-of-way does not become a problem and to reflect**
13 **the comments made by the Champaign Township Highway Commissioner at the**
14 **February 14, 2013, public hearing for related Case 735-S-12.**

15
16
17 Mr. Thorsland requested a roll call vote.

18	Miller-yes	Palmgren-yes	Capel-yes
19	Courson-yes	Passalacqua-absent	Thorsland-yes

20
21
22 Mr. Hall informed the petitioners that they have received an approval for Case 744-V-13.

23
24 Mr. Thorsland stated that the Board will now hear continued cases 736-V-12 and 737-V-12.
25
26
27

28 **7. Staff Report**

29
30 None
31

32 **8. Other Business**

33 **A. Review of Docket**

34 Mr. Kass stated that Case 733-AT-12 will was recommended for enactment by the ZBA and by ELUC and
35 will be on the April 18, 2013, County Board agenda. He said that Cases 734-AT-12 and 743-AT-12 were
36 recommended for enactment by the ZBA therefore they are on the May 9, 2013, ELUC agenda for
37 consideration.
38

39 Mr. Kass stated that since the last public hearing there has been no new zoning case applications submitted.
40

41 **B. December 2012, January, February 2013 Monthly Reports**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Mr. Hall stated that the December 2012, January, February 2013 Monthly Reports are posted on the County website for review.

C. April 25, 2013, Meeting Time: 6:30 p.m.

Mr. Thorsland reminded the Board that the April 25, 2013, meeting will begin at 6:30 p.m. He said that he will not allow any repetitive testimony from any witnesses at this meeting so that the case can move forward.

Mr. Miller stated that he did not remember fuel tanks being included on the site plan for Case 731-S-12.

Mr. Hall asked if there are new fuel tanks currently on the property.

Mr. Miller stated yes.

Mr. Kass stated that he needs to complete a site visit on the Warner property prior to the next hearing.

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

None

10. Adjournment

Mr. Thorsland entertained a motion to adjourn the meeting.

Ms. Capel moved, seconded by Mr. Miller to adjourn the meeting at 8:48 p.m. The motion carried by voice vote.

The meeting adjourned at 8:48 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

5/30/13

1
2 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**
3 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**
4 **for any County Board approved special use permit for a Rural Residential Development in the Rural**
5 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**
6 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**
7 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**
8 **more than two proposed lots that are each less than five acres in area or any RRO that does not**
9 **comply with the standard condition for minimum driveway separation; (3) require a minimum**
10 **driveway separation between driveways in the same development; (4) require minimum driveway**
11 **standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**
12 **(5) require for any proposed residential lot not served by a public water supply system and that is**
13 **located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other**
14 **than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract**
15 **the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; (6)**
16 **require for any proposed RRO in a high probability area as defined in the Illinois State Historic**
17 **Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy**
18 **of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the**
19 **Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of**
20 **the agency response.**

21
22 Mr. Thorsland stated that the Zoning Administrator has requested that Case 685-AT-11 be continued to the
23 August 15, 2013, meeting.

24
25 Mr. Thorsland entertained a motion to continue Case 685-AT-11 to the August 15, 2013, meeting.

26
27 **Mr. Passalacqua moved, seconded by Mr. Courson to continue Case 685-AT-11 to the August 15,**
28 **2013, meeting. The motion carried by voice vote.**

29
30 **6. New Public Hearings**

31
32 **Case 748-V-13 L.A. Gourmet Catering, LLC, with owners Anne Murray, Lauren Murray-Miller and**
33 **landowner Jack Murray. Request to authorize 5 employees to be present on the subject property in**
34 **lieu of the maximum of 2 for a Rural Home Occupation on a lot larger than five acres in the AG-1**
35 **District. Location: An 11.7 acre tract located in the Southeast Corner of the Southeast Quarter of the**
36 **Southeast Quarter of Section 22 of Condit Township and commonly known as the farmhouse and**
37 **buildings at 2607 CR 1000E, Champaign.**

5/30/13

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

9
10 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
11 sign the witness register for that public hearing. He reminded the audience that when they sign the
12 witness register they are signing an oath.

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

15
16 Ms. Anne Murray, who resides at 2150 CR 1000E, Champaign, stated that they have not changed anything
17 and this request came up after their last zoning case. She said that the business was started seven years ago
18 and they are at maximum capacity for the existing kitchen therefore staff recommended that they apply for
19 the variance to maintain the amount of employees that they have at the kitchen currently. She said that when
20 the new building opens employees will go there but there will always be some full-time employees at the
21 current kitchen. She said that the employees include herself and Lauren, a cousin, and two other people.
22 She said that the office manager is shared with their father's business which is Murray Farms Seeds. She
23 said that all of food preparations are completed at the kitchen and then sent to the events. She said that L.A.
24 Gourmet is an off-site caterer therefore all their part-time and full-time employees put time in at the kitchen
25 for preparation. She said that nothing is changing but they wanted to make sure that they were compliant.

26
27 Mr. Thorsland asked the Board if there were any questions for Ms. Murray.

28
29 Mr. Passalacqua asked Ms. Murray if the kitchen will exist at its current location once the new building is
30 completed.

31
32 Ms. Murray stated that the kitchen will remain at its current location to maintain the current business. She
33 said that the event center will have a kitchen as well to accommodate the events at that location.

34
35 Mr. Passalacqua asked Ms. Murray if she will be back in six months requesting a variance for yet more
36 employees once the number of employees is changed to five.

37
38 Ms. Murray stated no. She said that the existing kitchen is at its maximum capacity for employees.

5/30/13

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

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

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

Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Murray at this time and there was no one.

Mr. Andrew Kass, Associate Planner, distributed a Supplemental Memorandum dated May 30, 2013, and a Supplemental Memorandum B. dated May 30, 2013, to the Board for review. He said that both memorandums include letters of support that were received prior to tonight’s hearing. He said that the letters of support should be added as new items of evidence to the Summary of Evidence as new Items 11.D and 11.E. Mr. Kass stated that new Item 11.D. should read as follows: A letter of support from Ron Scudder, 982 CR 2550N, Champaign, was received on May 29, 2013, and is summarized as follows: (1) He has been a neighbor with the petitioners since before they opened their business; and (2) He is the nearest neighbor to the south; and (3) He would like to see their business thrive at its current location. Mr. Kass stated that new Item 11.E. should read as follows: A letter of support from Ken and Becky Pedigo, 951 CR 2550N, Champaign, was received on May 30, 2013, and indicates that they are neighbors of the petitioner’s business and that they support the growth of the business on the subject property.

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

Mr. Passalacqua asked if there were any parking issues since this is a Rural Home Occupation.

Mr. Kass stated that for a Rural Home Occupation the only parking requirement is that a space be provided for every employee. He said that this is an 11.7 acre parcel and therefore, there is adequate area for parking.

Mr. Passalacqua asked if Anne Murray and Lauren Murray-Miller were counted as employees. He said that Case 732-AT-12 discussed family members who no longer reside at the property where the Rural Home Occupation is located but returned to the property to work.

Mr. Hall stated that if Case 732-AT-12 were adopted already this would be a variance to request the allowance of one additional employee over the limit.

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

Mr. Thorsland called Anne Murray to testify.

5/30/13

1

2 Ms. Anne Murray declined to testify at this time.

3

4 Mr. Thorsland called Lauren Murray-Miller to testify.

5

6 Ms. Lauren Murray-Miller declined to testify at this time.

7

8 Mr. Thorsland called Jerry Wallace to testify.

9

10 Mr. Jerry Wallace, who resides at 2691 CR 1000E, Champaign, submitted a letter in support of the variance.
11 He said that his residence is approximately ½ mile north of the subject property therefore they are next door
12 neighbors. He apologized for his error in his letter which indicates that he is in support of the requested
13 Special Use Permit when indeed the petitioners are requesting a variance. He said that he is in favor of the
14 variance because the business has been a tremendous asset to the neighborhood and it has had no negative
15 impacts. He said that the petitioner's business, in comparison to some of the other local businesses that have
16 popped up in the neighborhood, is very attractive and is very well kept. He said that parking should not be a
17 concern because the vehicles cannot be seen from the road. He said that he sees a lot of grain trucks go by
18 his home but he seldom sees a vehicle that is related to the business.

19

20 Mr. Wallace stated that it is his understanding that most of the employees report to the business before most
21 of us are out of bed therefore there is no rush hour type traffic to deal with. He said that he would encourage
22 the Board to approve the requested variance.

23

24 Mr. Thorsland asked the Board if there were any questions for Mr. Wallace and there were none.

25

26 Mr. Thorsland asked if staff had any questions for Mr. Wallace and there were none.

27

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

29

30 Mr. Thorsland called Ellen Nuss to testify.

31

32 Ms. Ellen Nuss, who resides at 2739 CR 1000E, Rantoul, stated that she is the Condit Township Supervisor
33 and is in attendance tonight to voice her support of the requested variance. She said that the Murray family
34 are good neighbors and conduct their businesses well. She said that they are a welcomed business to Condit
35 Township.

36

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

38

5/30/13

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

2

3 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Nuss and there was no one.

4

5 Mr. Thorsland asked the audience if anyone else desired to sign the witness register to submit testimony
6 regarding this case and there was no one.

7

8 Mr. Thorsland closed the witness register.

9

10 Mr. Thorsland asked the Board and staff if there were any additional questions for the petitioners and there
11 were none.

12

13 Mr. Thorsland asked staff if this was a new business, which permit would staff recommend to the applicant.

14

15 Mr. Hall stated that he would recommend something other than just a home occupation. He said that this
16 Board is the strictest ZBA that he has every worked under therefore coming before this Board with a new
17 RHO that is not even established and then asking for more employees than is allowed would be discouraged.

18

19 Mr. Thorsland asked Mr. Hall if he would suggest a major home occupation.

20

21 Mr. Hall stated that he would need to study the situation more because this is located in the AG-1 District
22 which is very restrictive.

23

24 Mr. Thorsland stated that pending Case 732-AT-12 has a discussion about family members who do not
25 reside on the subject property but still continue to work within the home occupation are exempted.

26

27 Mr. Hall reminded the Board that he received a request from the County Board to be as liberal as possible
28 with the employee limits but there are some County Board members who desire to not have any limits on
29 employees for rural home occupations but no one has seriously suggested that desire to the full County
30 Board.

31

32 Ms. Capel asked if this will potentially be a variance for five employees.

33

34 Mr. Hall stated that if this case is approved the Board will have granted a variance for three above the current
35 limit of two employees. He said that it would be expected that two of those employees will be covered by
36 Case 732-AT-12 so his view is that the evidence in the case argues only for what it is and does not argue for
37 an additional two employees once Case 732-AT-12 is approved. He said that Ms. Capel raised a good point
38 and he would recommend that if the Board is concerned enough the Board could make it a special condition.

5/30/13

1

2 Ms. Capel stated that she would like to make it a special condition.

3

4 Mr. Passalacqua stated that the degree of the variance in this case, regardless of the outcome of Case 732-
5 AT-12, is irrelevant.

6

7 Mr. Hall stated that if the Board approves this request they are approving three more than the allowance of
8 two employees and if Case 732-AT-12 is approved the limit is effectively no longer two at this property but
9 four.

10

11 Mr. Passalacqua stated that Case 732-AT-12 has not been approved therefore this Board has to work on the
12 calendar date that it is on currently.

13

14

15

16 Ms. Capel stated that a special condition would keep them within a reasonable standard in terms of
17 employees. She said that currently if the variance is granted the petitioner could have five employees with a
18 special condition and if Case 732-AT-12 is approved they would still only have a variance for one employee.

19

20 Mr. Hall stated that the way that this case has been described in the Final Determination is as follows: five
21 employees to be present on the subject property in lieu of the maximum of two for a Rural Home Occupation
22 on a lot larger than five acres in the AG-1 District. He said that perhaps this is even more reason to indicate
23 a special condition isn't necessary. He said that if the variance had only been worded in terms of the number
24 of employees beyond what is allowed then a special condition may have been necessary but the way that the
25 Final Determination is worded the risk that Ms. Capel was concerned about is not there.

26

27 Mr. Kass stated that he agreed with Mr. Hall. He said that testimony has been received tonight from the
28 petitioner indicating that they were at maximum capacity therefore they do not have additional room to add
29 more employees.

30

31 Mr. Hall stated that the Board should understand that the petitioners can always expand their existing
32 footprint of the home occupation kitchen. He said that the way that this variance is written it is very limited
33 and a special condition is not necessary.

34

35 Ms. Capel stated that she is just trying to keep the number of employees in check.

36

37 Mr. Hall stated that the Board needs to make sure that what happens is nothing more than what the Board
38 has already approved.

5/30/13

1

2 Mr. Courson asked if some text could be inserted into Case 732-AT-12 that would keep an existing variance
3 from using a loophole for employees.

4

5 Mr. Hall stated that it might be possible but this is all speculative and the way that the Final Determination is
6 worded is an absolute cap and what is approved is all that can happen.

7

8 Mr. Thorsland stated that it is an absolute cap for this case but after Case 732-AT-12 does that cap include
9 children who live there now or employees that don't or does that cap become five plus two.

10

11 Mr. Hall repeated that he does not believe that a special condition is warranted for this case.

12

13 Mr. Passalacqua stated that Case 732-AT-12 is not going to affect this case.

14

15 Mr. Thorsland stated that the Findings of Fact discusses pending Case 732-AT-12.

16

17 Mr. Passalacqua stated that Case 732-AT-12 has not been approved yet.

18

19 Mr. Thorsland stated that Case 732-AT-12 would change the degree of this variance. He said that Item
20 10.C.(2) indicates the following: If this amendment is adopted Anne Murray and Lauren Murray-Miller
21 would no longer be counted in the number of non-resident employees. The new number of non-resident
22 employees would then be 3, which is 1 more than the maximum allowed of 2, and a 50% variance. He asked
23 if this text means that Anne and Lauren are not counted in the maximum cap of five pending the outcome of
24 Case 732-AT-12.

25

26 Ms. Capel agreed.

27

28 Mr. Hall stated that it may be easier to change the description of the variance as follows: Authorize five
29 employees to be present on the subject property for a Rural Home Occupation on a lot larger than five acres
30 in the AG-1 District.

31

32 Mr. Thorsland asked the Board if they agreed with the revised text and the Board agreed.

33

34 Mr. Hall stated that the following items should be added to the Documents of Record: 8. Supplemental
35 Memorandum dated May 30, 2013, with attachment; and 9. Supplemental Memorandum B. dated May 30,
36 2013, with attachment; and 10. Letter of Support from Jerry Wallace dated May 30, 2013, received at the
37 May 30, 2013, public hearing. He said that Mr. Wallace's letter and testimony from Ms. Nuss should be
38 added to Item 11 of the Summary of Evidence.

5/30/13

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Finding of Fact for Case 748-V-13:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 748-V-13 held on May 30, 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 to meet demand the petitioners need more than the allowable number of employees.

Ms. Capel stated that Anne Murray and Lauren Murray-Miller have moved from the subject property, but were residents of the property when the Rural Home Occupation was established.

Mr. Kass read the Board’s findings:

- To meet demand the petitioners need more than the allowable number of employees**
- Anne Murray and Lauren Murray-Miller have moved from the subject property, but were residents of the property when the RHO was established.**

- 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 two employees are not sufficient to keep up with the current workload.

Mr. Thorsland stated that the facility already exists and the variance will allow a commercial kitchen to be used to its full capacity.

Mr. Kass read the Board’s findings:

- Two employees are not sufficient to keep up with the current workload.**

5/30/13

1 • **The facility is existing and will allow a commercial kitchen to be used to its full**
2 **capacity.**

3
4 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**
5 **result from actions of the applicant.**
6

7 Ms. Capel stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
8 result from actions of the applicant because the need for additional employees is a result of additional
9 demand for a growing business.

10
11 Mr. Kass read the Board’s findings:

12
13 • **The need for additional employees is a result of additional demand for a growing**
14 **business.**

15
16 **4. The requested variance IS in harmony with the general purpose and intent of the**
17 **Ordinance.**
18

19 Mr. Passalacqua stated that the requested variance IS in harmony with the general purpose and intent of the
20 Ordinance because it allows the business to continue to operate with little impact on the surrounding
21 neighborhood.

22
23 Ms. Capel stated that pending Case 732-AT-12 would exempt Lauren and Anne from the count of non-
24 resident employees thereby reducing the variance from 150% to 50%.

25
26 Mr. Kass read the Board’s findings:

- 27
28 • **It allows the business to continue to operate with little impact on the surrounding**
29 **neighborhood**
30 • **Pending Case 732-AT-12 would exempt Lauren Murray and Anne Murray-Miller from**
31 **the count of non-resident employees thereby reducing the Variance from 150% to 50%.**

32
33 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
34 **detrimental to the public health, safety or welfare.**
35

36 Mr. Thorsland stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
37 detrimental to the public health, safety or welfare because no comments were received from the road
38 commissioner or the fire protection district and support for the proposed variance was received from the

1 Condit Township Supervisor.
2

3 Mr. Kass read the Board's findings:
4

- 5 • **No comments were received from the road commissioner or the fire protection district.**
- 6 • **Support for the proposed Variance was received from the Condit Township Supervisor**
- 7

8 **6. The requested variance IS the minimum variation that will make possible the**
9 **reasonable use of the land/structure.**

10
11 Mr. Thorsland stated yes.
12

13 Mr. Passalacqua stated that the five employees allows the petitioners to operate the existing business at
14 maximum capacity.
15

16 Mr. Kass read the Board's findings:
17

- 18 • **The five employees allows the petitioners to operate the existing business at maximum**
19 **capacity.**
- 20

21 **7. No special conditions are hereby imposed.**
22

23 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
24 of Fact as amended.
25

26 **Ms. Capel moved, seconded by Mr. Passalacqua to adopt the Summary of Evidence, Documents of**
27 **Record and Findings of Fact as amended. The motion carried by voice vote.**
28

29 Mr. Thorsland entertained a motion to move to the Final Determination.
30

31 **Mr. Courson moved, seconded by Ms. Capel to move to the Final Determination. The motion carried**
32 **by voice vote.**
33

34 Mr. Thorsland informed the petitioners that a full Board is not present at this time due to absence of two
35 Board members and one vacant seat therefore it is at their discretion whether to move to a final
36 determination with the present Board or continue the case until the vacant seat is filled.
37

38 Ms. Anne Murray and Ms. Lauren Murray-Miller requested that the present Board proceed to the Final

5/30/13

1 Determination.

2
3 **Final Determination for Case 748-V-13:**

4
5 **Ms. Capel moved, seconded by Mr. Passalacqua that the Champaign County Zoning Board of**
6 **Appeals finds that, based upon the application, testimony, and other evidence received in this case,**
7 **that the requirements for approval in Section 9.1.9.C HAVE been met and pursuant to the authority**
8 **granted by Section 9.1.6.B. of the Champaign County Zoning Ordinance, the Zoning Board of**
9 **Appeals of Champaign County determines that the variance requested in Case 748-V-13 is hereby**
10 **GRANTED to the petitioners L.A. Gourmet Catering, LLC to authorize 5 employees to be present on**
11 **the subject property for a Rural Home Occupation on a lot larger than five acres in the AG-1 District.**

12
13 Mr. Thorsland requested a roll call vote.

14
15 **Courson-yes Miller-absent Palmgren-absent**
16 **Passalacqua-yes Capel-yes Thorsland-yes**

17
18 Mr. Hall informed the petitioners that they have received an approval for their variance request.

19
20 **7. Staff Report**

21
22 None

23
24 **8. Other Business**

25 **A. Review of the Docket**

26
27 Mr. Hall stated that starting on June 27th Case 757-AT-13 is the adoption of the new Special Flood Hazard
28 Area Ordinance with the updated flood maps and the updated flood insurance study. He said that this is the
29 result of a more than two year effort by the State Water Survey to do the flood map modernization for
30 Champaign County. He said that Case 757-AT-13 is a case that must be adopted by the County Board no
31 later than October 2nd which effectively makes it September 19th so that it could be heard at the County
32 Board's September meeting. He said that the ZBA must have this case to the County Board no later than
33 September, or even better yet August. He said that this is a big case and there are new flood maps with very
34 little discretion in the adoption of the new ordinance but there may be a little bit and staff will make sure that
35 the Board is aware of that. He said that staff knew that this case would have to be docketed sometime this
36 year and it was discovered in April that the case must be completed by October 2nd therefore it has been
37 added to the ZBA's docket. He said that this case is on the June ELUC agenda for their direction and he is
38 sure that they will approve it and the June 27th meeting was the earliest date that this case could be placed on

5/30/13

1 the ZBA's docket for the Board's review. He said that staff does not mean to rush the ZBA but this is a case
2 that absolutely has to be completed in time for the County Board to adopt it in September. He said that the
3 State Water Survey held an open house at the Champaign Library last August and only about one dozen
4 landowners were present and other landowners have been made aware of the new flood maps. He said that
5 the word is out and this is going to be an improvement for most people but because it is better data there will
6 be people who will be placed in the floodplain due to the new maps that were not previously in the
7 floodplain. He said that this case will be a lot of work.

8
9 Mr. Hall stated that staff continues to docket other new cases and the Board is outpacing last year's zoning
10 cases. He said that a lot of text amendments have been completed and there are more to come therefore staff
11 and the Board remains very busy.

12
13 Ms. Capel asked Mr. Hall why Case 685-AT-11 was continued.

14
15 Mr. Hall stated that Case 685-AT-11 is a very important case that has to be completed but there are only so
16 many hours in staff's day.

17
18 Ms. Capel stated that she understood.

19
20 **B. March 2013 Monthly Report**

21
22 Mr. Hall stated that permitting has been slacking off although March, 2013 is almost identical to what it was
23 in March, 2012.

24
25 **9. Audience Participation with respect to matters other than cases pending before the Board**

26
27 None

28
29 **10. Adjournment**

30
31 Mr. Thorsland entertained motion to adjourn the meeting.

32
33
34 **Mr. Courson moved, seconded by Ms. Capel to adjourn the meeting. The motion carried by voice**
35 **vote.**

36
37 The meeting adjourned at 7:50 p.m.

38

ZBA

DRAFT

SUBJECT TO APPROVAL

DRAFT

5/30/13

1

2

3

4

5

6

7

Respectfully submitted

8

9

10

11

12

Secretary of Zoning Board of Appeals

13

14

15

16

17

18

19

20

21

CASE NO. 731-S-12

SUPPLEMENTAL MEMORANDUM

July 19, 2013

Petitioners: **Warner Brothers, Inc.**

Champaign
County
Department of

**PLANNING &
ZONING**

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 CR 2700N, Rantoul.

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

(217) 384-3708

STATUS

This case is continued from the June 13, 2013, public hearing. New evidence is proposed to be added to the Summary of Evidence and a revised copy is attached. Two new special conditions are proposed below.

ROAD AGREEMENT

This case was continued from the June 13, 2013, public hearing partly to allow adequate time for the petitioner and the Township to come to an agreement. As of July 19, 2013, Staff is not aware that an agreement between Rantoul Township and the petitioner has been reached. The full report from Applied Research Associates, Inc., was received on July 15, 2013, (see Attachment B) and is summarized in Item 8.C.(5)(e) of the Summary of Evidence.

REVISED TAX ASSESSMENT INFORMATION

Revised tax assessment information has been provided by Jim Rusk, Rantoul Township Supervisor. The tax assessment information presented at the June 13, 2013, public hearing were incorrect because the chemical building had not yet been built during that tax year and was included in those calculations. The building will be included in the next tax year assessment. In the revised numbers the Rantoul Township Permanent Road fund would receive \$411.27, and the Rantoul Township Road and Bridge Fund would receive \$476.52 out of the \$15,763.27 in total property taxes.

ADDITIONAL STORAGE TANKS

The petitioners have installed multiple storage tanks on the subject property next to the chemical mixing building. The petitioners have in the past said that these are fuel tanks for the petitioner's own operations. The site plan received June 5, 2013, indicates three 10,000 gallon tanks. Recent complaints and a drive-by inspection have indicated that there are more than 3 of these tanks. If these tanks are for agricultural storage for the mixing of chemicals they need to be indicated as being part of the proposed Special Use Permit.

If the petitioner intends to establish a commercial bulk fuel storage facility it is not possible because multiple principal uses on the same lot in the AG-1 District is prohibited.

PROPOSED SPECIAL CONDITIONS

- A. All inbound and outbound trucks delivering 28% liquid fertilizer and any other associated product to the proposed Special Use shall use the route specified in the Life-Cycle Cost Analysis (U.S. 45 to subject property utilizing CR 2700N) conducted by Applied Research Associates, Inc.**

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

That the truck traffic generated by the proposed Special Use does not damage other Rantoul Township maintained roads.

- B. All inbound and outbound trucks delivering 28% liquid fertilizer and any other associated product to the proposed Special Use shall enter and exit the subject property on the east side of the Warner Farm Equipment building (subject to a road agreement with Rantoul Township).**

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

To prevent nuisance issues on the adjacent property.

ATTACHMENTS

- A Revised Tax Assessment Information received July 15, 2013
B Report of Testing and Analysis for Impact of Large Storage Tank along 2700N prepared by Applied Research Associates (ARA), Inc. received July 15, 2013
C Revised Summary of Evidence, Finding of Fact, and Final Determination (included separately)

Rate for 20-09-18-400-011 multiplied by 202,000 of assessed value

County	0.8138	1,643.88
Forest	0.0880	177.76
Parkland	0.5191	1,048.58
SD 130	2.6279	5,308.36
SD 193	2.7248	5,504.10
Thomasboro FPD	0.3271	660.74
Rantoul Twp	0.1572	317.54
Rantoul Rd & Br	0.2359	476.52
Rantoul Perm Rd	0.2036	411.27
Rantoul-Ludlow M-A	0.0382	77.16
Rantoul-Ludlow Cemetery	0.0680	137.36
	7.8036	15,763.27

RECEIVED

JUL 15 2013

CHAMPAIGN CO. P & Z DEPARTMENT



June 25th, 2013

5/15/2013

Mr. Danny Sage
Rantoul Township Highway Commissioner
208 S. Church
Thomasboro, IL 61878
217.893.4875

Subject: **Report of Testing and Analysis for Impact of Large Storage Tank along 2700N**

Dear Ms. Sage:

Thank you for the opportunity to perform inspection and analysis of 2700N. Please see the attached letter summarizing the testing and analysis methodologies, as well as the summarized results.

If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Pitlik IV", with a horizontal line extending to the right.

Joseph P. Pitlik, IV, PE
Engineer

A handwritten signature in blue ink, appearing to read "Will Vavrik", with a horizontal line extending to the right.

William R. Vavrik, Ph.D., P.E.
Vice President, Transportation

Cc: Michelle Johnson, ARA

RECEIVED

JUL 15 2013

CHAMPAIGN CO. P & Z DEPARTMENT

TRANSPORTATION SECTOR

100 TRADE CENTRE DRIVE, SUITE 200 ■ CHAMPAIGN, IL 61820-7322
(217) 356-4500 ■ FAX: (217) 356-3088 ■ WWW.ARA.COM/TRANSPORTATION

PROJECT UNDERSTANDING

A large storage tank has been constructed approximately 2.5 miles west of US45 on 2700N. This tank is expected to generate traffic for which the road was not intended to handle. To this end, the Rantoul Township Road Commissioner requested ARA to inspect the route and provide an analysis of the likely financial impact of the new traffic on the lifecycle of the road.

METHODOLOGY

Field Inspection

ARA performed a site inspection of the roadway. An engineer and technician surveyed the site for visual distress and performed pavement coring at nine sites along the section of interest. At each site, a dynamic cone penetrometer was driven through the aggregate and subbase to determine the subgrade support.

Traffic Analysis

Current traffic levels were based upon the most recent IDOT traffic survey data available. This data was collected in 2012. Using this data, the current traffic level was set at an average annual daily traffic (AADT) of 525 vehicles per day for segment extending from US45 to 1400N. The segment extending from 1400N to the tank site has an AADT of 75 vehicles per day. Both segments qualify as IDOT Class IV roads. In accordance with the Class IV design manual, truck traffic was assumed to be 5% Multiple-Unit (M.U.) and 9% Single-Unit (S.U.). M.U.'s are tractor-trailer trucks and S.U.'s are single-unit or straight trucks. Using standard IDOT calculations, ARA estimated the annual traffic for each segment in Equivalent Single Axle Loads (ESALs). An ESAL is a traffic measure that correlates all traffic back to the relative damage caused by a single 18,000 lb axle. The ESAL factor for an M.U. is 1.8 while the factor for an SU is 1.0. The factor for cars is very low and they are typically excluded from the calculation for typical roads.

In order to predict the impact of the new tank on traffic, and hence maintenance, ARA assumed that the tank would generate 500 additional truck trips across the road per year. This is based on the assumption that the tank will be cycled once per year and requires approximately 250 M.U. trucks to fill the tank. This truck traffic was added to the background traffic previously calculated.

Lifecycle Cost Analysis

Rantoul Township currently uses a 4 year cycle to perform chipseal operations on township routes. Using this information, ARA determined the baseline cost of maintaining the route. In order to estimate the project increase in costs, ARA determined a new chipseal schedule that set the chipseal cycle on the accumulation of traffic so that chipseal operations would occur at approximately the same number of ESAL that would have been achieved without the increase in truck traffic. A 10% increase in the cost of the chipseal cycle was applied to account for an increased need for edge repair and localized undercuts due to the increase in truck traffic.

RESULTS

Field Inspection

The field inspection shows that the road is currently in good condition. Apparent aggregate thickness appears to vary from 4 to 10 inches. The chipseal layer varies from 2 inches to 2 ½ inches. No significant distresses were observed. The DCP data shows weak soil conditions typical of the region. The road is typical of low-traffic rural routes in the area and is currently in good condition.

Traffic Analysis

Tables 1 and 2, below, show the traffic analysis and planning for the two segments of the route. The blue highlighting shows the planned chipseal cycle with no additional tank traffic. The yellow highlighting shows the proposed chipseal cycle to accommodate the increase traffic. For the timing of chipseal events using the increased truck traffic, a chipseal was scheduled in the year where the increased traffic level was approximately equal to the planned traffic level for a four year cycle with no increased traffic.

Table 1: Traffic and Chipseal Programing (US45 to I40N)

Year	One-way ADT	Trucks		Existing Annual ESALs	Existing Accumulated ESALs	Additional Trucks/YR	Trucks/DAY	Cummulative ESALs Difference
		M.U. (3%)	S.U. (9%)			500	1.4	
2012	375	11	34	19,710	19,710	20,610	20,610	900
2013	379	11	34	19,907	39,617	20,807	41,417	1,800
2014	383	11	34	20,104	59,721	21,004	62,421	2,700
2015	386	12	35	20,301	80,023	21,201	83,623	3,600
2016	390	12	35	20,498	100,521	21,398	105,021	4,500
2017	394	12	35	20,696	121,217	21,596	126,617	5,400
2018	398	12	36	20,893	142,109	21,793	148,409	6,300
2019	401	12	36	21,090	163,199	21,990	170,399	7,200
2020	405	12	36	21,287	184,486	22,187	192,586	8,100
2021	409	12	37	21,484	205,970	22,384	214,970	9,000
2022	413	12	37	21,681	227,651	22,581	237,551	9,900
2023	416	12	37	21,878	249,529	22,778	260,329	10,800
2024	420	13	38	22,075	271,604	22,975	283,304	11,700
2025	424	13	38	22,272	293,876	23,172	306,476	12,600
2026	428	13	38	22,469	316,346	23,369	329,846	13,500
2027	431	13	39	22,667	339,012	23,567	353,412	14,400
2028	435	13	39	22,864	361,876	23,764	377,176	15,300
2029	439	13	39	23,061	384,936	23,961	401,136	16,200
2030	443	13	40	23,258	408,194	24,158	425,294	17,100

Table 2: Traffic and Chipseal Programing (1400N to Tank Site)

Year	One-way ADT	Trucks		Annual ESALs	Accumulated ESALs	New Annual ESALs	New Accumulated ESALs	Cummulative ESALs Difference
		M.U. (3%)	S.U. (9%)					
						Additional Trucks/YR	Trucks/DAY	
						500	1.4	
2012	75	2	7	3,942	3,942	4,842	4,842	900
2013	79	2	7	4,139	8,081	5,039	9,881	1,800
2014	83	2	7	4,336	12,417	5,236	15,117	2,700
2015	86	3	8	4,533	16,951	5,433	20,551	3,600
2016	90	3	8	4,730	21,681	5,630	26,181	4,500
2017	94	3	8	4,928	26,609	5,828	32,009	5,400
2018	98	3	9	5,125	31,733	6,025	38,033	6,300
2019	101	3	9	5,322	37,055	6,222	44,255	7,200
2020	105	3	9	5,519	42,574	6,419	50,674	8,100
2021	109	3	10	5,716	48,290	6,616	57,290	9,000
2022	113	3	10	5,913	54,203	6,813	64,103	9,900
2023	116	3	10	6,110	60,313	7,010	71,113	10,800
2024	120	4	11	6,307	66,620	7,207	78,320	11,700
2025	124	4	11	6,504	73,124	7,404	85,724	12,600
2026	128	4	11	6,701	79,826	7,601	93,326	13,500
2027	131	4	12	6,899	86,724	7,799	101,124	14,400
2028	135	4	12	7,096	93,820	7,996	109,120	15,300
2029	139	4	12	7,293	101,112	8,193	117,312	16,200
2030	143	4	13	7,490	108,602	8,390	125,702	17,100

Life-Cycle Cost Analysis

Using the timings established in the traffic analysis, the costs for both scenarios were projected over a 12 year timespan. A 0.8% discount rate was selected in accordance with current federal accounting practices. The current cost per mile for chipseal is \$9,000/mile. A 10% increase in cost for the increased truck scenario was included to account for loss of edge and likely localized repairs required due to the increased truck traffic (particularly during the spring thaw season). Salvage values were applied to both scenarios to ensure that the 12 year window did not create artificial bias. The difference between the two scenarios total 12-year cost in current dollars is the estimated incremental cost to the township to maintain the road. This cost is estimated to be approximately \$16,700. The levelized annual payment to recover this cost over 12 years is \$1,467/year. The calculations for this analysis are shown below in Table 3.

This analysis does not take into account the predicted increase in tax revenue to be realized by the road district, which ARA is informed will be \$678.67 per year. Additionally, these costs do not include ARA's fees to perform this investigation, which was performed for a firm-fixed price of \$5,000. Over time, the additional chip seal thickness should add strength to the route and reduce the long-term impact in further years.

Table 3: LCCA Analysis

Rantoul TWP Analysis							
US45 - CR1400E							
Analysis period, years	20						
Initial year of construction	2013						
Discount rate, %	0.00%						
		YEAR	QUANTITY	UNIT	UNIT PRICE	COST	PRESENT WORTH
As Planned							
Initial Construction Cost	2013	0	1.0	Miles	\$ -	\$0	\$0
Chip Seal	2014	1	1.0	Miles	\$ 9,000.00	\$ 9,000.00	\$ 8,928.57
	2018	5	1.0	Miles	\$ 9,000.00	\$ 9,000.00	\$ 8,648.48
	2022	9	1.0	Miles	\$ 9,000.00	\$ 9,000.00	\$ 8,377.18
Salvage Value	2025	12				\$ -	\$ -
						Present Worth	\$25,954
		YEAR	QUANTITY	UNIT	UNIT PRICE	COST	PRESENT WORTH
With Tank Facility							
Initial Construction Cost	2013	0	1.0	Miles	\$ -	\$0	\$0
Chip Seal	2014	1	1.0	Miles	\$ 9,900.00	\$ 9,900.00	\$ 9,821.43
	2018	5	1.0	Miles	\$ 9,900.00	\$ 9,900.00	\$ 9,513.33
	2022	9	1.0	Miles	\$ 9,900.00	\$ 9,900.00	\$ 9,214.90
	2025	12	1.0	Miles	\$ 9,900.00	\$ 9,900.00	\$ 8,997.23
Salvage Value	2025	12				\$ (6,988.24)	\$ (6,350.99)
						Present Worth	\$31,196
						Present Worth of 12 Year Tank Impact	\$5,242
Rantoul TWP Analysis							
CR1400E - Tank Site							
Analysis period, years	20						
Initial year of construction	2013						
Discount rate, %	0.00%						
		YEAR	QUANTITY	UNIT	UNIT PRICE	COST	PRESENT WORTH
As Planned							
Initial Construction Cost	2013	0	1.5	Miles	\$ -	\$0	\$0
Chip Seal	2015	2	1.5	Miles	\$ 9,000.00	\$ 13,500.00	\$ 13,286.56
	2019	6	1.5	Miles	\$ 9,000.00	\$ 13,500.00	\$ 12,269.76
	2023	10	1.5	Miles	\$ 9,000.00	\$ 13,500.00	\$ 12,466.04
Salvage Value	2025	12				\$ (3,375.00)	\$ (3,067.24)
						Present Worth	\$35,555
		YEAR	QUANTITY	UNIT	UNIT PRICE	COST	PRESENT WORTH
INITIAL CONSTRUCTION							
Initial Construction Cost	2013	0	1.5	Miles	\$ -	\$0	\$0
Chip Seal	2015	2	1.5	Miles	\$ 9,900.00	\$ 14,850.00	\$ 14,615.22
	2018	5	1.5	Miles	\$ 9,900.00	\$ 14,850.00	\$ 14,269.99
	2021	8	1.5	Miles	\$ 9,900.00	\$ 14,850.00	\$ 13,932.92
	2025	12	1.5	Miles	\$ 9,900.00	\$ 14,850.00	\$ 13,495.84
Salvage Value	2025	12				\$ (10,209.38)	\$ (9,278.39)
						Present Worth	\$47,036
						Present Worth of 12 Year Tank Impact	\$11,480
Total Present Worth of 12 Year Tank Impact for Both Segments						\$16,722	
Levelized Annual Payments of 12 years						\$1,467/year	

REVISED DRAFT 7/19/13

731-S-12

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

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

Date: July 25, 2013

Petitioners: Warner Brothers, Inc.

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.

Table of Contents

General Application Information	2-7
Specific Ordinance Requirements	7-12
Special Use Evidence	12-25
Documents of Record	26-29
Case 731-S-12 Finding of Fact.....	30-31
Case 731-S-12 Final Determination	32

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 28, 2013, May 16, 2013, June 13, 2013, and July 25, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Warner Brothers, Inc., with owners Joseph H. Warner and Gerald E. Warner, 1254 CR 2700N, Rantoul, and shareholders/officers Kristi Pflugmacher, 203 West Shelly Drive, Thomasboro, Kathy McBride, 620 Garver Place, Rantoul, Denise Foster 105 Weldon Springs Road, Monticello, and Angela Warner, 105 E. Meade Street, White Heath, own the subject property.
2. The subject property is 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.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning but Rantoul Township does have a plan commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned AG-1 Agriculture and is in agricultural production, except for the portion that the proposed use occupies.
 - 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-1 Agriculture and is in agricultural production.
 - (2) Land on the south is zoned AG-1 Agriculture and is in commercial use, but is the subject of Case 747-AM-13 and is proposed to be rezoned to the B-1 Rural Trade Center Zoning District. There is a nearby home to the south that is owned by Kenneth Warner.
 - (3) Land east of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - (4) Land west of the subject property is zoned AG-1 Agriculture and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:

*A. The Plat of Survey prepared by Nicholas P. McCabe received March 21, 2013, and revised on June 5, 2013, indicates the following:

- (1) The location of the existing 750,000 gallon indicated capacity storage tank that is approximately 48 feet in height. This tank is proposed to be utilized to store 28% nitrogen fertilizer for the petitioner's agricultural operation as well as providing bulk storage space to lease.
- (2) The location of a 54' × 72' sheet metal building where the mixing, loading and unloading of the fertilizer will occur.
- (3) The edge of the existing crushed stone.
- (4) A large sheet metal building that houses a Kinze farm equipment dealership on an adjacent property that is subject of related Case 747-AM-13.
- (5) An 80' × 400' sheet metal building on an adjacent property that is utilized for farm storage and storage for the Kinze farm equipment dealership that is the subject of related Case 747-AM-13.
- (6) The general area of employee parking.
- (7) The general area of where farm equipment is displayed on the east side of the property.
- (8) The location of a tower that is 120 feet in height.
- (9) The general locations of the septic tank and leach field.
- (10) The location of a 5' diameter concrete pedestal supporting crane.
- (11) The location of an existing sign for the Kinze business and a handicap sign on the front of the main business building.
- (12) The locations of a propane tank and water well.
- (13) A 40' × 16' load-out concrete pad.
- (14) A 41' × 41' sunken tank enclosure.
- (15) A 30' × 30' concrete footing with 3 diesel fuel tanks that each have a 10,000 gallon indicated capacity.

- (16) An indication that the proposed special use land area is 0.8 acre.
- (17) An indication that the new hard cover (impervious) area is 0.4 acre.
- (18) The location of the house, 4 outbuildings, the driveway, and trees and shrubs on the Kenneth and Victoria Warner property that is a adjacent.
- (19) The entire 3.8 acre area proposed to be rezoned in Case 747-AM-13 to the B-1 Rural Trade Center Zoning District.
- (20) The path for fertilizer tankers on the east side of the Kinze farm equipment dealership.

*Identical to evidence in Case 747-AM-13

- B. The floor plan of the 54' × 72' sheet metal building received March 21, 2013, indicates the following:
 - (1) A tank containment area (8 feet deep) with four 2,500 gallon tanks with pit.
 - (2) A 69½' × 22' transfer containment area with pit (loading and unloading area) with a 14 inch slope.
 - (3) A mini bulk containment area with a 3 inch slope and a pit.
 - (4) Three 18' × 18' overhead doors.
 - (5) An 8 feet wide raised concrete walkway and raised fill platform.
 - (6) A pump.
- C. The petitioner intends to utilize the storage tank and mixing building for the storage and mixing of 28% nitrogen fertilizer for their farm operations. In addition, the petitioner intends to lease excess storage space in the tank to farmers and agricultural business. The subject property will be accessed from the property that is the subject of Case 747-AM-13.
- D. The subject property is considered BEST PRIME FARMLAND with a Land Evaluation (LE) rating of 97. The subject property consists of Drummer (152A), Raub (481A), Clare (663B), and Dana (56B) soils. The proposed Special Use will take a minimal amount of land out of production (less than 1 acre).
- 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.
- F. On May 16, 2013, the petitioner's attorney, Paul Cole, submitted a letter signed by Gene Warner and that letter is summarized as follows:
- (1) Regarding lighting:
 - (a) A 1,000 watt light and a light for the flag pole are located on the front of the main office/sales building.
 - (b) A pole light is located 5 feet from the southeast corner of the chemical building.
 - (c) The large storage building has 16, 250 watt lights and a 400 watt security light.
 - (2) A handicap parking sign has been posted on the front of the office/sales building.

- (3) A sign directing trucks to enter and exit through the east drive has been posted and if necessary vegetable oil will be used to control dust if needed.
 - (4) Regarding product in the tank:
 - (a) On March 28, 2013, they actually had 104,876.38 gallons of 28% in the tank, not 500,000 gallons.
 - (b) As of May there are 467,968.88 gallons of 28% in the tank.
 - (5) The large tank was built because it is more cost effective long term. The tank will also allow them to be independent by applying product when needed, provide lower costs by buying in large quantities, and anticipate future growth and/or changes in farming.
 - (6) Regarding the chemical building and commercial use of the tank:
 - (a) The building was just a shell in January and was not finished until April.
 - (b) There was no product in the building until April or any in the tank until the last part of January for their use.
 - (c) They are not selling any chemicals. All products in the building are for Warner Brother's use only.
- G. On May 16, 2013, the petitioner's attorney, Paul Cole, submitted a letter signed by Gene Warner and that letter is summarized as follows:
- (1) Local companies such as fertilizer companies and grain elevators use the township roads which have 80,000 pound limits to truck various products throughout the year.
 - (2) Local elevators haul for farmers from fields to the elevators. They also haul to and from the elevator to load rail cars.
 - (3) Farmers haul grain to grain bins sites and later on take it to the elevators.
 - (4) They have been farming and in business together since around 1972. They built the shop and started to grow.
- H. Monthly Product Inventory Reports (January 2013 – May 2013) for the storage tank were submitted on May 16, 2013, and are summarized as follows:
- (1) The January 2013, report indicates that the tank was empty at the beginning of the month, but by the end of the month there was 559.51 tons of 28% in the tank.

- (2) The February 2013, report indicates that the tank was not filled with any additional product and had 559.51 tons of 28% in the tank.
 - (3) The March 2013, report indicates that at the beginning of the month there was 559.51 tons of 28% in the tank. An addition of 440.484 tons of 28% was added to the tank in March. By the end of the month there was 999.99 tons of 28% in the tank.
 - (4) The April 2013, report indicates that at the beginning of the month there was 999.99 tons of 28% in the tank. An addition of 1496.61 tons of 28% was added to the tank in April. By the end of the month there was 2496.60 tons of 28% in the tank.
 - (5) The May 2013, report indicates that at the beginning of the month there was 2496.60 tons of 28% in the tank. The report does not indicate if any additions have been made in May 2013.
- I. Three invoices from Crop Production Services were submitted on May 16, 2013, and are summarized as follows:
- (1) An invoice dated 02/01/13 indicates a quantity of 559.5155 tons of 28% was sold to Warner Brothers.
 - (2) An invoice dated 04/03/13 indicates a quantity of 440.4840 tons of 28% was sold to Warner Brothers.
 - (3) An invoice dated 4/16/13 indicates a quantity of 1496.6145 tons of 28% was sold to Warner Brothers.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for Farm Chemicals and Fertilizer Sales including incidental storage and mixing blended fertilizer as a Special Use in the AG-1 Agriculture Zoning District in the *Zoning Ordinance*:
 - A. Section 5.2 authorizes Farm Chemicals and Fertilizer Sales including incidental storage and mixing blended fertilizer as a Special Use in the AG-1 Agricultural and AG-2 Agriculture Zoning District.
 - B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
 - (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:

REVISED DRAFT 7/19/13

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

- C. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) "AGRICULTURE" is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

- (3) “BERTH, LOADING” is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
- (4) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (5) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (6) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (7) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (8) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (9) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (10) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (11) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (12) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.

- (13) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety, or property of the occupants, the neighbors or the general public.
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (14) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (15) “WELL SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found WELL SUITED OVERALL if the site meets these criteria:
- a. 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 effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- (16) “YARD” is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (17) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
- (18) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.

- (19) "YARD, SIDE" is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.

D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:

- (1) That the Special Use is necessary for the public convenience at that location;
- (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - (a) The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - (b) The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - (c) The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
- (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
- (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.

E. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:

- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - (a) that the waiver is in accordance with the general purpose and intent of the ordinance; and

- (b) that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
- (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - (a) Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - (b) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - (c) The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

- 7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner has testified on the application, **“Additional storage capacity will be a benefit to the public during times of unusual need, and will provide a redundancy of facilities to anticipate casualty loss to other storage facilities.”**
 - B. A letter from Therese Wyman, Manager, Crop Production Services (CPS), received March 21, 2013, is summarized as follows:
 - (1) Issuing the permit to the Warner’s would allow CPS to buy at a better price, receive the product in a timely manner, and have the product readily available to farmers in the spring time.
 - (2) Having the extra storage would allow CPS to purchase additional product early and would help prevent problems with transportation because the product would already be there.

- (3) The location of the tank would be a short distance to haul product from and would eliminate a lot of waiting and telephone calls.
- C. The subject property is approximately 2.5 miles from U.S. 45.
- 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.

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

- 8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
 - A. The Petitioner has testified on the application, **"The Illinois Department of Agriculture has inspected and approved the facilities for the planned use. Such approval has included review by the Illinois EPA."**
 - B. Regarding surface drainage; the subject property appears to drain to the east.
 - C. The subject property is accessed from CR 2700N on the south side of the property that is the subject of Case 747-AM-13. Regarding the general traffic conditions on CR 2700N at this location and the level of existing traffic and the likely increase from the proposed Special Use:
 - (1) The Annual Average Daily Traffic (AADT) for CR 2700N in front of the subject property is 75 AADT.
 - (2) CR 2700N is a MINOR STREET as indicated in the Champaign County Zoning Ordinance.
 - (3) Pavement width in front of the subject property is approximately 20 feet.
 - (4) The Township Highway Commissioner has been notified of this case.
 - (5) Regarding the proposed special use and the anticipated traffic impacts:
 - (a) At the March 28, 2013, public hearing James Rusk, Rantoul Township Supervisor, submitted a letter from Danny Sage, Rantoul Township Road Commissioner, stating that Mr. Sage has concerns with the volume of heavy traffic over Township roads. Mr. Rusk also testified that the road is a ten inch gravel base road with oil chip over it, and the Township has concerns

REVISED DRAFT 7/19/13

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 co-petitioner, Gene Warner, 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.
- (e) Applied Research Associates (ARA), Inc., was hired by Rantoul Township to conduct an analysis regarding the impact that the proposed Special Use Permit will have on Township maintained road. The full report of the study was received on July 15, 2013, and is summarized as follows:
 - i. This tank is expected to generate traffic for which this road was not intended to handle.
 - ii. It was assumed that the tank would generate 500 truck trips across the road per year based on the assumption that the tank would be cycled once per year, and approximately 250 truck trips are required to fill the tank.
 - iii. The route was broken up into two segments, U.S. 45 to CR 1400E and CR 1400E to the subject property. During the inspection of these segments it was found that the road is currently in good condition.
 - iv. The life-cycle cost analysis for a 12 year period showed that the tank will cost the Township \$16,700 to maintain the road or \$1,467 per year.
- (f) At the June 13, 2013, public hearing Rantoul Township Attorney, Brian Schurter stated that a Draft road Agreement had been presented to the

petitioners, but the petitioners did not sign the agreement and had not made a counter offer so there was no signed road agreement.

- D. Regarding fire protection of the subject property, the subject property is within the protection area of the Thomasboro Fire Protection District and is located approximately 4.2 road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
- E. No part of the subject property is located within the mapped floodplain.
- F. Regarding outdoor lighting on the subject property, no outdoor lighting has been indicated on the site plan or proposed.
- G. Regarding wastewater treatment and disposal on the subject property, there appears to be no proposed wastewater treatment facilities and no bathroom proposed.
- H. Regarding life safety considerations related to the proposed Special Use:
 - (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.

REVISED DRAFT 7/19/13

- (e) Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
 - (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
- (a) The 2006 or later editions of the following codes developed by the International Code Council:
 - i.* International Building Code;
 - ii.* International Existing Building Code; and

iii. International Property Maintenance Code

(b) The 2008 of later edition of the National Electrical Code NFPA 70.

- 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.
- 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.
- K. At the March 28, 2013, public hearing adjacent property owner, Kenneth Warner, 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.
- L. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“Yes, this is an agriculture use.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) Farm Chemicals and Fertilizer Sales including incidental storage and mixing blended fertilizer as a Special Use in the AG-1 Agricultural and AG-2 Agriculture Zoning District.
 - (2) All structures meet setback and front, side and rear yard requirements.
 - (3) Regarding parking on the subject property:
 - (a) Paragraph 7.4.1D.1. requires for industrial uses that one space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.
 - (b) The petitioner has indicated that there is to be only one employee in the conduct of the operation of the proposed Special Use. There appears to be adequate areas on the subject property to meet the minimum required parking areas.

- (4) Regarding loading berths on the subject property:
 - (a) Paragraph 7.4.2 C.5. requires one 12' × 40' loading berth for establishments establishing 1 – 9,999 square feet of floor area.
 - (b) A total of one loading berth is required. No loading berth has been indicated on the site plan, but there is adequate area available.
- C. Regarding compliance with the *Stormwater Management Policy*, the proposed special use is exempt from the *Stormwater Management Policy* because this development will not be 1 acre or more in impervious area.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and no subdivision is proposed or required.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
 - (1) Farm Chemicals and Fertilizer Sales including incidental storage and mixing blended fertilizer as a Special Use in the AG-1 Agricultural and AG-2 Agriculture Zoning District.
- G. The proposed Special Use may have to comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings, if necessary.

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

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. Farm Chemicals and Fertilizer Sales including incidental storage and mixing blended fertilizer as a Special Use in the AG-1 Agricultural and AG-2 Agriculture Zoning District.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.14 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the

pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.

- (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
- (1) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
 - (a) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
 - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:
 - (a) There is no evidence indicating that the requested Special Use Permit will have any negative effect on nearby properties.
 - (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS:
 - (a) ~~No significant increase in traffic is anticipated as a result of the requested Special Use Permit.~~
 - (a) The Rantoul Township Highway Commissioner has a concern with the volume of heavy truck traffic that will take place over the township roads as a result of the proposed Special Use and even has concerns about heavy truck traffic if the storage tank is used for agricultural purposes only. Regarding these concerns about heavy truck traffic:
 - i. Rantoul Township hired Applied Research Associates (ARA) inc. to prepare a life cycle cost analysis of the impacts of the proposed Special Use on township roads.
 - ii. Rantoul Township has sought to enter into a road agreement with the petitioners regarding the impacts of the proposed Special Use on township roads but to date there is no signed road agreement and

therefore Rantoul Township is not assured of reimbursement for the added road maintenance that will result from use of the storage tank.

- (b) At this time the petitioners have not entered into a road agreement with Rantoul Township and for that reason the use of the storage tank will add to congestion in the streets.
- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
- (a) Stormwater runoff from the property onto adjacent properties should not be an issue and the proposed Special Use complies with the *Stormwater Management Policy*.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- (a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
- ~~(b) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.~~
- (b) As reviewed in item 10.C.(3)(a), the Rantoul Township Highway Commissioner has a concern with the volume of heavy truck traffic that will take place over the township roads as a result of the proposed Special Use and the Township has tried to enter into a road agreement to provide for the added road maintenance that will result from use of the storage tank. At this time the petitioners have not entered into a road agreement with Rantoul Township and for that reason the use of the storage tank will have a detrimental effect on the general welfare of Rantoul Township.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

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

- (a) As reviewed in item 10.C.(3)(a), the Rantoul Township Highway Commissioner has a concern with the volume of heavy truck traffic that will take place over the township roads as a result of the proposed Special Use and the Township has tried to enter into a road agreement to provide for the added road maintenance that will result from use of the storage tank.
- (b) At this time the petitioners have not entered into a road agreement with Rantoul Township and for that reason the use of the storage tank is incompatible with the AG-1 District and will not achieve the purpose of the Ordinance.

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

~~The proposed use is not related to this purpose.~~

- (a) The petitioners have stated that they could use the storage tank for their own agricultural uses and don't necessarily need a Special Use Permit to authorize commercial use.
- (b) The Rantoul Township Highway Commissioner has a concern with the volume of heavy truck traffic that will take place over the township roads as a result of use of the storage tank for private use of for the proposed Special

Use and the Township has tried to enter into a road agreement to provide for the added road maintenance that will result from use of the storage tank but the petitioners have not entered into a road agreement with Rantoul Township.

(c) The Zoning Administrator is greatly concerned about enforcement problems that will arise if the three-quarter million gallon storage tank is supposed to only be used for private agricultural use.

(d) If there is no Special Use Permit authorized the use of the storage tank will avoid the restrictions and limitations lawfully imposed under this ordinance

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The proposed use will take a minimal area of land out of production, and is not an urban use and will serve agricultural uses.

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

The subject property does not contain any natural features.

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

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

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

The proposed use will take a minimal area of land out of production, and is not an urban use and will serve agricultural uses.

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

The proposed use is not related to this purpose.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: **The petitioner did not provide a response to this question presumably because the proposed use is not a nonconforming use.**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 731-S-12 by the Zoning Board of Appeals .**
- The above special condition is required to ensure the following:
The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.
- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use until the petitioner provides documentation of compliance with Illinois Department of Agriculture regulations for fertilizer storage tanks.**

The above special condition is required to ensure the following:
That the proposed use is in compliance with the Illinois Department of Agriculture regulations.

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate for the proposed Special Use until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.**

The special condition stated above is required to ensure the following:
That the proposed structures comply with Illinois Public Act 96-704.

- D. All inbound and outbound trucks delivering 28% liquid fertilizer and any other associated product to the proposed Special Use shall use the route specified in the Life-Cycle Cost Analysis (U.S. 45 to subject property utilizing CR 2700N) conducted by Applied Research Associates, Inc.**

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

That the truck traffic generated by the proposed Special Use does not damage other Rantoul Township maintained roads.

- E. All inbound and outbound trucks delivering 28% liquid fertilizer and any other associated product to the proposed Special Use shall enter and exit the subject property on the east side of the Warner Farm Equipment building (subject to a road agreement with Rantoul Township).**

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

To prevent nuisance issues on the adjacent property.

DOCUMENTS OF RECORD

1. Special Use Permit application signed by Joseph Warner received August 31, 2012, with attachments:
 - A Site Plan
 - B Legal Description
 - C Plat Book Map
 - D Aerial Photo
2. Zoning Use Permit Application No. 244-12-01 received August 31, 2012
3. List of Owners and Officers of Warner Brothers, Inc. received September 5, 2012
4. CST Storage Tank Technical Drawings and Specifications received September 5, 2012
5. Copy of IDAG Application for Permit and Construction Approval for an On-Farm Storage Facility received September 14, 2012
6. Legal Description received January 2, 2013
7. Plat of Survey received February 6, 2013
8. Plat of Survey received February 12, 2013
9. Revised Special Use Permit Application signed by Joseph and Gerald Warner received March 1, 2013, with attachments:
 - A Plat of Survey
 - B Certificate of Inspection of Farm Storage Tank and Accessory Building, signed by James B. Clarage
 - C Documentation of Compliance with applicable building codes prepared by Municipal Consulting and Development Ltd.
 - D Map of Existing Drainage Tile
10. Application for Map Amendment received March 1, 2013, signed by Joseph and Gerald Warner with attachments:
 - A Legal Description
 - B Plat of Survey
11. Plat of Survey for Case 731-S-12 received March 21, 2013
12. Plat of Survey for Case 747-AM-13 received March 21, 2013
13. Building Plans for mixing building received March 21, 2013

14. Letter from Therese Wyman received March 21, 2013
15. Preliminary Memorandum for Case 731-S-12 dated March 22, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Plat of Survey received March 21, 2013
 - C Building Plans received March 21, 2013
 - D Excerpt of Map of Existing Drainage Tile received March 1, 2013
 - E Certificate of Inspection of Farm Storage Tank and Accessory Building, signed by James B. Clarage received March 1, 2013
 - F Documentation of Compliance with applicable building codes prepared by Municipal Consulting and Development Ltd. received March 1, 2013
 - G Letter from Therese Wyman received March 21, 2013
 - H Copy of IDAG Application for Permit and Construction Approval for an On-Farm Storage Facility received September 14, 2012
 - I CST Storage Tank Technical Drawings and Specifications received September 5, 2012
 - J Site Visit Photos
 - K Draft Summary of Evidence, Finding of Fact, and Final Determination
16. Preliminary Memorandum for Case 747-AM-13 dated March 22, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - A Plat of Survey received March 21, 2013
 - B Site Visit Photos
 - C LRMP Land Use Goals, Objectives, and Policies & Appendix
 - D Draft Finding of Fact and Final Determination
17. Plat of Survey received March 26, 2013
18. Supplemental Memorandum for Case 747-AM-13 dated March 28, 2013, with attachments:
 - A Plat of Survey received March 26, 2013
 - B Revised Draft Finding of Fact and Final Determination
19. Letter from Danny Sage, Rantoul Township Road Commissioner, submitted at the March 28, 2013, public hearing by James Rusk
20. Entry of Appearance for Cases 731-S-12 and 747-AM-13 submitted by Kent Follmer at the March 28, 2013, public hearing
21. Supplemental Memorandum for Case 731-S-12 dated May 8, 2013, with 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 289, 2013, Meeting Minutes
- 22. Supplemental Memorandum for Case 747-AM-13 dated May 8, 2013, with attachment:
 - A Draft March 28, 2013, Meeting Minutes
- 23. Plat of Survey with annotations received May 15, 2013
- 24. Supplemental Memorandum for Case 731-S-12 dated May 16, 2013, with attachments:
 - A Proposed Evidence
 - B Summary of Findings of Life-Cycle Cost Analysis conducted by Applied Research Associates, Inc., received May 15, 2013
 - C Letters from gene Warner received May 16, 2013
 - D Warner Brothers, Inc., Monthly product Inventory Reports (January 2013 – May 2013) received May 15, 2013
 - E Invoices from Crop Production Services dated 2/1/13, 4/3/13, and 4/16/13, received May 15, 2013
 - F Drainage Tile Map received May 16, 2013
- 25. Page of Photos received May 16, 2013
- 26. Folder of Photos submitted by Kent Follmer at the May 16, 2013, public hearing
- 27. Plat of Survey submitted by Paul Cole at the May 16, 2103, public hearing
- 28. Plat of Survey received May 23, 2013
- 29. Plat of Survey received June 5, 2013
- 30. Supplemental Memorandum for Case 731-S-12 dated June 7, 2013, with attachments:
 - A Plat of Survey received June 5, 2013
 - B Revised Draft Summary of Evidence, Finding of Fact, and Final Determination
- 31. Supplemental Memorandum for Case 747-AM-13 dated June 7, 2013, with attachment:
 - A Revised Draft Finding of Fact and Final Determination
- 32. Tax Assessment Information received June 10, 2013
- 33. Supplemental Memorandum for Case 731-S-12 dated June 13, 2013, with attachment:
 - A Tax Assessment Information received June 10, 2013
- 34. Revised Tax Assessment Information received July 15, 2013

35. Report of Testing and Analysis for Impact of Large Storage Tank along 2700N prepared by Applied Research Associates (ARA), Inc. received July 15, 2013

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 731-S-12 held on **March 28, 2013, May 16, 2013, June 13, 2013, and July 25, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:

2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*:

 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:

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

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

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

 - g. The property is BEST PRIME FARMLAND and the property with the proposed improvements *{IS/IS NOT}* WELL SUITED OVERALL.
 - h. The existing public services *{ARE/ARE NOT}* available to support the proposed special use effectively and safely without undue public expense.

- i. The only existing public infrastructure together with proposed improvements **{ARE/ARE NOT}** adequate to support the proposed development effectively and safely without undue public expense.

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

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

- 3a. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}** preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to **{CONFORM / NOT CONFORM}** to all relevant County ordinances and codes.
 - b. The Special Use **{WILL / WILL NOT}** be compatible with adjacent uses.
 - c. Public safety will be **{ADEQUATE / INADEQUATE}**.
- 4. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit **{IS/ IS NOT}** necessary for the public convenience at this location.
 - c. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}** is so designed, located, and proposed to be operated so that it **{WILL / WILL NOT}** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}** preserve the essential character of the DISTRICT in which it is located.
- 5. The requested Special Use **{IS/ IS NOT}** an existing nonconforming use.
- 6. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW}**

FINAL DETERMINATION

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

The Special Use requested in Case **731-S-12** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED }* to the applicant to **Warner Brothers, Inc.** to **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.**

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

CASE NO. 747-AM-13

SUPPLEMENTAL MEMORANDUM

July 19, 2013

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

Site Area: **3.8 acres**

Time Schedule for Development: **Existing**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

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.**

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 June 13, 2013, public hearing. A revised Finding of Fact is attached.

ROAD ISSUES AND RELATIONSHIP TO CASE 731-S-12

The petitioner has proposed to access the proposed Special Use in related Case 731-S-12 across the east side of the subject property. Because of this these two cases are interrelated and final action of this case should not occur until the Board is also ready to dispense with Case 731-S-12. Access to the Special Use Permit across the map amendment property is no problem if a road agreement is reached in Case 731-S-12 between the petitioner and Rantoul Township.

In the event that there is no road agreement between the petitioner and Rantoul Township (which seems likely) there may be no Special Use Permit authorized. The petitioners have already suggested that they could simply use the liquid fertilizer storage tank for private agricultural use, and from a Zoning Administration viewpoint that raises the problem of enforcement. The Township has already made clear that a road agreement is warranted even if the liquid fertilizer storage tank is used for private agricultural use.

If there is no road agreement and Case 731-S-12 is denied, the Board should either (a) require a condition in this case that there be no access to the liquid fertilizer storage tank over this property and the condition must be accepted by the petitioners or (b) the map amendment should be denied due to failure to comply with Goal 4 and Objective 4.3 and Policy 4.3.4 of the Land Resource Management Plan.

ATTACHMENTS

A Revised Draft Finding of Fact and Final Determination

REVISED DRAFT 7-19-13

747-AM-13

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

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

Date: **July 25, 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.**

Table of Contents

Finding of Fact.....	2-20
Case 747-AM-13 Summary Finding of Fact	21-23
Documents of Record	24-26
Case 747-AM-13 Final Determination.....	27

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 28, 2013, May 16, 2013, June 13, 2013, and July 25, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Warner Farm Equipment, Inc., with owners Joseph H. Warner and Gerald E. Warner, 1254 CR 2700N, Rantoul, owns the subject property.
2. The subject property is 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.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning, but Rantoul Township does have a plan commission. Townships with planning commissions are notified of such cases and do have protest rights on map amendment cases.
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:

“There is no error in the present map. Approval of this petition would now convert what has been a long-standing non-conforming use into a use conforming with the appropriate district.”

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

“The implement sales and service business located on the subject parcel has been operating for more than 20 years and serves a broad need in the agricultural community.”

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-1 Agriculture and is used for the operation of an existing farm implement sales and service business and personal agricultural storage.
 - B. Land on the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in use as follows:
 - (1) Land on the north is in agricultural production and a small portion is proposed to be used for the agrichemical storage that is the subject of Case 731-S-12.
 - (2) Land on the south is in agricultural production.

- (3) Land west of the subject property is in residential use and agricultural production. The adjacent home is owned by Kenneth Warner.
 - (4) Land east of the subject property is in agricultural production.
7. Previous zoning cases in the vicinity are the following:
- A. There are no previous zoning cases in the vicinity.
8. Regarding the site plan and operations of the Farm Equipment Sales and Service Business:
- *A. The Plat of Survey prepared by Nicholas P. McCabe received March 21, 2013, and revised on June 5, 2013, indicates the following:
 - (1) The location of the existing 750,000 gallon indicated capacity storage tank that is approximately 48 feet in height. This tank is proposed to be utilized to store 28% nitrogen fertilizer for the petitioner's agricultural operation as well as providing bulk storage space to lease.
 - (2) The location of a 54' × 72' sheet metal building where the mixing, loading and unloading of the fertilizer will occur.
 - (3) The edge of the existing crushed stone.
 - (4) A large sheet metal building that houses a Kinze farm equipment dealership on an adjacent property that is subject of related Case 747-AM-13.
 - (5) An 80' × 400' sheet metal building on an adjacent property that is utilized for farm storage and storage for the Kinze farm equipment dealership that is the subject of related Case 747-AM-13.
 - (6) The general area of employee parking.
 - (7) The general area of where farm equipment is displayed on the east side of the property.
 - (8) The location of a tower that is 120 feet in height.
 - (9) The general locations of the septic tank and leach field.
 - (10) The location of a 5' diameter concrete pedestal supporting crane.
 - (11) The location of an existing sign for the Kinze business and a handicap sign on the front of the main business building.
 - (12) The location of a propane tank and water well.
 - (13) A 40' × 16' load-out concrete pad.

- (14) A 41' × 41' sunken tank enclosure.
- (15) A 30' × 30' concrete footing with 3 diesel fuel tanks that each have a 10,000 gallon indicated capacity.
- (16) An indication that the proposed special use land area is 0.8 acre.
- (17) An indication that the new hard cover (impervious) area is 0.4 acre.
- (18) The location of the house, 4 outbuildings, the driveway, and trees and shrubs on the Kenneth and Victoria Warner property that is adjacent.
- (19) The entire 3.8 acre area proposed to be rezoned in Case 747-AM-13 to the B-1 Rural Trade Center Zoning District.
- (20) The path for fertilizer tankers on the east side of the Kinze farm equipment dealership.

*Identical to evidence in Case 731-S-12

- B. The petitioners have been operating a farm equipment sales and service business at this location since the 1970s. Currently the business sells Kinze farm equipment and provides repair services.
- C. According to the website www.warnerfarmequip.com the business carries a full line of Kinze planters and grain wagons as well as equipment parts.
- D. The subject property ~~will~~ is proposed to be used to access the proposed Special Use in Case 731-S-12

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-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
 - (2) The B-1, Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.
 - B. Regarding the general locations of the existing and proposed zoning districts:
 - (1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.

- (2) The B-1 District is generally located in rural areas suitable for businesses operations to serve the needs of rural residents.

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 11 types of uses authorized by right in the AG-1 District and there are 25 types of uses authorized by right in the B-1 District:

- (a) The following 5 uses are authorized by right in the AG-1 District and are not authorized at all in the B- District:

- Single family dwelling;
- Roadside Stand operated by Farm Operator;
- Plant Nursery;
- Off-premises sign within 660 feet of interstate highway; and
- Off-premises sign along federal highway except interstate highways;

- (b) The following 6 uses are authorized by right in both the AG-1 District and B-1 District:

- Subdivisions of three lots or less;
- Agriculture;
- Minor Rural Specialty Business;
- Township Highway Maintenance Garage (must meet separations or SUP is required);
- Christmas Tree Sales Lot;
- Temporary Uses

- (c) The following 9 uses are authorized by right in the B-1 District and not at all in the AG-1 District:

- Parking garage or lot;
- Telegraph Office;
- Roadside Produce Stand;
- Farm Equipment Sales and Service;
- Feed and Grain (sales only);
- Locker, Cold Storage for Individual Use;
- Major Automobile Repair;
- Minor Automobile Repair;
- Antique Sales and Service;

- (d) The following 9 uses are authorized by right in the B-1 District but require a Special Use Permit in the AG-1 District:

- Major Rural Specialty Business;
- Municipal or Government Building;

REVISED DRAFT 7-19-13

- Small Scale Metal Fabricating Shop
 - Telephone Exchange;
 - Farm Chemicals and Fertilizer Sales;
 - Grain Storage Elevators and Bins;
 - Police Station or Fire Station;
 - Library, Museum or Gallery;
 - Public park of recreational facility
- (2) There are 42 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 9 uses authorized by right in the B-1 District see above) and 10 types of uses authorized by SUP in the B-1 District:
- (a) The following 5 uses may be authorized by SUP in the both the AG-1 District and B-1 District:
- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Electrical Substation;
 - HELIPORT-RESTRICTED LANDING AREAS;
 - Livestock Sales Facility and Stockyards;
 - Slaughter Houses;
- (b) The following 27 uses may be authorized by Special Use Permit in the AG-1 District and not at all in the B-1 District:
- Hotel with no more than 15 lodging units;
 - Residential PLANNED UNIT DEVELOPMENT;
 - Major RURAL SPECIALTY BUSINESS;
 - Artificial lake of 1 or more acres;
 - Mineral extraction, Quarrying, topsoil removal, and allied activities;
 - Elementary School, Junior High School, or High School;
 - Church, Temple or church related Temporary Uses on church Property;
 - Penal or correctional institution;
 - Sewage disposal plant or lagoon;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
 - Radio or Television Station;
 - RESIDENTIAL AIRPORTS;
 - RESTRICTED LANDING AREAS;
 - Riding Stable;
 - Commercial Fishing Lake;
 - Cemetery or Crematory;
 - Pet Cemetery;
 - Kennel;
 - Veterinary Hospital;

- Off-premises sign farther than 660 feet from an interstate highway;
 - Contractors Facilities with no outdoor operations or storage;
 - Contractors Facilities with outdoor operations and/or storage;
 - Gas Turbine Peaker;
 - BIG WIND TURBINE TOWER (1-3 turbines);
 - WIND FARM (County Board SUP)
 - Sawmills Planing Mills, and related activities; and
 - Pre-Existing Industrial Uses (existing prior to October 10, 1973)
- (c) The following 5 uses may be authorized by SUP in the B-1 District and not at all in the AG-1 District:
- Self-storage Warehouses, providing heat and utilities to individual units;
 - Self-storage Warehouses, not providing heat and utilities to individual units;
 - Gasoline and Volatile Oils Storage up to and including 80,000 gallons;
 - Gasoline and Volatile Oils Storage of greater than 80,000 gallons but no more than 175,000 gallons;
 - 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 rezoning 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 is 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 B-1 District is intended to provide agriculture related businesses to rural residents and the subject property has not been in agricultural production .

- (4) 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 soil on the subject property is best prime farmland and consists of Drummer silty clay, Raub silt loam, and Wyanet silt loam and would have an average LE of approximately 92.
- (c) The proposed rezoning will remove less than one acre of best prime 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 *ACHIEVES* Policy 4.2.1 for the following reason:

- (a) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (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
 - 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 use of the subject property is a use which is directly related to agriculture and is neither affected by agricultural activities nor does it hinder agricultural activities.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (3) Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”

The proposed rezoning will *HELP ACHIEVE* Policy 4.2.3 for the following reasons:

- (a) The Petitioner’s understand that this is a rural area where agricultural activities take place and the petitioners business depends upon agricultural activities.

- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (4) **Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.2.4 for the following reason:

- (a) The use on the subject property is directly related to agricultural activities. A buffer between the use and nearby agriculture is not warranted.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.

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

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.2 for the following reasons:

- (a) The soil on the subject property is best prime farmland and consists of Drummer silty clay, Raub silt loam, and Wyanet silt loam and would have an average LE of approximately 92.
- (b) The subject property has access to CR 2700N and U.S. 45 is approximately 2.5 miles from the subject property.
- (d) There is one nearby dwelling that is adjacent to the subject property and no complaint has ever been received about the existing business from the owner of the adjacent property.
- (e) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (f) The business on the subject property has existed since before Champaign County adopted the Stormwater Management Policy on December 17, 1991. However, it is unknown when the buildings were constructed or when additions were added and when the buildings stopped being agricultural buildings. The entire 3.8 acres is either building roof or gravel parking area (both of which are impervious) and if

REVISED DRAFT 7-19-13

reviewed as a new development under the Stormwater Management Policy, stormwater detention would be required. At this time there is no evidence indicating an existing drainage problem that would benefit from requiring stormwater detention as a special condition.

- (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 4.2 miles from the Thomasboro 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 **NOT HELP ACHIEVE** Policy 4.3.4 for the following reason:

- (a) The subject property has access to CR 2700N and U.S. 45 is approximately 2.5 miles from the subject property.

- (b) The petitioner has proposed to access the proposed Special Use in related Case 731-S-12 across the east side of the subject property. Regarding related Case 731-S-12:

*i. Applied Research Associates (ARA), Inc., was hired by Rantoul Township to conduct an analysis regarding the impact that the proposed Special Use Permit in related Case 731-S-12 will have on Township maintained road. The full report of the study was received on July 15, 2013, and is summarized as follows:

i. This tank is expected to generate traffic for which this road was not intended to handle.

ii. It was assumed that the tank would generate 500 truck trips across the road per year based on the assumption that the tank would be cycled once per year, and approximately 250 truck trips are required to fill the tank.

iii. The route was broken up into two segments, U.S. 45 to CR 1400E and CR 1400E to the subject property. During the inspection of these segments it was found that the road is currently in good condition.

iv. The life-cycle cost analysis for a 12 year period showed that the tank will cost the Township \$16,700 to maintain the road or \$1,467 per year.

*Identical to evidence in Case 731-S-12

ii. Access to the proposed Special Use across the subject property will not be a problem if a road agreement is reached in Case 731-S-12 between the petitioner and Rantoul Township.

iii. At this time the petitioners have not signed a road agreement with Rantoul Township and the proposed development cannot be effectively and safely without undue public expense so long as the subject property is used for access to the 750,000 gallon storage tank.

- (4) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a. It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
 - b. the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.3.5 for the following reasons:

- (a) The proposed use serves surrounding agriculture and is an existing use.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.

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 **NOT IMPEDE** the achievement of Goal 5.

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 amendment 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 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 soil on the subject property is best prime farmland and consists of Drummer silty clay, Raub silt loam, and Wyanet silt loam and would have an average LE of approximately 92.
- (b) The proposed use will efficiently use best prime farmland, approximately .17 acre will be converted from agricultural production.

- 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 will *NOT IMPEDE* the achievement of 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 9.

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 follows:

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	Farm Equipment Sales and Service and farm storage	AG-1 Agriculture (proposed B-1)
North	Agriculture ----- Agrichemical storage (Case 731-S-12)	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Residential ----- Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

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.

- (2) In regards to the value of nearby residential properties, it is not clear if the requested map amendment would have any effect.
- 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 amendment will bring the existing business into compliance with the Zoning Ordinance, and will allow the petitioners to continue serving the agricultural community by providing the services they offer.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
The subject property is suitable for the zoned purposes. The subject property cannot be converted back to agricultural production and has been used for the existing business since the 1970s.
- 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-1 District was planned in 1973 and thus was intended to protect areas of the County where soil and topographic conditions are best adapted to the pursuit of agricultural uses. Currently, there are two buildings on the subject property.
- G. **Sinclair factor: The need and demand for the use.**
The petitioners business provides a needed use to the agricultural community by providing farm equipment and repair services.
- 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.

REGARDING RELEVANT TESTIMONY DURING THE PUBLIC HEARING

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.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

- 23. 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 not directly related to 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 not directly related to 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 directly related to this purpose.~~

- (a) The Rantoul Township Highway Commissioner has a concern with the volume of heavy truck traffic that will take place over the township roads as a result of the proposed Special Use and even has concerns about heavy truck traffic if the storage tank is used for agricultural purposes only. Regarding these concerns about heavy truck traffic:
 - i. Rantoul Township hired Applied Research Associates (ARA) inc. to prepare a life cycle cost analysis of the impacts of the proposed Special Use on township roads.
 - ii. Rantoul Township has sought to enter into a road agreement with the petitioners regarding the impacts of the proposed Special Use on township roads but to date there is no signed road agreement and therefore Rantoul Township is not assured of reimbursement for the added road maintenance that will result from use of the storage tank.

(b) At this time the petitioners have not entered into a road agreement with Rantoul Township and for that reason the use of the storage tank will add to congestion in the streets.

- 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 directly related to this purpose.~~

(a) The business on the subject property has existed since before Champaign County adopted the Stormwater Management Policy on December 17, 1991. However, it is unknown when the buildings were constructed or when additions were added and when the buildings stopped being agricultural buildings. The entire 3.8 acres is either building roof or gravel parking area (both of which are impervious) and if reviewed as a new development under the Stormwater Management Policy, stormwater detention would be required. At this time there is no evidence indicating an existing drainage problem that would benefit from requiring stormwater detention as a special condition.

- 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 not directly related to 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 not directly related to this purpose.

- 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 not directly related to this purpose.

- 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 not directly related to 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 directly related to this purpose because the existing business is currently not authorized in its current AG-1 District. The proposed B-1 District allows farm equipment sales and service by right and if rezoned the existing business will be in compliance with the Zoning Ordinance.

- 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 not directly related to 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 not directly related to 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 not directly related to this purpose.

- 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 directly related to this purpose because the existing structures were originally constructed as agricultural structures, but were then converted for business purposes.

- 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 not directly related to 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 not directly related to 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 not directly related to 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 not directly related to 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 not directly related to this purpose.

REGARDING SPECIAL CONDITIONS OF APPROVAL

24. Regarding proposed special conditions of approval:

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 747-AM-13 by the County Board.**

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 28, 2013, May 16, 2013, and June 13, 2013, and July 25, 2013**, the Zoning Board of Appeals of Champaign County finds that:

~~1. The proposed amendment will **NOT HELP ACHIEVE** the Land Resource Management Plan because of the following (objectives and policies are very briefly summarized):~~

~~A. The proposed text map amendment will **NOT HELP ACHIEVE** the following LRMP goals:~~

1. The proposed amendment will **NOT HELP ACHIEVE** the Land Resource Management Plan because of the following (objectives and policies are very briefly summarized):

A. The proposed amendment will **NOT HELP ACHIEVE Goal 4 Agriculture** because of the following:

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:~~
- It will **HELP ACHIEVE** 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.(2)).
 - 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.(3)).
- ~~Objective 4.2 requiring discretionary development to not interfere with agriculture because it will **HELP ACHIEVE** the following:~~
- It will **HELP ACHIEVE** 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)).
 - Policy 4.2.3 requiring discretionary development recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 14.B.(3)).
 - Policy 4.2.4 requiring consideration of whether a buffer between proposed development and agricultural activities is necessary (see Item 14.B.(4)).

- ~~Objective 4.3 requiring any discretionary development to be on a suitable site because it will **HELP ACHIEVE** the following:~~
- It will **NOT HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because it will **NOT HELP ACHIEVE** the following:
 - ~~Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall.~~
 - ~~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.(3)).~~
 - 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.(4)).
 - ~~Policy 4.3.5 requiring that a business or non-residential use on best prime farmland only if it serves surrounding agriculture and is appropriate in a rural area.~~

- B. ~~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:~~

The proposed amendment will **HELP ACHIEVE** 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.

- C. 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 5 Urban Land Use
- Goal 6 Public Health and Public Safety
- Goal 7 Transportation
- Goal 9 Energy Conservation
- Goal 10 Cultural Amenities

2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:

- The amendment will allow the petitioners to continue to provide the needed products and services they offer to the agricultural community.

- The subject property is suitable for the business and cannot be converted back to agricultural production.
3. The proposed Zoning Ordinance map amendment will ***HELP ACHIEVE*** the purpose of the Zoning Ordinance because:
- Establishing the B-1 District at this location will help classify, regulate, and restrict the location of the uses authorized in the B-1 District (Purpose 2.0 (i) see Item 22.I.).
 - Establishing the B-1 District at this location will help make the existing buildings, structures, and uses conform to those authorized in the B-1 District (Purpose 2.0 (m) see Item 22.M.).
4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:
- Approval of the amendment would bring the existing business into compliance with the Zoning Ordinance.

DOCUMENTS OF RECORD

1. Special Use Permit application signed by Joseph Warner received August 31, 2012, with attachments:
 - A Site Plan
 - B Legal Description
 - C Plat Book Map
 - D Aerial Photo
2. Zoning Use Permit Application No. 244-12-01 received August 31, 2012
3. List of Owners and Officers of Warner Brothers, Inc. received September 5, 2012
4. CST Storage Tank Technical Drawings and Specifications received September 5, 2012
5. Copy of IDAG Application for Permit and Construction Approval for an On-Farm Storage Facility received September 14, 2012
6. Legal Description received January 2, 2013
7. Plat of Survey received February 6, 2013
8. Plat of Survey received February 12, 2013
9. Revised Special Use Permit Application signed by Joseph and Gerald Warner received March 1, 2013, with attachments:
 - A Plat of Survey
 - B Certificate of Inspection of Farm Storage Tank and Accessory Building, signed by James B. Clarage
 - C Documentation of Compliance with applicable building codes prepared by Municipal Consulting and Development Ltd.
 - D Map of Existing Drainage Tile
10. Application for Map Amendment received March 1, 2013, signed by Joseph and Gerald Warner with attachments:
 - A Legal Description
 - B Plat of Survey
11. Plat of Survey for Case 731-S-12 received March 21, 2013
12. Plat of Survey for Case 747-AM-13 received March 21, 2013
13. Building Plans for mixing building received March 21, 2013
14. Letter from Therese Wyman received March 21, 2013

15. Preliminary Memorandum for Case 731-S-12 dated March 22, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Plat of Survey received March 21, 2013
 - C Building Plans received March 21, 2013
 - D Excerpt of Map of Existing Drainage Tile received March 1, 2013
 - E Certificate of Inspection of Farm Storage Tank and Accessory Building, signed by James B. Clarage received March 1, 2013
 - F Documentation of Compliance with applicable building codes prepared by Municipal Consulting and Development Ltd. received March 1, 2013
 - G Letter from Therese Wyman received March 21, 2013
 - H Copy of IDAG Application for Permit and Construction Approval for an On-Farm Storage Facility received September 14, 2012
 - I CST Storage Tank Technical Drawings and Specifications received September 5, 2012
 - J Site Visit Photos
 - K Draft Summary of Evidence, Finding of Fact, and Final Determination

16. Preliminary Memorandum for Case 747-AM-13 dated March 22, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Plat of Survey received March 21, 2013
 - C Site Visit Photos
 - D LRMP Land Use Goals, Objectives, and Policies & Appendix
 - E Draft Finding of Fact and Final Determination

17. Plat of Survey received March 26, 2013

18. Supplemental Memorandum for Case 747-AM-13 dated March 28, 2013, with attachments:
 - A Plat of Survey received March 26, 2013
 - B Revised Draft Finding of Fact and Final Determination

19. Letter from Danny Sage, Rantoul Township Road Commissioner, submitted at the March 28, 2013, public hearing by James Rusk

20. Entry of Appearance for Cases 731-S-12 and 747-AM-13 submitted by Kent Follmer at the March 28, 2013, public hearing

21. Supplemental Memorandum for Case 731-S-12 dated May 8, 2013, with 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

22. Supplemental Memorandum for Case 747-AM-13 dated May 8, 2013, with attachment:
 - A Draft March 28, 2013, Meeting Minutes
23. Plat of Survey with annotations received May 15, 2013
24. Supplemental Memorandum for Case 731-S-12 dated May 16, 2013, with attachments:
 - A Proposed Evidence
 - B Summary of Findings of Life-Cycle Cost Analysis conducted by Applied Research Associates, Inc., received May 15, 2013
 - C Letters from gene Warner received May 16, 2013
 - D Warner Brothers, Inc., Monthly product Inventory Reports (January 2013 – May 2013) received May 15, 2013
 - E invoices from Crop Production Services dated 2/1/13, 4/3/13, and 4/16/13, received May 15, 2013
 - F Drainage Tile Map received May 16, 2013
25. Page of Photos received May 16, 2013
26. Folder of Photos submitted by Kent Follmer at the May 16, 2013, public hearing
27. Plat of Survey submitted by Paul Cole at the May 16, 2103, public hearing
28. Plat of Survey received May 23, 2013
29. Plat of Survey received June 5, 2013
30. Supplemental Memorandum for Case 731-S-12 dated June 7, 2013, with attachments:
 - A Plat of Survey received June 5, 2013
 - B Revised Draft Summary of Evidence, Finding of Fact, and Final Determination
31. Supplemental Memorandum for Case 747-AM-13 dated June 7, 2013, with attachment:
 - A Revised Draft Finding of Fact and Final Determination
32. Tax Assessment Information received June 10, 2013
33. Supplemental Memorandum for Case 731-S-12 dated June 13, 2013, with attachment:
 - A Tax Assessment Information received June 10, 2013
34. Revised Tax Assessment Information received July 15, 2013
35. Report of Testing and Analysis for Impact of Large Storage Tank along 2700N prepared by Applied Research Associates (ARA), Inc. received July 15, 2013

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 747-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. 754-V-13

SUPPLEMENTAL MEMORANDUM

July 19, 2013

Champaign
County
Department of

PLANNING &
ZONING

Petitioners: KH Farms, Inc.

Request: Authorize the following in the AG-1 Zoning District:

Part A. Variance for a lot area of .924 acre in lieu of the minimum required 1 acre.

Part B. Variance for an average lot width of 110.17 feet in lieu of the minimum required 200 feet.

Subject Property: Lot 1 of KH Farms Subdivision in the Southwest Quarter of Section 2 of Scott Township and commonly known as the house and outbuilding at 456 CR 1700N, Champaign.

Site Area: .924 acre

Time Schedule for Development: Existing

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

(217) 384-3708

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

STATUS

This case was continued from the July 11, 2013, public hearing. No calls or complaints have been received regarding this case, and the 15 day notification period has been met. This case is ready for Final Action at the July 25, 2013, public hearing.

CASE NO. 760-V-13

PRELIMINARY MEMORANDUM

July 19, 2013

Champaign
County
Department of

**PLANNING &
ZONING**

Petitioner: **Sangamon Valley Public
Water District**

Site Area: **0.75 acre**

Time Schedule for Development: **Proposed**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: **Authorize a County Board Variance from Subsection 13.2.1A.4. that requires construction or use to comply with the SUBDIVISION regulations of a municipality when the requirement for annexation to that municipality is pursuant to or is a requirement for plat approval by that municipality, for a proposed expansion of a water treatment plant and related facilities that are owned and operated by a predominately rural water district in the AG-2 District.**

Location: **An approximate 0.75 acre tract located in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 10 of Mahomet Township and commonly known as the property located immediately east of the Living Word Omega Message Church at 2272 CR 350E, Mahomet.**

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

(217) 384-3708

BACKGROUND

Sangamon Valley Public Water District (SVPWD) requests a County Board Variance to authorize the Zoning Administrator to issue a Zoning Use Permit for a water storage tank and a pump station that is proposed to be located on property that has not received plat approval by the Village of Mahomet. Granting the Variance does not exempt the petitioner from complying with the Village of Mahomet subdivision regulations. The Variance will only allow the Zoning Administrator to issue a Zoning Use Permit to authorize construction. The Village will still be free to enforce their subdivision regulations.

The ZBA previously recommended approval of a similar variance, Case 749-V-13, on June 27, 2013. The County Board will consider Case 749-V-13 at its meeting on July 18, 2013. On July 3, 2013, the Zoning Administrator approved Zoning Use Permit No. 169-13-03 to construct a foundation only on this property, subject to the owner complying with any reasonable requirement in this Case. The Zoning Administrator also approved Zoning Use Permit No. 169-13-02 to construct a foundation only for the property located 709 North Prairieview Road, subject to the same condition.

The water storage tank and pump station were authorized by the Zoning Board of Appeals in related Cases 750-S-13 and 751-V-13 on June 13, 2013. Throughout the various zoning cases Sangamon Valley Public Water District has maintained that they are opposed to being annexed by the Village of Mahomet because of concerns that annexation would ultimately result in the dissolution of the water district once they are under Village jurisdiction. In a letter dated May 14, 2013, from Mell Smigielski, Village

Administrator, Village of Mahomet, Mr. Smigielski indicates that annexation is strongly encouraged, but is not required by any applicable Statute or Village Ordinance.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Mahomet, a municipality with zoning. The Village does not have protest rights.

The Mahomet Township Plan Commission has been notified of this case. Townships with plan commissions have protest rights on a County Board authorized Variance.

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	Residential	AG-2 Agriculture
West	Agriculture (County) / Church (Mahomet)	AG-2 (County) / R-1 (Village of Mahomet)
South	Agriculture	AG Agricultural (Village of Mahomet)

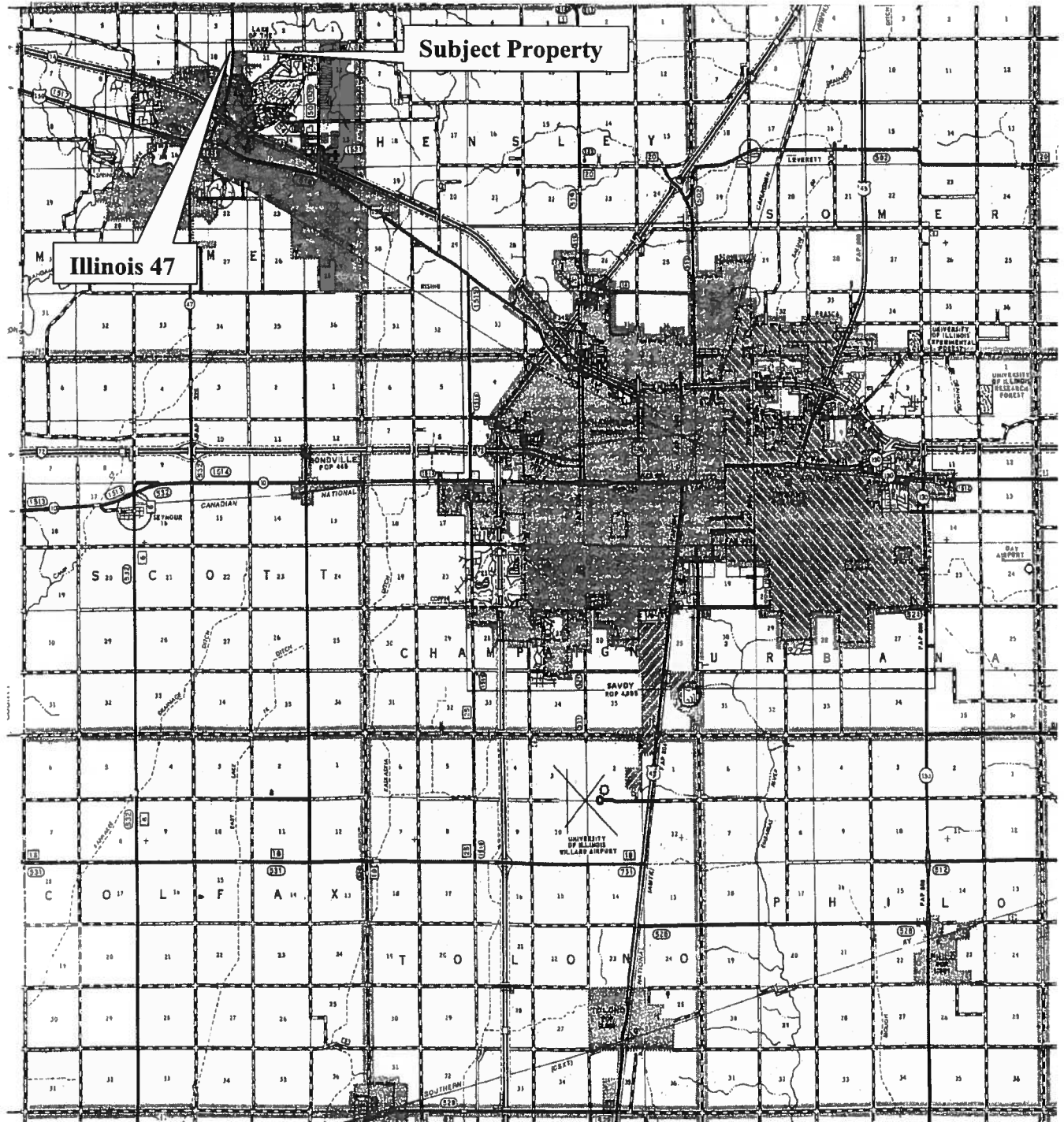
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received May 14, 2013
- C Subdivision Plat received July 18, 2013
- D Zoning Use Permit No. 169-13-03
- E Letter from Mell Smigielski, Village Administrator, Village of Mahomet, received May 15, 2013
- F Mahomet Citizen Article, *Mahomet Trustees to Consider Zoning Issue*, dated October 18, 2012
- G Draft Summary of Evidence, Finding of Fact, and Final Determination (included separately)

ATTACHMENT A. LOCATION MAP

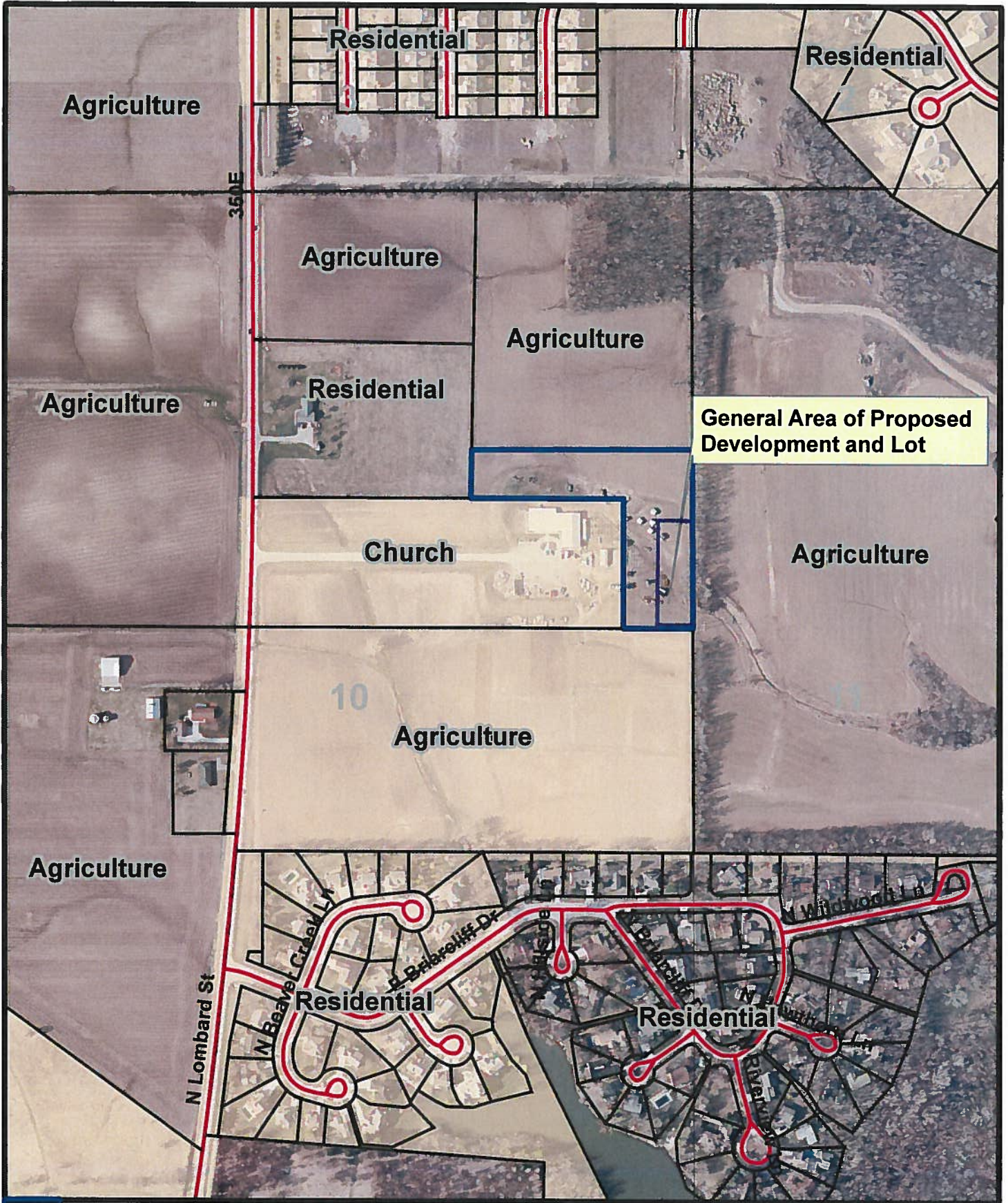
Case 760-V-13



July 19, 2013



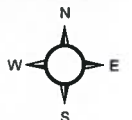
Champaign
County
Department of
PLANNING &
ZONING

Attachment A: Land Use Map
Case 760-V13
July 19, 2013



 Subject Property
 Municipal Boundary

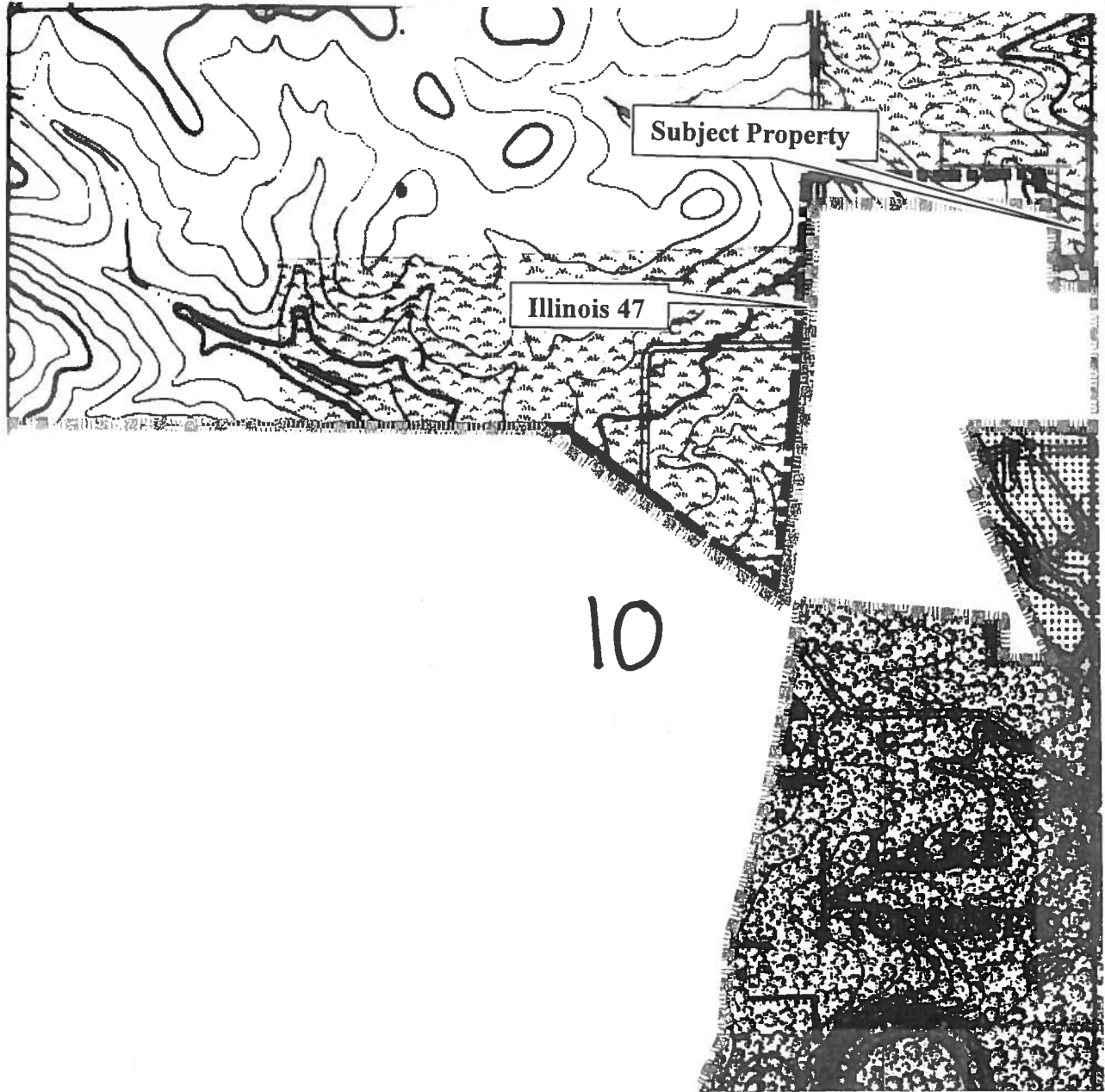
1 inch = 400 feet



ATTACHMENT A. ZONING MAP

Case 760-V-13

July 19, 2013

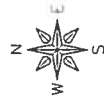
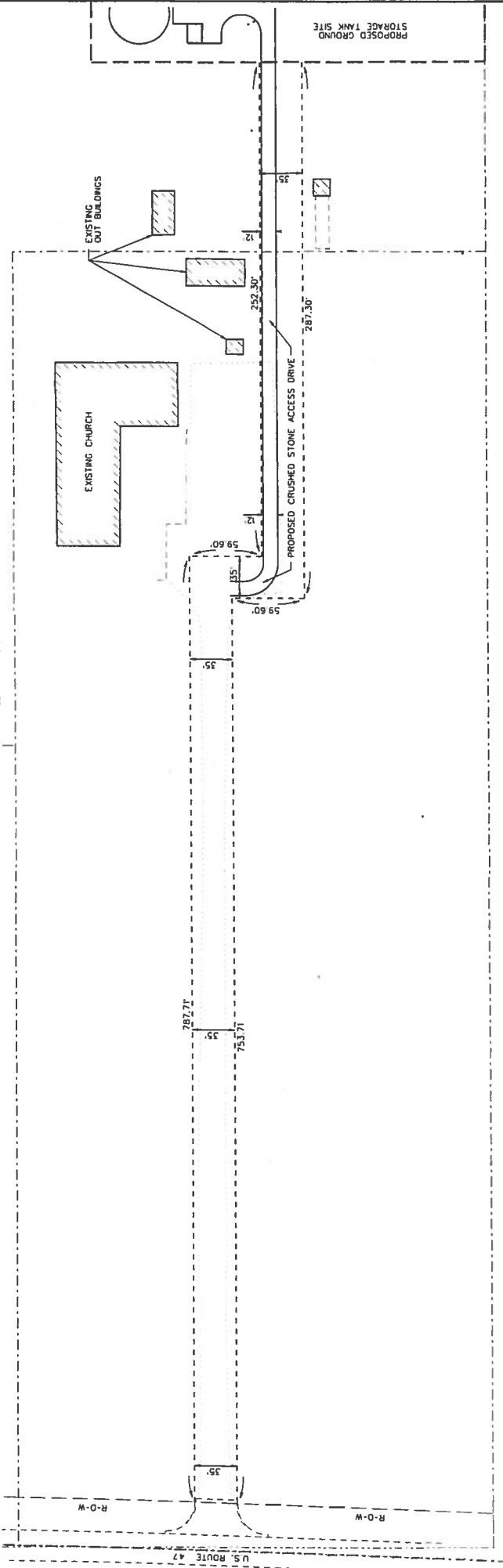


AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH Champaign County Department of PLANNING & ZONING
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation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

SANGAMON VALLEY PUBLIC WATER DISTRICT
 PROPOSED 250,000 GALLON GROUND STORAGE TANK REZONING
 INGRESS / EGRESS
 PRELIMINARY SITE PLAN

LEGEND

---	EXISTING PROPERTY LINE
- - -	ACCESS EASEMENT
- - -	PROPOSED PROPERTY
-x-x-	PROPOSED FENCE
~~~~~	EXISTING TREE LINE



GRAPHIC SCALE IN FEET  
 0 40 80

**RECEIVED**

JUN 18 2013

CHAMPAIGN CO. P & Z DEPARTMENT

JOB NUMBER:  
13-689

SHEET NUMBER:  
2 of 2

REVISIONS

REV. NO.	DESCRIPTION	DATE

DRAWN BY: JAB/TMB  
 APPROVED BY: JAB  
 DATE: 5/17/2013  
 SCALE: 1" = 40'

PROJECT AND LOCATION:  
 250,000 GALLON  
 GROUND STORAGE TANK  
 REZONING

OWNER/DEVELOPER:  
 SANGAMON VALLEY PUBLIC WATER  
 709 N. PRAIRIE VIEW ROAD  
 MAHOMET, IL 61853

ILLINOIS  
 IOWA  
 WISCONSIN

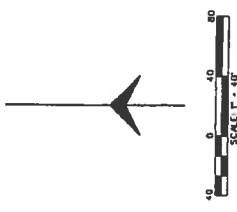
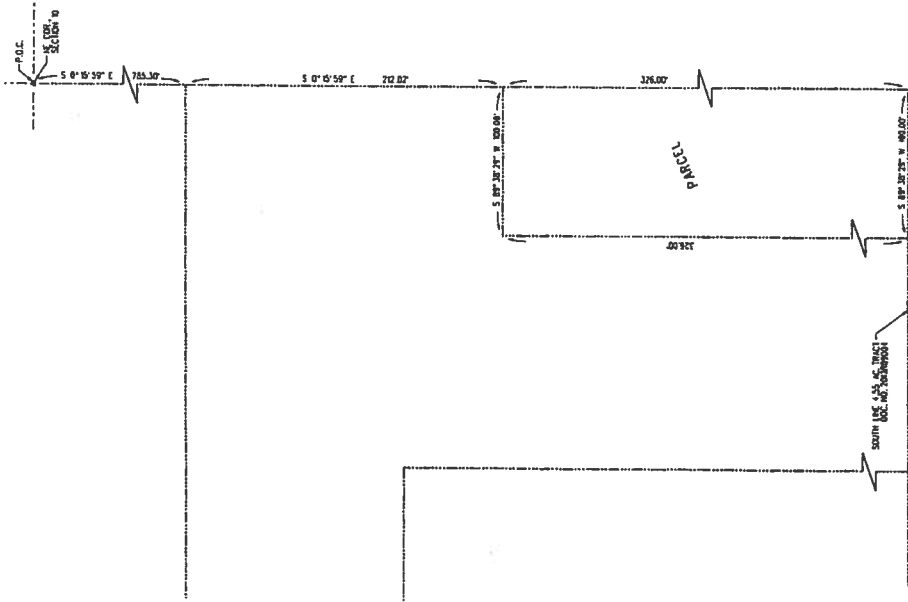
**FEHR GRAHAM**  
 ENGINEERING & ENVIRONMENTAL

© 2013 FEHR GRAHAM

PLAT

# SANGAMON VALLEY PUBLIC WATER DISTRICT

A PART OF THE EAST HALF OF THE NORTHEAST QUARTER  
OF SECTION 10, TOWNSHIP 20 NORTH,  
RANGE 7 EAST OF THE THIRD P.M.,  
CHAMPAIGN COUNTY, ILLINOIS



### PARCEL LEGAL DESCRIPTION

PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 20 NORTH,  
RANGE 7 EAST OF THE THIRD P.M., CHAMPAIGN COUNTY, ILLINOIS, THE BOUNDARIES  
OF WHICH ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
326.00 FEET OF THE EAST BOUNDARY OF SAID PARCEL ALSO BEING TRACT OF  
THE SANGAMON VALLEY PUBLIC WATER DISTRICT, CHAMPAIGN COUNTY, ILLINOIS,  
AS SHOWN ON THE PLAT AND THE ADJACENT PLAT OF THE  
SANGAMON VALLEY PUBLIC WATER DISTRICT, CHAMPAIGN COUNTY, ILLINOIS.

RECEIVED

JUL 18 2013

CHAMPAIGN CO. P & Z DEPARTMENT

### SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF CHAMPAIGN )

I, RANDAL D. EVANS, ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 2378, DO  
HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION  
AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS  
OF THE ILLINOIS SURVEYING ACT AND THE RULES AND REGULATIONS THEREUNDER  
AND CORRECT REPRESENTATION OF THE SURVEY AS MADE IN THE FIELD  
WAS MADE AND SEALED THIS _____ DAY OF _____, 2003.



RANDAL D. EVANS, D.L.S. NO. 2378  
318 NORTH 463 STREET  
CHAMPAIGN, ILLINOIS

JOB NUMBER  
12067  
SHEET NUMBER  
1 OF 1

DATE  
7/18/2013  
SCALE  
1"=50'

REV. NO.	REVISIONS DESCRIPTION

DATE BY: TUB  
APPROVED BY: RDE  
DATE: 7/18/2013  
SCALE: 1"=50'

PROJECT AND LOCATION  
PROPOSED GROUND  
STORAGE TANK

OWNER/DEVELOPER  
SANGAMON VALLEY  
PUBLIC WATER DISTRICT

ILLINOIS  
IOWA  
WISCONSIN

**FEHR GRAHAM**  
ENGINEERING & ENVIRONMENTAL  
CONSULTANTS, INC.  
© 2013 FEHR-GRAHAM

**FILE COPY**

CHAMPAIGN COUNTY, ILLINOIS

**ZONING USE PERMIT**

**No.: 169-13-03**

Application Date: 06/18/13

Township: Mahomet Section: 10 Receipt #: 4583

P.I.N.: Part of: 15-13-10-226-014 Fee: \$325.00

Location (Address, directions, etc.): Address to be assigned

Owner/s: Sangamon Valley Public Water District

Issued to: Owner: X Agent: Zoning District: AG-2 Lot Area: .75 acre

Legal Description: A tract of land located in the SE 1/4 of the SE 1/4 of the NE 1/4 of the NE 1/4 of Section 10, Mahomet Township

Project Is To: construct the **FOUNDATION ONLY** for a water storage tank and water pumping station

Use Is: Accessory: Principal: X Conforming: X Non-Conforming:

By: Appeal #: Special Use #: 750-S-13 Variance #: 751-V-13 & 760-V-13

**Special Conditions: SEE REVERSE FOR SPECIAL CONDITIONS OF APPROVAL**

**Standard Conditions**

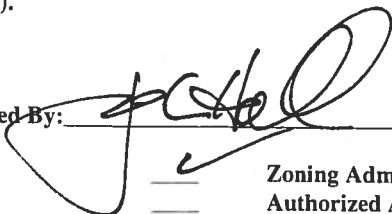
1. This permit is issued with the understanding that all construction, use and occupancy will be in compliance with the application as filed with the Planning and Zoning Department, and with all provisions of the Champaign County Zoning Ordinance.

2. This Zoning Use Permit expires if the work described in the application has not begun within 180 consecutive days from issuance or if the work is not substantially completed within 365 consecutive days from issuance.

Date: 7/3/13

3. As evidenced in the Zoning Use Permit Application, the owner has expressly granted permission for representatives of the Champaign County Department of Planning & Zoning to enter the premises at reasonable times for the purpose of inspection to ensure compliance with the Champaign County Zoning Ordinance.

4. A Zoning Compliance Certificate must be obtained from the Department of Planning and Zoning, in writing, prior to occupancy or use of the work or structures covered by this permit (Section 9.1.3).

Signed By:   
Zoning Administrator  
Authorized Agent

## SPECIAL CONDITIONS OF APPROVAL OF ZONING USE PERMIT 169-13-03:

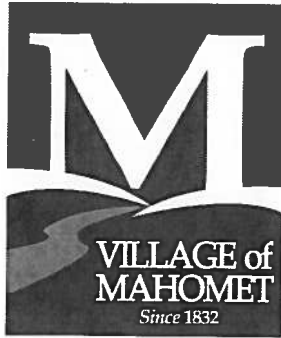
1. Zoning Use Permit 169-13-03 for a FOUNDATION ONLY is approved pending the County Board decision in Zoning Case 760-V-13. The Applicant must abide by any reasonable conditions adopted by the County Board in Zoning Case 760-V-13.
2. Inspections may be required for building code compliance. The applicant is hereby advised of Public Act 96-704 that requires certification of compliance with specified building codes to be submitted prior to approval for occupancy. It may be necessary to have periodic inspections conducted during construction of both the foundation and the further construction of the water storage tank and water pumping station. See the requirement for Zoning Compliance Certificate.
3. No Zoning Use Permit shall be approved authorizing further construction of the water storage tank and water pumping station until the following are received and/or found to meet the requirements:
  - a. The site plan and building plans and specifications shall be in conformance with the requirements of the Environmental Barriers Act (410 ILCS 25) and the Illinois Accessibility Code (71 Ill. Adm. Code 400) and a set of building plans (including site plan) and specifications shall be submitted with either (1) a Statement of Compliance by a Licensed Illinois Architect or Illinois Registered Professional Engineer as required by 71 Ill. Adm. Code 400 .180 (see attached); or (2) stamped with the seal of a Licensed Illinois Architect or Illinois Registered Professional Engineer.
  - b. The site plan and building (or structure) plans shall be in compliance with the approved site plan in Case 750-S-13.
4. No **Zoning Compliance Certificate** shall be approved authorizing use and occupancy of the water storage tank and water pumping station until the following are received and/or found to meet the requirements:
  - a. A Plat of Subdivision that meets the requirements of 13.2.1A.4.(1)(a) of the Champaign County Zoning Ordinance.
  - b. The evergreen trees in the screening along the north and east property lines shall be at least 2 feet 8 inches tall at the time of planting and within two years of issuance of a Zoning Compliance Certificate shall provide at least 50% of the required screen or additional plantings shall be required.
  - c. Any new exterior lighting fixture (installed pursuant to this permit or in the future) shall be full-cutoff type lighting as required in 6.1.2A. of the Zoning Ordinance with no lamp greater than 250 watts and located and installed so as to minimize glare and light trespass. "Full-cutoff" means that the lighting fixture emits no light above the horizontal plane and documentation from the manufacturer must be submitted.
  - d. As required by Public Act 96-704, a written certification of inspection from an **Illinois Licensed Architect or other qualified inspector** certifying that the building and structures as **constructed have been inspected** and complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.
  - e. The as-built site plan and building (or structures) shall be in compliance with the approved site plan in Case 750-S-13.

RECEIVED

MAY 15 2013

RECEIVED

MAY 15 2013



CHAMPAIGN CO. P & Z DEPARTMENT  
**Village of Mahomet**  
 CHAMPAIGN CO. P & Z DEPARTMENT

Office of the Village Administrator

503 E. Main Street – P.O. Box 259 – Mahomet, IL 61853-0259

Phone: (217) 586-4456 ext. 12 Fax: (217) 586-5696

E-mail: [msmigielski@mahomet-il.gov](mailto:msmigielski@mahomet-il.gov)

Website: <http://mahomet.govoffice.com>

May 14, 2013

Mr. John Hall  
 Planning & Zoning Director  
 Champaign County Planning and Zoning Department  
 Brookens Administration Center  
 1776 East Washington Street  
 Urbana, Illinois 61802

RE: SANGAMON VALLEY PUBLIC WATER DISTRICT SITE  
 VILLAGE OF MAHOMET, CHAMPAIGN COUNTY, ILLINOIS

Dear Mr. Hall,

This letter is intended to inform you that there appears to have been some miscommunication/misunderstanding between the Village of Mahomet and the Sangamon Valley Public Water District (SVPWD). SVPWD representatives are apparently under the mistaken impression that the Village of Mahomet Subdivision Ordinance requires annexation of any land parcel contiguous to the Village as a condition precedent to being subdivided. That impression is inaccurate in that annexation is strongly encouraged by Village policy, but is not required by any applicable Statute or Village Ordinance.

The Village understands that SVPWD has misrepresented these requirements to the County Zoning Board of Appeals, the ELUC, County Board members, and others. Hopefully this will set the record straight in this regard.

The Village also understands that the proposed expansion of the SVPWD Water Treatment Plant will involve a subdivision. The Village remains firm in its desire that SVPWD and the current landowner comply with all applicable Village Subdivision Ordinance requirements during the development process. This minimal requirement is for the protection of the various parties involved, as well as for any adjacent property owners who will be impacted by the Plant expansion.

If you have any questions, please contact me at any time.

Sincerely,

*Mell Smigielski*  
 Mell Smigielski, Village Administrator

Cc: Alan Kurtz, CC Board Chair  
 John Jay, CC Board  
 Gary Maxwell, CC Board  
 Mayor Brown  
 Sean Widener, Mahomet Trustee  
 William Olinger, Mahomet Trustee  
 Andrew Harpst, Mahomet Trustee  
 Vicki Cook, Mahomet Trustee  
 Bruce Colravy, Mahomet Trustee  
 Bob Mahrt, Mahomet Village Planner





Stephanie Henry/Mahomet Citizen

Mahomet resident Aaron Tandy tries his hand at putting out a fire at the Cornbelt Fire Protection District open house on Thursday night. The annual event gave local residents the chance to meet firefighters and tour the department's facilities. See more photos on page 16.

precisely assessed to secure a long term solution.

A single board member can do very little by their self. It takes a committee, caucus or county board action to make changes to county problems. What a county board member must do is to be sure his or her vote or action is always in

See **CANDIDATES** Page 8

# Mahomet trustees to consider zoning issue

**Will decide whether to protest county decision**

By **AMELIA BENNER**  
*Mahomet Citizen editor*

At their Tuesday night study session, the Village of Mahomet Board of Trustees heard about a complex zoning issue affecting the pending construction of a

new water treatment plant for the Sangamon Valley Public Water District. No decisions were made at the study session, as the parties involved await a meeting next Tuesday between Village and SVPWD staff.

At issue is whether the Village will make a formal protest against zoning changes for the proposed water treatment plant site that were previously approved by the Champaign County Zoning Board of Appeals.

Although the site itself doesn't lie within Village limits, it is within the mile-and-a-half "extra-

territorial jurisdiction" in which the Village has the right to protest zoning decisions.

SVPWD, which serves water customers both inside and outside the Village, as well as in Seymour and Sadorus, set plans for building a new plant in motion earlier this year. With that goal in mind, they asked the Champaign County Zoning Board of Appeals to consider changing the zoning designation of the proposed construction site from residential to agricultural.

The 2.9-acre tract in question is at 709 North Prairieview Road, north of the current treatment

plant. SVPWD had previously approached the Village about expanding to the south, and were told that this plan would require annexation by the Village under current policy.

SVPWD moved forward through zoning channels at the County level concerning the land to the north. At a series of public hearings on the issue, Village staff testified that the rezoning was inconsistent with Mahomet's goals and policies for zoning and development.

Annexation is at the heart of the issue, Village Planner Bob Mahrt said that the Village's policies for

growth occurring contiguous to its limits triggers automatic annexation of the site, whether the zoning moves forward through County or Village channels.

But SVPWD board member Bud Parkhill said that SVPWD's attorney believes that the water district is exempt from the State Plat Act and therefore exempt from automatic annexation by the Village. The site in question is owned by Parkhill Enterprises.

Mayor Deb Brauning said that rumors that the Village's ultimate goal is to take over water-treatment operations from SVPWD

See **TRUSTEES** Page 16

## Inside

- Opinions ..... 4
- Community Calendar ..... 7
- Obituaries ..... 8
- Social news ..... 9
- Sports ..... 8
- Classified ads ..... 12



*The Mahomet Citizen was named the best small weekly newspaper of its class in Illinois in 2009 and 2011.*

## Contact us RECEIVED

Phone: (217) 586-2512  
 Fax: (217) 586-4821  
 News e-mail: abenner@news-gazette.com  
 Advertising e-mail: ngc@mahometnews-gazette.com  
 Mail: P.O. Box 919

Classified display ad and retail display ad deadlines: noon Monday, email: [news@news-gazette.com](mailto:news@news-gazette.com)

Classified line ad deadline: 10:00 PM Monday, email: [classified@news-gazette.com](mailto:classified@news-gazette.com)

CHAMPAIGN COUNTY NEWS-GAZETTE DEPARTMENT

# Mr Last Diet!

**JOIN US AT OUR NEXT EDUCATIONAL & SAVE THE \$150 CONSULTING FEE.**

Come learn about our medically designed weight loss method. With our 4-phase easy to follow protocol, you will maintain your lean muscle mass, lose fat & learn to keep the pounds off forever!

**LOSE AN AVERAGE OF 3-7 LBS A WEEK!**



**HT LOSS OF MAHOMET • 116 S. Lombard, Mahomet in the ReMax office next to Monical's • 217-586-6909**

our budget!

Fill out your  
ident contractor  
ation at 15 Main  
ampaign or call  
1-5266 for more  
information

## Trustees from 1

are untrue. "That's not a concern at this point," she said, and Village Attorney Jim Evans said that a move by the Village to take over SVPWD would be illegal anyway.

Parkhill said that he was willing to build the new plant to the design specifications that would be required under annexation—but added that he did not want to undergo the time and expense required to rezone through the Village subsequent to the annexation process, and that the water district board would prefer to move ahead at the county level.

SVPWD General Manager Kerry Gifford said that he hopes to break ground on the project by fall 2013, with financing provided by a low-interest loan from the Illinois Environmental Protection Agency.

The board will continue discussion on the matter at its regular meeting on Tuesday, Oct. 23, following the meeting between Village and SVPWD staff.

In other business, Stephen DeReus gave a report on the status of the new police pension fund, which was mandated by law when Mahomet's population topped 5,000.

DeReus said that the fund wrapped up the fiscal year valued at just over \$191,000 but with an unfunded liability of over \$1 million.

He said that the fund would continue to grow slowly thanks to unfavorable interest rates and limitations on the kinds of investments available at this point.

M  
HEON  
n 11:30AM

Kie Martin

Discover

UNDER  
0

### All your protection under one roof.[®]

One call is all it takes to get the insurance you need. Auto, home, business, health, life and more. I'm ready to help.*

*Some products not available in every state.



Dwight Unzicker Agency  
501 E Oak Ste B  
Mahomet, IL 61853-0994  
(217) 586-4090

[www.aflac.com/agentlocator/DUNZICKE](http://www.aflac.com/agentlocator/DUNZICKE)

**AMERICAN FAMILY  
INSURANCE**

American Family Mutual Insurance Company  
and its Subsidiaries  
American Family Insurance Company  
Home Office - Mahomet, IL 61853  
aflac.com

© 2008 002134 Rev 11/08

RECEIVED

MAY 17 2013

CHAMPAIGN CO. P & Z DEPARTMENT

**PRELIMINARY DRAFT**

**760-V-13**

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

---

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

Date: **July 25, 2013**

Petitioners: **Sangamon Valley Public Water District**

Request: **Authorize a County Board Variance from Subsection 13.2.1A.4. that requires construction or use to comply with the SUBDIVISION regulations of a municipality when the requirement for annexation to that municipality is pursuant to or is a requirement for plat approval by that municipality, for a proposed expansion of a water treatment plant and related facilities that are owned and operated by a predominately rural water district in the AG-2 District.**

---

**Table of Contents**

General Application Information .....	2-4
Specific Ordinance Requirements .....	4-6
Variance Evidence .....	7-10
Documents of Record .....	11
Case 760-V-13 Findings of Fact.....	12-13
Case 760-V-13 Final Determination.....	14

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 25, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Sangamon Valley Public Water District, 709 North Prairieview Road, Mahomet, owns the subject property.
2. The subject property is an approximate 0.75 acre tract located in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 10 of Mahomet Township and commonly known as the property located immediately east of the Living Word Omega Message Church at 2272 CR 350E, Mahomet.
3. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Mahomet, a municipality with zoning. The Village of Mahomet has been notified of this case, but does not have protest rights on a County Board authorized Variance.
4. The subject property is within Mahomet Township, a township with a Plan Commission. The Mahomet Township Plan Commission has been notified of this case and does have protest rights.
5. Related Cases 750-S-13 and 751-V-13 were approved on June 13, 2013, by the Champaign County Zoning Board of Appeals. Case 750-S-13 authorized a Special Use Permit for the construction of a water storage tank and a pump station. Case 751-V-13 authorized requested variations from Zoning Ordinance requirements.

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

5. Regarding land use and zoning on the subject property and adjacent to it:
  - A. The subject property is zoned AG-2 Agriculture and is 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 in agricultural production and is zoned AG-2 Agriculture.
    - (2) Land on the south is in agricultural production and is within the Village Mahomet and is zoned AG Agricultural.
    - (3) Land east of the subject property is in agricultural production and is zoned AG-2 Agriculture.
    - (4) Land west of the subject property is in agricultural production and is zoned AG-2 Agriculture. Additional land to the west is within the Village of Mahomet and is the property that the Living Word Omega Message Church occupies. This property is zoned R-1 Residential Single-Family.

**GENERALLY REGARDING THE PROPOSED SITE PLAN**

6. Regarding the site plan of the subject site:
- A. The subject property is approximately 0.75 acre in area.
  - *B. The site plan received May 20, 2013, indicates the following:
    - (1) The 100' × 325' (0.75 acre) lot.
    - (2) The proposed 250,000 gallon storage tank that is 30 feet in height.
    - (3) A proposed 16' × 12' prefabricated building that will house the booster pump station.
    - (4) Proposed security light.
    - (5) Proposed 8' security fence.
    - (6) The proposed access easement that is approximately 1,050 feet in length and 35' wide and located on the adjacent Church property.
    - (7) An existing church and various out buildings on the adjacent property.
    - (8) An indication that the lighting system will conform to Champaign County lighting requirements.
    - (9) An indication that 2 visitor parking spaces will be provided and 1 accessible parking space.
- * Identical Evidence from related Cases 750-S-13 and 751-V-13
- C. The requested variance is to authorize a County Board Variance from Subsection 13.2.1A.4. that requires construction or use to comply with the SUBDIVISION regulations of a municipality when the requirement for annexation to that municipality is pursuant to or is a requirement for plat approval by that municipality, for a proposed expansion of a water treatment plant and related facilities that are owned and operated by a predominately rural water district in the AG-2 District.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES**

6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):

***PRELIMINARY DRAFT***

- (1) "BOARD" is the Zoning Board of Appeals of the COUNTY.
- (2) "CONSTRUCTION" is the excavation of earth to provide for a foundation, basement or cellar; and/or, the addition to or removal from a LOT or tract of land of earth or water so as to prepare said LOT or tract of land for the CONSTRUCTION of a STRUCTURE: and/or, the act of placing or affixing a component of a STRUCTURE upon the ground or upon another such component; and/or, the placing of CONSTRUCTION materials in a permanent position and fastening in a permanent manner; and/or, the demolition, elimination, and/or removal of an existing STRUCTURE in connection with such CONSTRUCTION.
- (3) "COUNTY" is the COUNTY of Champaign, Illinois.
- (4) "GOVERNING BODY" is the COUNTY Board of Champaign County, Illinois.
- (5) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (6) "PLAT" is a map, plan or layout showing the SUBDIVISION of land and indicating the location and boundaries of individual LOTS.
- (7) "SUBDIVISION" is any division, development, or re-subdivision of any part, LOT, area or tract of land by the OWNER or agent, either by LOTS or by metes and bounds, into LOTS two or more in number, for the purpose, whether immediate or future of conveyance, transfer, improvement, or sale, with the appurtenant STREETS, ALLEYS, and easements, dedicated or intended to be dedicated to public use or for the use of the purchasers or OWNERS within the tract subdivided. The division of land for AGRICULTURAL purposes not involving and new STREET, ALLEY, or other means of ACCESS, shall not be deemed a SUBDIVISION for the purpose of the regulations and standards of this ordinance.
- (8) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (9) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.

- B. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the BOARD or the GOVERNING BODY to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
    - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
    - (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
    - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
    - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
    - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
  - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2.
- C. Subsection 13.2.1A.4. prohibits the Zoning Administrator from issuing Zoning Use Permits or Zoning Compliance Certificates when the CONSTRUCTION or USE violates the SUBDIVISION regulations of a municipality where the LOT is within the jurisdiction of a municipality which has enacted SUBDIVISION regulations except for the following:
- (1) CONSTRUCTION or change of USE to establish or enlarge a water treatment plant or related facilities owned and operated by a predominantly rural water district when such improvements are deemed necessary to serve the public health, safety, and well being of the residents of Champaign County when that CONSTRUCTION or change of USE is required to comply with municipal SUBDIVISION regulations including the requirement for annexation to a municipality and that municipality is a non-home rule municipality and has its own water treatment plant and related facilities. The GOVERNING BODY may authorize a VARIANCE from the requirement for compliance with the municipal SUBDIVISION regulations if the municipality will not consider plat approval without the requirement for annexation provided as follows:

**PRELIMINARY DRAFT**

- (a) In addition to all other requirements of Section 9.1.9 the water district shall include with the application for VARIANCE a copy of a SUBDIVISION Plat for the subject property that has been prepared by a Licensed Illinois Surveyor in compliance with the technical platting requirements of the relevant municipal SUBDIVISION requirements but perfect compliance with the technical platting requirements shall not be required for the VARIANCE.
  - (b) The recommendation by the BOARD and the action by the GOVERNING BODY shall include a special condition that the VARIANCE shall not confer GOVERNING BODY approval or support for violation of the technical platting requirements of the relevant municipal SUBDIVISION requirements.
  - (c) The Zoning Administrator shall provide notice to the relevant municipality of the public hearing and the final determination for the VARIANCE and copies of any related Zoning Use Permit of Zoning Compliance Certificate that are authorized.
- D. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

**GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT**

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“The subject parcel is located adjacent to the existing Sangamon Valley Public Water District water system, creating more effective flow and pressure to the areas of need and less costly infrastructure to connect.”**
  - B. In related Case 751-V-13 the Champaign County Zoning Board of Appeals found 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 or structures elsewhere in the same district:
    - (1) They have an available parcel that is small and is screened that is in a convenient location.
    - (2) It will be located in an area that lacks water pressure and flow.
  - C. In related zoning case 750-S-13 the Champaign County Zoning Board of Appeals found in regards to the Special Use Permit criteria of the necessity of this location for the public convenience as follows:



- (1) Nearby subdivisions have issues with water pressure and this will help alleviate those issues.
  - (2) The tank will be low and screened.
  - (3) The location is in close proximity to the existing water system.
- D. On July 3, 2013, the Zoning Administrator approved Zoning Use Permit No. 169-13-03 to construct a foundation only on this property, subject to the owner complying with any reasonable requirement in this Case.

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

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioner has testified on the application, **“Proposed parcel was purchased through County process. Site plan has been designed with respect to County Special Use zoning and approved through County ZBA. The planning has followed a set County design path.”**
  - B. The Petitioner (Sangamon Valley Public Water District) needs to construct the water tank and the pump station to increase storage capacity and improve water flows for the residents of the District, but without the requested variance no Zoning Use Permit can be approved until the lot has subdivision approval which would, so far as is known, also include annexation of the property.
  - C. In a letter dated May 14, 2013, from Mell Smigielski, Village Administrator, Village of Mahomet, Mr. Smigielski indicates that annexation is strongly encouraged, but is not required by any applicable Statute or Village Ordinance.
  - D. In a Mahomet Citizen article dated October 18, 2012, titled, *Mahomet Trustees to Consider Zoning Issue*, Bob Mahrt, Village Planner, Village of Mahomet, is quoted as follows: “The Village’s policies for growth occurring contiguous to its limits triggers automatic annexation of the site whether the zoning moves forward through the County or Village channels.”
  - E. In related Case 751-V-13 the Champaign County Zoning Board of Appeals found that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied will prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:

**PRELIMINARY DRAFT**

- (1) Finding another location will create additional expense.
- (2) The tank is located on the existing system so there is no additional need for water lines.
- (3) Finding an alternative location will cost more time and money, and the improvements are necessary now.

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

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
  - A. The Petitioner has testified on the application, **“No, Sangamon Valley Public Water District has pressure and capacity issues in developed areas west of the Sangamon River. The proposed tank needs to be located within these developed areas.”**
  - B. The petitioner has previously attempted to enter into an agreement with the Village of Mahomet where the petitioner would comply with the subdivision regulations, but without annexation to the Village.
  - C. As amended in Case 743-AT-13, *The Ordinance* requires submission of a preliminary plat of subdivision as evidence that the Petitioner is willing to comply with all technical planning requirements. The plat does not have to be complete. On July 18, 2013 the petitioner submitted a plat of subdivision for this property.
  - D. In related Case 751-V-13 the Champaign County Zoning Board of Appeals found that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
    - (1) This is necessary because of an increase in demand.
    - (2) The surrounding development was in place and there is potential for future development in the surrounding area.

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

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
  - A. The Petitioner has testified on the application, **“Sangamon Valley Public Water District has followed the Special Use planning criteria for water system improvements in the County. Sangamon Valley Public Water District wants to be good neighbors and design an efficient, secure, low disturbance public improvement.”**

- B. The proposed variance from Subsection 13.2.1A.4. of the *Zoning Ordinance* is a 100% variance.
- C. The Zoning Ordinance does not clearly state the considerations that underlay the requirement for compliance with a municipal subdivision requirement. In general, this requirement is presumably intended to ensure the following:
  - (a) Conformance with area general plans.
    - i. There is no area general plan for this area.
  - (b) Conformance with a municipal comprehensive plan.
    - i. This area is identified on the Village of Mahomet's future land use map as residential.
  - (c) The provision of necessary infrastructure.
    - i. No infrastructure is needed.
- D. The subject property conforms to all other zoning requirements subject to variance Case 751-V-13.
- E. In related Case 751-V-13 the Champaign County Zoning Board of Appeals found that the granting of the variance is in harmony with the general purpose and intent of the Ordinance because:
  - (1) The location is well suited for the proposed use and well located in terms of providing public services.
- F. The requested variance is not prohibited by the *Zoning Ordinance*

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

- 11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
  - A. The Petitioner has testified on the application: **"The proposed tank site will have locking gate, security fence around complete perimeter, locking tank access and building access. The tank improvements will improve public water system pressures."**
  - B. All relevant highway authorities have received notice of this variance but no comments have been received.
  - C. The Fire Protection District has been notified of this variance but no comments have been received.

***PRELIMINARY DRAFT***

- D. In related Case 751-V-13 the Champaign County Zoning Board of Appeals found that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare because:
- (1) The proposed use will improve public health, safety, and welfare.
12. When asked on the application what other circumstances justify the Variance the Petitioner stated: **“The proposed improvement is a Special Use public improvement, not a municipal development.”**

***GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL***

13. Regarding proposed special conditions of approval:

*No special conditions are proposed at this time.*

**DOCUMENTS OF RECORD**

1. Variance Application received on June 18, 2013, with attachments:
  - A Legal Description
  - B Site Plan
2. Letter from Mell Smigielski, Village Administrator, Village of Mahomet, received May 15, 2013
3. Mahomet Citizen Article, *Mahomet Trustees to Consider Zoning Issue*, dated October 18, 2012
4. Case 750-S-13 Case File
5. Case 751-V-13 Case File
6. Case 743-AT-13 Case File
7. ZUPA No. 169-13-03 File
8. Subdivision Plat received July 18, 2013
9. Preliminary Memorandum dated July 19, 2013 with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received May 14, 2013
  - C Subdivision Plat received July 18, 2013
  - D Zoning Use Permit No. 169-13-03
  - E Letter from Mell Smigielski, Village Administrator, Village of Mahomet, received May 15, 2013
  - F Mahomet Citizen Article, *Mahomet Trustees to Consider Zoning Issue*, dated October 18, 2012
  - G Draft Summary of Evidence, Finding of Fact, and Final Determination

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 760-V-13 held on **July 25, 2013**, the Zoning Board of Appeals of Champaign County finds that:

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

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

_____  
_____

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

**FINAL DETERMINATION**

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested by the petitioner, **Sangamon Valley Public Water District**, in **Case 760-V-13** to **authorize a County Board Variance from Subsection 13.2.1A.4. that requires construction or use to comply with the SUBDIVISION regulations of a municipality when the requirement for annexation to that municipality is pursuant to or is a requirement for plat approval by that municipality, for a proposed expansion of a water treatment plant and related facilities that are owned and operated by a predominately rural water district in the AG-2 District** should be *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* by the County Board.

***{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }***

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

SIGNED:

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date



# CASE NO. 758-AM-13

PRELIMINARY MEMORANDUM

July 19, 2013

Petitioners: **Charles Jesse**

**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 in order to authorize the proposed Special Use in related zoning Case 759-S-13.**

Site Area: **11.28 acres**

Time Schedule for Development: **As Soon As Approval Is Given**

Prepared by: **Andy Kass**  
Associate Planner

**John Hall**  
Zoning Administrator

**Location: An 11.28 acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road Champaign.**

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708

---

## BACKGROUND

Mr. Jesse has operated a heating and cooling business on the subject property since 1995 that was authorized by Zoning Case 970-S-95. Zoning Case 176-S-99 authorized a showroom addition to the business. Approximately one year ago Mr. Jesse approached Staff regarding what it would take to construct self-storage warehouses on the subject property. Staff informed Mr. Jesse that he would have to rezone his property because multiple principal uses on the same lot are not authorized in the AG-1 District, but at that time there was not an appropriate Zoning District that could accommodate both the existing use of the property and the proposed use. Staff felt that the B-1 Zoning District would be appropriate zoning for this property and proposed a text amendment (Case 734-AT-12) to authorize contractors facilities by-right in the B-1 Zoning District. The County Board adopted Case 734-AT-12 on May 23, 2013.

In addition to this Case, Mr. Jesse has also applied for a Special Use Permit in Case 759-S-13 to authorize multiple principal uses on the subject property and the proposed self-storage warehouses.

## EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning. The City has been notified of this case and has protest rights on map amendments.

## CITY OF CHAMPAIGN FUTURE LAND USE MAP

In a letter dated August 14, 2012, from Jeff Marino, Planner II, City of Champaign, Mr. Marino indicated that the subject property is identified on the Future Land Use Map as “New Neighborhood” in the Tier 2 Development meaning that in the future it will be ready for residential development. Mr. Marino also indicated that the City of Champaign would protest any rezoning case to allow self-storage warehouses on the subject property because the use conflicts with the City’s Comprehensive Plan.

This letter was received nearly a year ago and no correspondence from the City regarding this matter has been received since then.

### CONTIGUOUS URBAN GROWTH AREA (CUGA)

The LRMP Land Use Management Areas Map identifies the subject property as being located within the CUGA. Being located within the CUGA means the property meets one or more of the following criteria:

- Land designated for urban land use on the future land use map of an adopted municipal comprehensive plan and located within the service area of a sanitary sewer system or planned to be in the near to mid-term.
- Land to be annexed by a municipality and located within the service area of a sanitary sewer system or planned to be in the near to mid-term.
- Land surrounded by incorporated land or other urban land with the County.

### EXISTING LAND USE AND ZONING

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

Direction	Land Use	Zoning
Onsite	Contractors Facility ----- Agriculture	AG-1 Agriculture (proposed B-1)
North	Agriculture	AG-1 Agriculture
East	Interstate 57 ----- Agriculture	AG-2 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

---

## NATURAL RESOURCE REPORT

A Natural Resource Report prepared by the Champaign County Soil and Water Conservation District was received on July 18, 2013. The report identifies that the subject property has one soil type (Drummer 152A) and has a Land Evaluation score of 98. By definition the subject property is considered Best Prime Farmland. The report also identifies the following site specific concerns:

- The soil has severe limitations for development in its natural state. Development plans will need to take this into consideration.
- The area will be susceptible to erosion during and after construction and extra care should be taken to protect the drainage ditch on the west side of the property.
- If any agricultural tile is found care should be taken to maintain the tile.

## FINDING OF FACT

A Draft Finding of Fact will be available at the Thursday, July 25, 2013, public hearing.

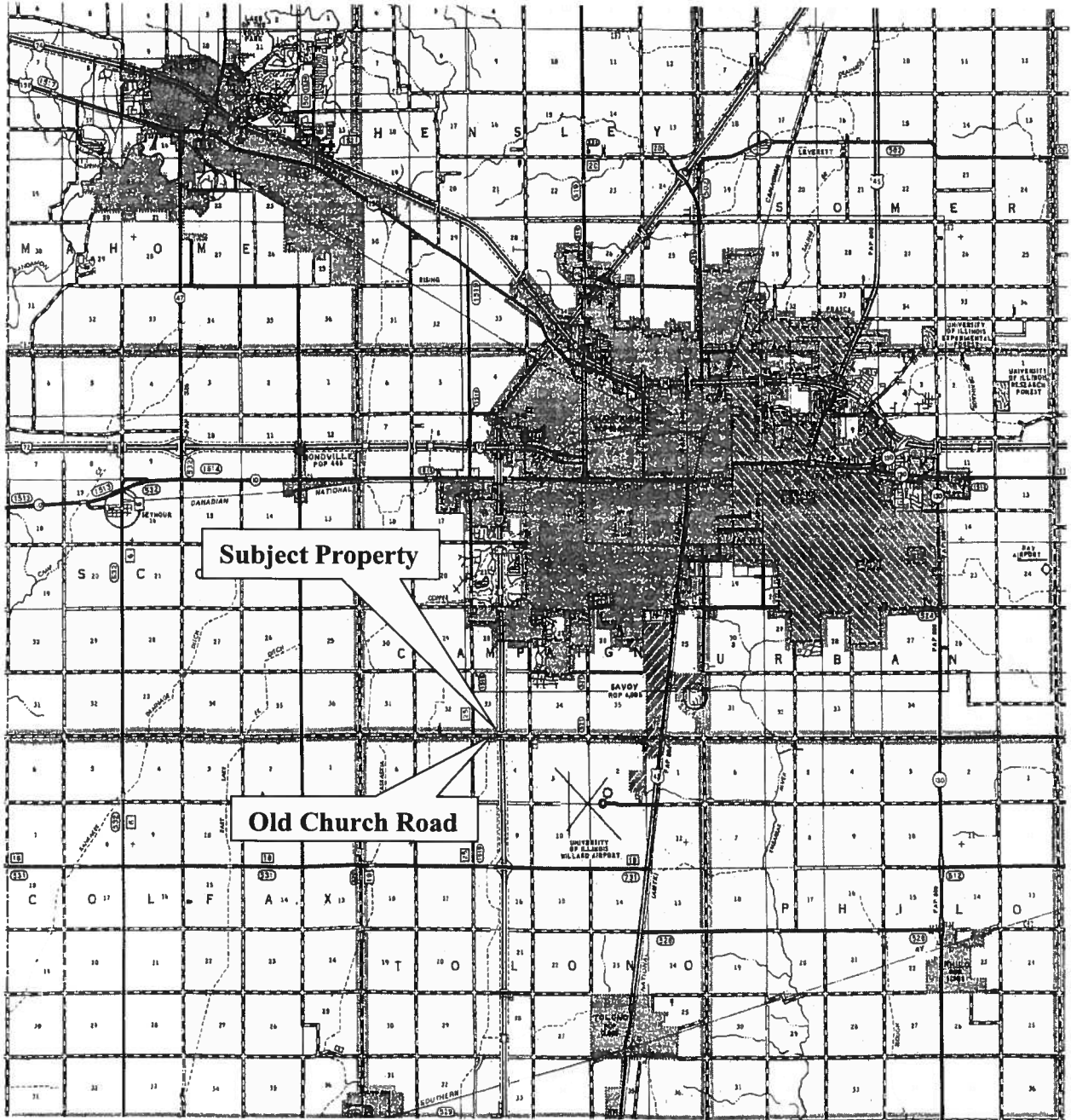
## ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Letter from Jeff Marino, Planner II, City of Chamapign, dated August 14, 2012
- C Natural Resource Report received July 18, 2013
- D City of Champaign Future Land Use Map (included separately)
- E LRMP Land Use Management Areas Map (included separately)
- F Site Visit Photos (included separately)
- G LRMP Land Use Goals, Objectives, and Policies & Appendix (included separately)

# ATTACHMENT A. LOCATION MAP

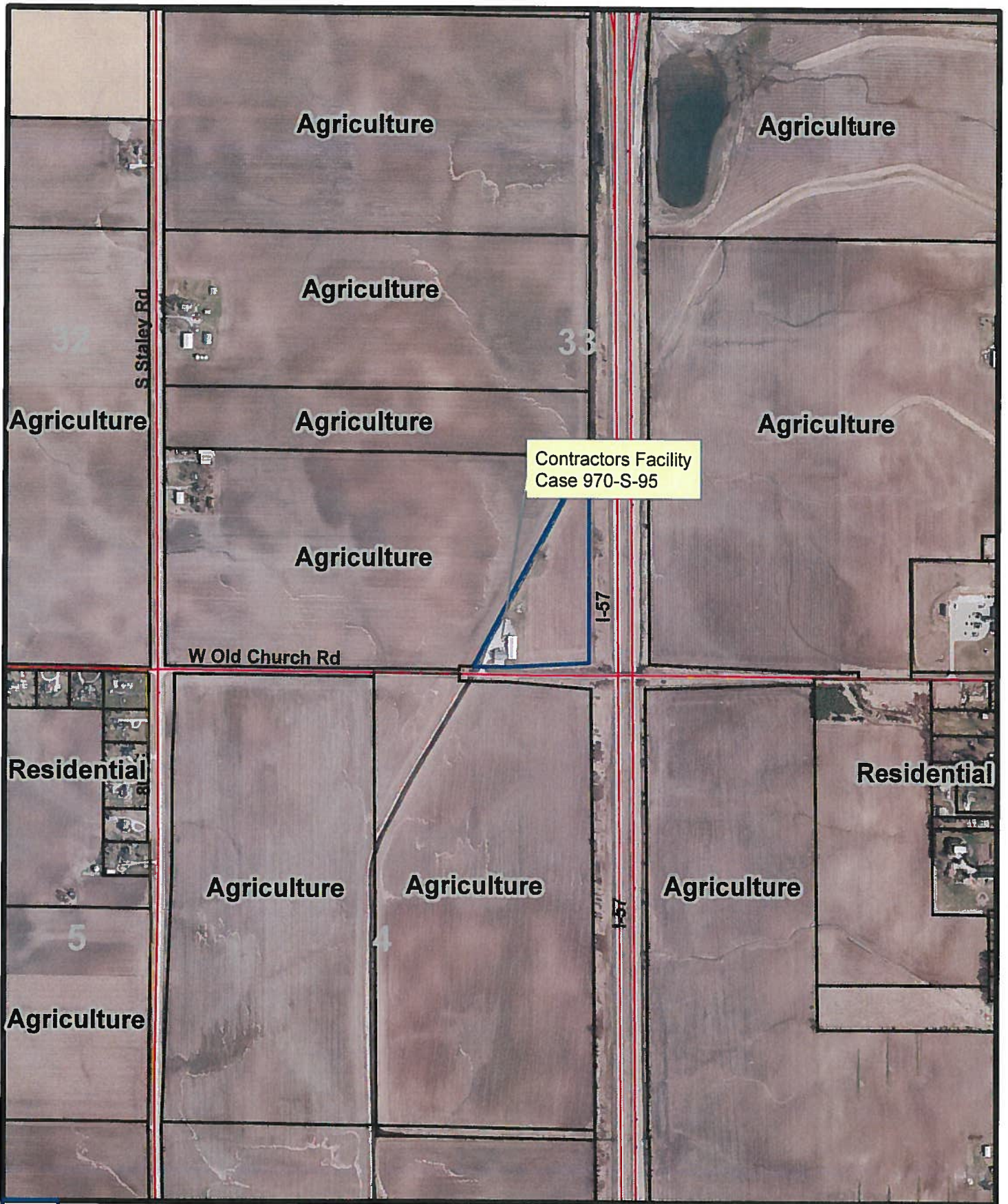
Cases: 758-AM-13 & 759-S-13

July 19, 2013



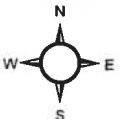
Chicago  
County  
Department of  
PLANNING &  
ZONING

Attachment A: Land Use Map  
Cases 758-AM-13 & 759-S-13  
July 19, 2013



- Subject Property
- Municipal Boundary

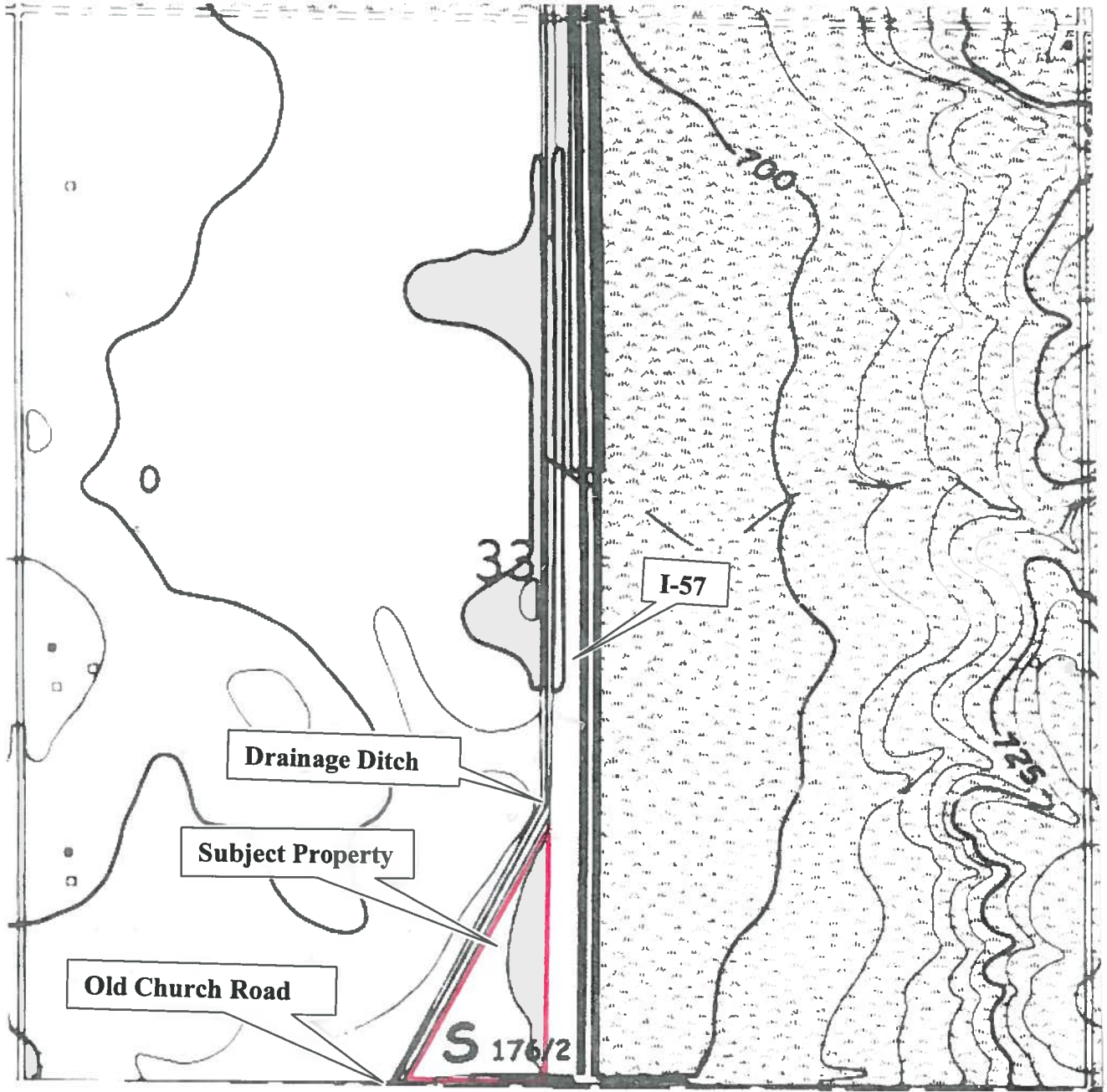
1 inch = 800 feet



# ATTACHMENT A. ZONING MAP

Cases: 758-AM-13 & 759-S-13

July 19, 2013



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH <b>Champaign County Department of PLANNING &amp; ZONING</b>
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	

RECEIVED

AUG 16 2012

CHAMPAIGN CO. P & Z DEPARTMENT



Planning Department • 102 N. Neil Street • Champaign, IL 61820 • 217-403-8800 • www.ci.champaign.il.us

August 14, 2012

Pat Fitzgerald  
Meyer Capel Law Office  
306 W. Church Street  
Champaign IL 61820

**RE: PROPOSED MINI-STORAGE DEVELOPMENT AT JESSE HEATING AND AIR CONDITIONING**

Dear Pat:

Last week we met to discuss a proposal for a mini-storage facility at the Jesse Heating & Air Conditioning Site at the northwest corner of I-57 and Old Church Road. City Staff has reviewed the proposed development at the August 8th Current Planning Team Meeting and the August 14th Economic Development Team Meeting. After reviewing all of the issues regarding the impacts of this proposed development, it has been determined that City Staff will not support an Annexation Agreement for this development.

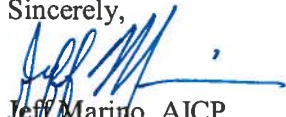
This tract has been identified in the City of Champaign's Comprehensive Plan as "New Neighborhood" in Tier 2 Development. A Mini-storage land use would not be permitted in the "New Neighborhood" land use classification. In addition, the Tier 2 development designation means that this site is not ready for development. Below I have outlined the main reasons, that Planning Staff was not in favor of supporting the request, they are:

1. **Future Residential Land Use.** The Future Land Use Map is used to create a logical and efficient growth pattern for different land uses as the City develops. The map designates several locations that are suitable for light industrial land uses throughout the community. The proposed location for the mini-storage land use is a location that has been designated for future residential growth. Some of the areas that are designated for industrial or commercial land uses have proximity to resources that typically help these types of uses thrive, for example, access to transportation routes, access to rail road services, or access to infrastructure that supports these uses. Since the subject property is located farther away from these infrastructure amenities, it is a suitable location for residential land uses. Changing the future land use designation of this lot would result in taking a piecemeal approach to the land use, which will result in possible conflicts with land uses, inadequate circulation routes and inefficient supply of infrastructure needs.
2. **Tier 2 Development.** In addition to the land use designations made in the Comprehensive Plan, the Plan also focuses on how the City of Champaign will grow over time. By looking ahead and creating a plan for future growth, the City is establishing growth patterns that result in the efficient extension of services and infrastructure. The comprehensive plan designates this tract as "Tier 2" development. This designation means that, in the future, it will be ready for development; but at this time, there are infrastructure deficiencies that need to be addressed prior to development. In particular, a comprehensive approach is needed to extend sanitary sewer to the area and to accommodate future traffic patterns with street improvements. The Comprehensive Plan has a focus on compact growth patterns with the efficient delivery

of services. In addition to the proper infrastructure not being in place, this single lot development on the fringe of the City of Champaign's extra territorial jurisdiction is in conflict with one of the Comprehensive Plan's goals of reducing sprawl and fringe development.

For these reasons, City Staff will not support an annexation agreement for the proposed mini-storage development. Additionally, the City of Champaign will protest any proposed Champaign County rezoning cases or text amendment cases to allow the proposed mini-storage development at this location, since the use conflicts with the City's Comprehensive Plan. Please feel free to contact me if you have any additional questions.

Sincerely,



Jeff Marino, AICP  
Planner II

xc: Charlie Jesse  
John Hall

Attachment: City of Champaign's Comprehensive Plan Future Land Use Map

G:\Planners\Jeff\Letters Sent\Pat Fitzgerald-Charlie Jesse.doc





# Champaign County

Soil and Water Conservation District  
2110 West Park Court Suite C Champaign, IL 61821  
(217) 352-3536 Extension 3 --- fax 855-289-5179  
www.ccswd.com

## NATURAL RESOURCE REPORT

**Development Name:** Charles Jesse

**Date Reviewed:** July 16, 2013

**Requested By:** Charles Jesse

**Address:** 3702 W. Old Church Rd.  
Champaign, IL 61822

**Location of Property:** A part of the SW ¼ of sec. 33 T.19N., R.8E., 3rd. P.M.

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on July 16th 2013.



July 17, 2013

RECEIVED  
JUL 18 2013  
CHAMPAIGN CO. P & Z DEPARTMENT

Page 1 of 5



# Champaign County

Soil and Water Conservation District  
 2110 West Park Court Suite C Champaign, IL 61821  
 (217) 352-3536 Extension 3 --- fax 855-289-5179  
 www.ccsxcd.com

## SITE SPECIFIC CONCERNS

- 1. The area that is to be developed has 1 soil types (Drummer 152A) that is moderate to severe on Dwellings without a basement.**

## SOIL RESOURCE

### a) Prime Farmland:

This tract is considered best prime farmland for Champaign County.

This tract has an L.E. Factor of 98; see the attached worksheet for this calculation. The site is separated from large agriculture by interstate 57, Old Church Road and a drainage ditch.

### b) Soil Characteristics:

There is only one (1) soil type on this site; see the attached soil map. The soil present has severe limitations for development in its natural, unimproved state. The possible limitations include severe ponding in shallow excavations. A development plan will have to take the soil characteristics into consideration.

Map Symbol	Name	Shallow				Septic Fields
		Slope	Excavations	Basements	Roads	
152A	Drummer Silty Clay Loam	0-2%	Severe: ponding	Severe: ponding	Severe: ponding	Severe: ponding

### c) Erosion:

This area will be susceptible to erosion both during and after construction. Extra care should be taken to protect the drainage ditch to the west side of the property. Any areas left bare for more than 7 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area has slope which could allow erosion during construction and heavy rainfall events. The area is covered with a corn crop at the time of inspection, erosion control measures must be installed before construction starts.

### d) Sedimentation:

A complete erosion and sedimentation control plan 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 be used in flow areas with drainage areas that do not exceeding 0.5 acres. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control. The website is: <http://www.aiswcd.org/IUM/>

July 17, 2013

RECEIVED

Page 2 of 3

JUL 18 2013

CHAMPAIGN CO. P & Z DEPARTMENT



# Champaign County

Soil and Water Conservation District  
2110 West Park Court Suite C Champaign, IL 61821  
(217) 352-3536 Extension 3 --- fax 855-289-5179  
[www.cswcd.com](http://www.cswcd.com)

---

## WATER RESOURCE

### **a) Surface Drainage:**

The site sits on a hill and water flows through the site. The water flows off the site to the drainage ditch on the west.

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 could be incorporated into the development plan. They can be used to increase infiltration of runoff water for minimal cost. A rain garden can also be incorporated into roadway ditches to help control stormwater.

Should a water retention area be built that will hold water year around a Dry Hydrant should be considered for the pond at construction. For more information on Dry Hydrants please go to: [http://www.aiswcd.org/IUM/urban_drawings/IL-120A.pdf](http://www.aiswcd.org/IUM/urban_drawings/IL-120A.pdf)

### **b) Subsurface Drainage:**

This site may contain agricultural tile, if any tile is found care should be taken to maintain the tile in working order.

Severe ponding, along with wetness may be a limitation associated with the Drummer (152A) soil on the site. Installing a properly designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils.

RECEIVED

JUL 18 2013

CHAMPAIGN CO. P & Z DEPARTMENT



# Champaign County

Soil and Water Conservation District  
2110 West Park Court Suite C Champaign, IL 61821  
(217) 352-3536 Extension 3 --- fax 855-289-5179  
[www.ccsxcd.com](http://www.ccsxcd.com)

---

## 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.

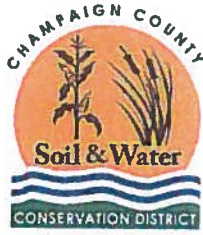
Two model plans, based on hypothetical sites, are now available as a supplement to the guide. The first example plan is for a medium-sized residential subdivision and the second is for a small commercial site. Both examples utilize the SWPPP template that is included in the guide. To view the guide,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

## 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](http://www.epa.gov/owow/nps/lid/costs07).

July 17, 2013

RECEIVED  
JUL 18 2013  
CHAMPAIGN CO. P & Z DEPARTMENT  
Page 4 of 5



# Champaign County

Soil and Water Conservation District  
2110 West Park Court Suite C Champaign, IL 61821  
(217) 352-3536 Extension 3 --- fax 855-289-5179  
www.ccsxcd.com

## CULTURAL, PLANT, AND ANIMAL RESOURCE

### a) Cultural:

The Illinois Historic Preservation Agency may require a Phase 1 Archeological Review to identify any cultural resources that may be on the site.

### b) Illinois Endangered Species Protection Act & Illinois Natural Areas Preservation Act:

State agencies or units of local government must consult the Department about proposed actions that they will authorize, fund or perform. Private parties do not have to consult, but they are liable for prohibited taking of state-listed plants or animals or for adversely modifying a Nature Preserve or a Land and Water Reserve.

Home rule governments may delegate this responsibility, through duly enacted ordinances, to the parties seeking authorization or funding of the action.

**The Illinois Natural Heritage Database contains no record of State-listed threatened species.**

### c) 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.

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

Signed by Steve Stierwalt Prepared by Jonathon Manuel  
Steve Stierwalt Jonathon Manuel  
Board Chairman Resource Conservationist

RECEIVED

JUL 18 2013

CHAMPAIGN CO. P & Z DEPARTMENT

July 17, 2013

Page 5 of 5

Charles Jesse

Date: 7/17/2013

District: Champaign County SWCD

Assisted By: Jonathon Manuel

Legal Description: SW 1/4 section of Section 33, T.19 N., R. 8 E.





RECEIVED

JUL 18 2013

CHAMPAIGN CO. P & Z DEPARTMENT



Legend

-  Jesse property
-  fema_a_il019



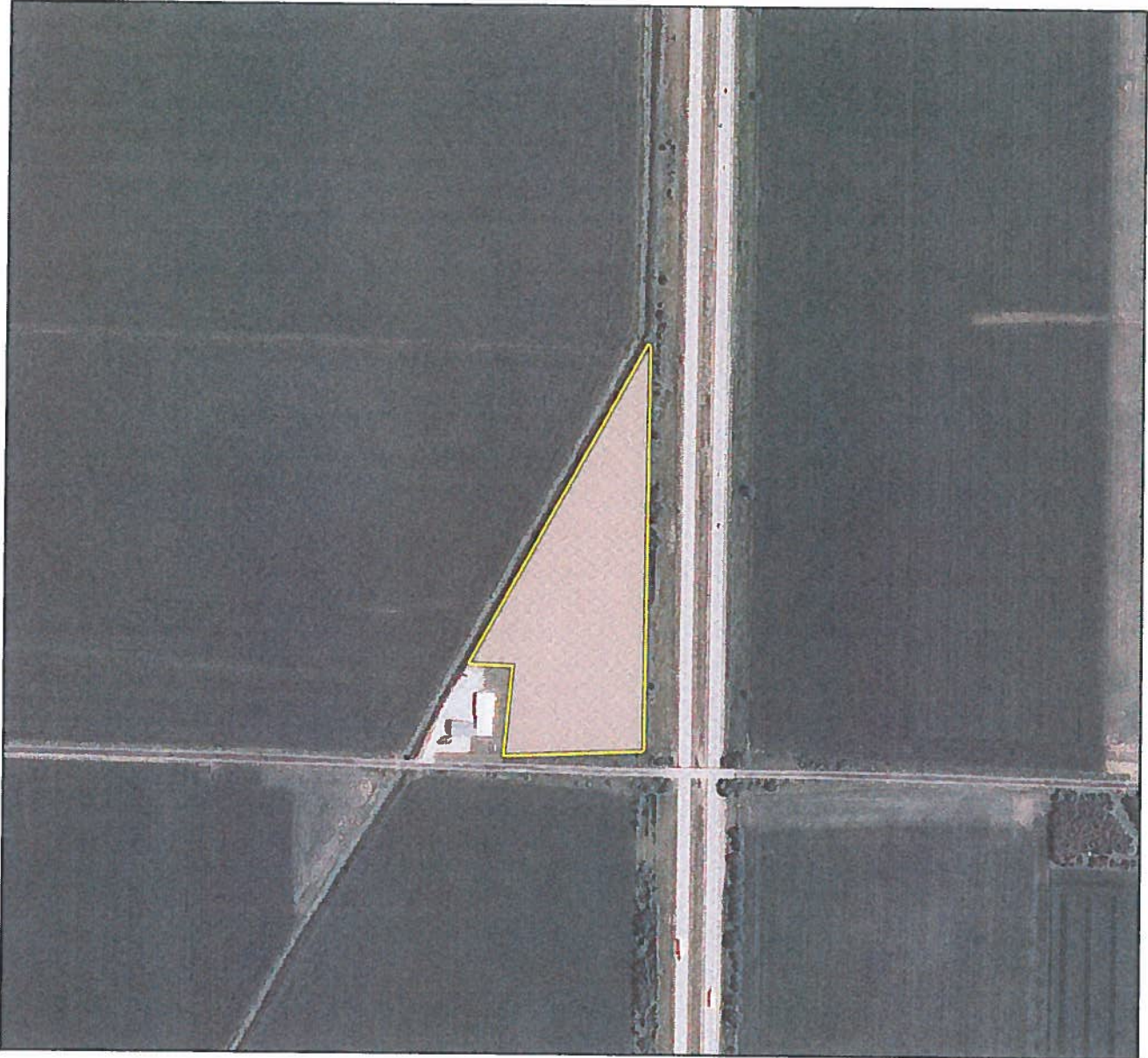
Charles Jesse

Date: 7/17/2013

District: Champaign County SWCD

Assisted By: Jonathon Manuel

Legal Description: SW 1/4 section of Section 33, T.19 N., R. 8 E.



RECEIVED

JUL 18 2013

CHAMPAIGN CO. P & Z DEPARTMENT

Legend

MUSYM

152A

Jesse property



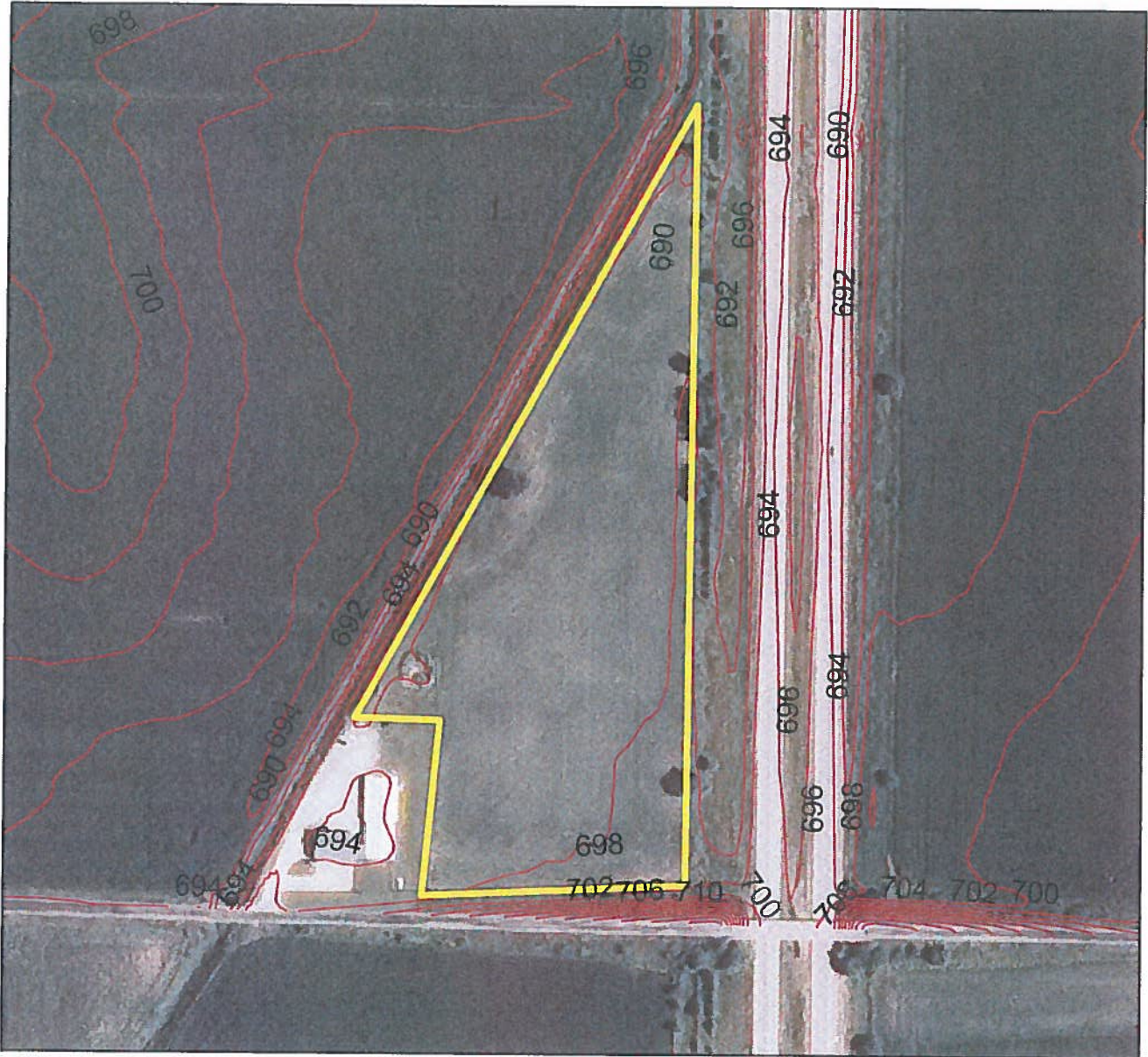
Charles Jesse

Date: 7/17/2013

District: Champaign County SWCD

Assisted By: Jonathon Manuel

Legal Description: SW 1/4 section of Section 33, T.19 N., R. 8 E.





RECEIVED

JUL 18 2013

CHAMPAIGN CO. P & Z DEPARTMENT



Legend

-  Jesse property
-  3_T19N_R08E_SEC33





## LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
152A	Drummer	2	98	9.1	891.8
					0.0
					0.0
					0.0
					0.0
					0.0
					0.0

acreage for calculation slightly larger than tract acreage due to rounding of soils program

**Total LE Weighted Factor= 891.8**

**Acreage= 9.1**

**Land Evaluation Factor For Site=**

**98**

Note: A Soil Classifier could be hired for additional accuracy if desired

Data Source: Champaign County Digital Soil Survey

RECEIVED

JUL 18 2013

CHAMPAIGN CO. P & Z DEPARTMENT

**Applicant:** Champaign County SWCD  
**Contact:** Jonathon Manuel  
**Address:** 2110 West Park Court, Suite C  
Champaign, IL 61821

**Project:** Charles Jesse  
**Address:** 2110 West Park Court, Champaign

**IDNR Project Number:** 1400613  
**Date:** 07/17/2013

**Description:** New Storage Shed

### Natural Resource Review Results

*This project was submitted for information only. It is not a consultation under Part 1075.*

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

#### Location

The applicant is responsible for the accuracy of the location submitted for the project.



**County:** Champaign

**Township, Range, Section:**  
19N, 8E, 33

#### **IL Department of Natural Resources**

##### **Contact**

Impact Assessment Section  
217-785-5500  
Division of Ecosystems & Environment

#### **Disclaimer**

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

#### **Terms of Use**

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

#### **Security**

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

#### **Privacy**

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.

# CASE NO. 759-S-13

PRELIMINARY MEMORANDUM

July 19, 2013

Champaign  
County  
Department of

**PLANNING &  
ZONING**

**Petitioners:** Charles Jesse

**Request:** Authorize the following as a Special Use in the B-1 Rural Trade Center Zoning District on the subject property below:

Part A. Authorize multiple principal uses and buildings on the same lot consisting of (1) a heating and cooling contractors facility with accessory outdoor storage that was originally authorized by Case 970-S-95 and (2) Self-Storage Warehouses, providing heat and utilities to individual units as a special use.

Part B. Authorize the construction and use of Self-Storage Warehouses, providing heat and utilities to individual units as a special use.

**Location:** An 11.28 acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road Champaign.

**Site Area:** 11.28 acres

**Time Schedule for Development:** Existing and As Soon As Approval Is Given

**Prepared by:** **Andy Kass**  
Associate Planner

**John Hall**  
Zoning Administrator

---

## BACKGROUND

Mr. Jesse proposes to construct four storage buildings with additions to the buildings over four phases of development. If all phases are completed there will be two 90' x 300' buildings with a total of 175 units per building of varying sizes, and two 45' x 300' buildings with a total of 21 units per building that are 14' x 45' in size. In total 328 storage units are proposed. One building will provide climate controlled units while the other buildings will not provided any utilities or be climate controlled. For security purposes security cameras, lighting, and fencing around the perimeter of the property will be installed. Customers will have 24 hour access to the storage units and will enter through a gate that customers will need a code to enter and exit through.

In addition to the proposed self-storage warehouse, Mr. Jesse has been operating a heating and cooling business on the subject property since 1995. Currently, this business employs 8 people. This existing business was authorized by Zoning Case 970-S-95, and ZUPA No. 124-95-01 authorized construction of a building addition and a change of use. Zoning Case 176-S-99 authorized a showroom expansion to the existing business. The construction of the showroom was authorized by

ZUPA No.148-99-03. See the Attachments D and E for the ZBA minutes from those Zoning Cases. No changes to the existing business are proposed.

In related Case 758-AM-13 Mr. Jesse has requested a map amendment to amend the zoning of the subject property from the AG-1 District to the B-1 District.

### EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign. The City has received notice of this case. Comments from the City are welcome on the Special USE, but the City does not have protest rights.

### EXISTING LAND USE AND ZONING

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

Direction	Land Use	Zoning
Onsite	Contractors Facility ----- Agriculture	AG-1 Agriculture (proposed B-1)
North	Agriculture	AG-1 Agriculture
East	Interstate 57 ----- Agriculture	AG-2 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

### STORMWATER MANAGEMENT

The petitioner must eventually comply with the *Stormwater Management Policy* because the amount of impervious area proposed for the self-storage warehouses is greater than 16% of the total area of the lot. If all phases of the project are built as proposed on the site plan received July 17, 2013, approximately 3.5 acres of impervious surface will be added to the subject property. Phase I will not require stormwater management, but Phase II will require stormwater management.

### TRAFFIC IMPACT ASSESSMENT (TIA)

The proposed self-storage warehouses will cause an increase in traffic on Old Church Road, and there may be visibility concerns at the driveway. The Zoning Ordinance does not require a TIA, but the Board can request one. Staff has made the petitioner aware that a TIA may be requested and that all costs associated with the TIA are to be paid by the petitioner. Staff has made staff from the Champaign-Urbana Urbanized Area Transportation Study (CUUATS) aware of this project.

---

**PROPOSED SPECIAL CONDITIONS**

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

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

**That the drainage improvements conform to the requirements of the Stormwater Management Policy.**

- B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed self-storage warehouses until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.**

The special conditions stated above are required to ensure the following:

**That the proposed structure is safe and in conformance with Public Act 96-704.**

- C. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The special conditions stated above are required to ensure the following:

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

- D. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed self-storage warehouses until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

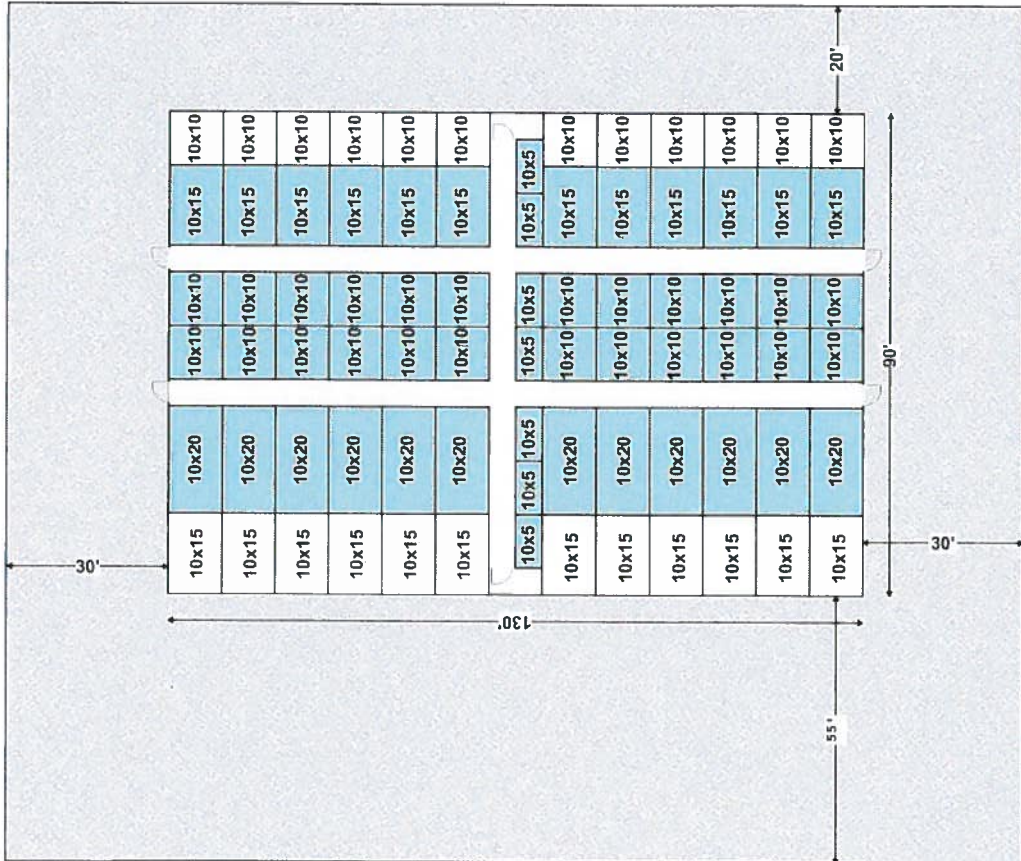
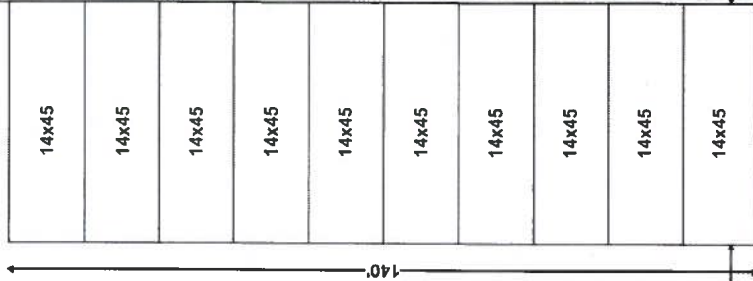
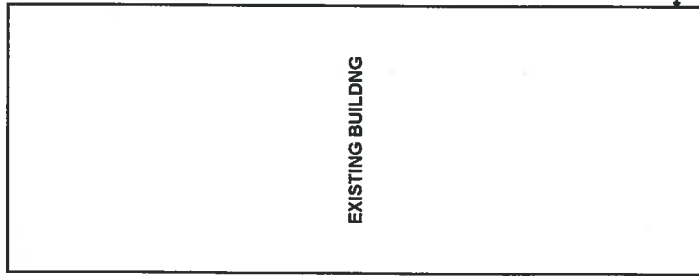
**That the proposed Special Use meets applicable state requirements for accessibility.**

**DRAFT SUMMARY OF EVIDENCE**

A Draft Summary of Evidence, Finding of Fact, and Final Determination will be available at the Thursday, July 25, 2013, public hearing.

**ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning See Case 758-AM-13)
- B Site Plan received July 17, 2013 (included separately)
- C Phase I Building Floor Plans received July 16, 2013
- D Excerpt of Approved Minutes from 3/16/1995 ZBA meeting
- E Excerpt of Approved Minutes from 4/1/1999 ZBA meeting
- F Site Visit Photos (included separately)



RECEIVED

JUL 16 2013

CHAMPAIGN CO. P & Z DEPARTMENT

CHARLIE JESSE

CHAMPAIGN, ILLINOIS

PHASE 1 BUILDINGS

SITE PLAN

Date 06/25/13

Drawing# 2323

Designer Keith Goodyk

Detailer Karl Schmidt

Pella Building Systems, Inc.

2138 Idaho Drive

Rolling Meadows, IL 60018-9386

1-800-225-5441 or 815-426-9386

Fax 1-641-628-8377

www.pellabuilding.com

E-mail: info@pellabuilding.com





1 The Board recessed at 9:37 p.m., resuming at 9:43 p.m.  
2

3 **C. 970-S-95. Petitioner: Charles Jesse. Request for a Special Use Permit to allow**  
4 **a contractor's facility in the AG-1, Agriculture Zoning District. Location:**  
5 **Champaign Township, Section 33, commonly known as a tract of land on the north**  
6 **side of Old Church Road, west side of Interstate 57, Champaign, Illinois.**  
7

8 Mr. Charles Jesse noted the preliminary memorandum did not mention that he has had a business in  
9 Champaign for five years on Country Fair Drive. He said the current building has 1,800 square feet  
10 and he needs at least twice that amount of space to conduct business. He said that he has looked at  
11 several properties and this seems to be the best purchase.  
12

13 Mr. Jesse said that he has been in business in Decatur for sixteen years. He had to obtain a Special  
14 Use Permit from them because this business is also located in the county. There are homes around  
15 this location and has not received any complaints from the neighbors. The building in Decatur is  
16 similar to the one proposed in Champaign.  
17

18 Ms. Browne distributed photographs of the site in Decatur as well as photographs of the subject  
19 property. She said that this rezoning is located within the City of Champaign's mile and one-half  
20 extraterritorial jurisdiction, however, they have yet to comment on this case.  
21

22 Ms. Browne asked how many employees would be employed at the new facility. Mr. Jesse said that  
23 he employs seven full-time employees at the present. He said that he hopes the business will grow  
24 and at that time he will need to employ more people.  
25

26 Ms. Browne asked how many vehicles the company will have parked at the site. Mr. Jesse said that  
27 there are four vans which are company vehicles. He said that the vehicles will be stored inside and  
28 no outdoor storage of any kind will be needed.  
29

30 Ms. P. Busboom asked whether the building size will be increased. Mr. Jesse said that the current  
31 building is 2,700 square feet. He said that he plans to increase the building to 3,640 square feet. He  
32 also said that the building needs a new roof and the current siding will either be replaced or painted.  
33

34 Mr. Butzow asked if most of the clientele are located in Champaign-Urbana. Mr. Jesse said that that  
35 was correct. He said that his company installs heating systems in new homes and also replacement  
36 systems in older homes.  
37

38 Mr. Butzow said that he believed this is an urban use and should be located in an urban setting. Mr.  
39 Jesse said that there are not that many buildings within the city limits that will accommodate his  
40 business. Mr. Miller said that with most of the growth taking place on the southwest side of  
41 Champaign, this does seem like a logical location.  
42

1 Mr. Cornelius asked Mr. Jesse if he knew why the property was triangular shaped. Mr. Jesse said that  
2 he believed the parcel was created using the ditch as a border which creates the triangular shape.  
3

4 Mr. Schroeder asked what type of material would be kept and delivered to the site. Mr. Jesse said  
5 that he tries to buy heating and air conditioning units in large quantities. There will be odds and ends  
6 delivered at the most three times per week. United Parcel Service will deliver once a day. The  
7 company vehicles will also come and go daily.  
8

9 Mr. Schroeder asked what size trucks would be making the deliveries. Mr. Jesse said that his trucks  
10 are single axle vans. Deliveries from the factory will be small semi trucks.  
11

12 Mr. Schroeder asked what Fire Protection District the subject site was located in. Mr. DiNovo said  
13 that the property is within the Savoy response area. At the present time, Mr. Jesse will have to  
14 contract to them. In the future, this area may be restructured and will not require a contract.  
15

16 Mr. Richard Burwash commented that this business will be an improvement to the area. He said that  
17 he would be glad to see the property change for the better.  
18

19 The Draft Finding of Fact and Documents of Record was distributed.  
20

21 Mr. Schroeder said that Finding #1 could be amended to note that Mr. Jesse has been in business for  
22 over sixteen years and located in the Champaign area for five years.  
23

24 Ms. Browne said that Finding #22 could be amended to state that "Approximately seven full time  
25 employees are to be employed at the facility."  
26

27 Ms. Browne noted Finding #23 could be amended to state "The facility will retain approximately four  
28 vans that will serve as company vehicles."  
29

30 Ms. Browne noted Finding #24 could be amended to state "The hours of operation will normally be  
31 7:30 a.m. to 5 p.m. Mr. Cornelius asked whether this Finding will restrict the petitioner should he  
32 have to work later in the evening or on weekends. Mr. DiNovo said that this is a finding, not a  
33 condition. A reasonable change to longer hours could be determined to not be significant unless the  
34 hours were extended to twenty-four hours a day.  
35

36 Ms. Browne said that Finding #24 could be stricken.  
37

38 **Mr. Cornelius moved, seconded by Mr. Miller to close the public hearing in Case 970-S-95. The**  
39 **motion carried by voice vote.**  
40

41 Mr. Butzow said that Finding #9 states the comprehensive plan for the City of Champaign has  
42 designated this area to be agriculture. He asked the other Board members for their opinion on this

1 finding. Mr. Miller noted this property has been a commercial use for over twenty years. Mr.  
2 Butzow said that the previous business was a landscape business which is related to agriculture. Mr.  
3 Miller said that is true, however, the landscape company served residences in an urban setting. Mr.  
4 Cornelius said the zoning would still remain agriculture.  
5

6 Mr. Schroeder noted the property is odd shaped which is not conducive to row crop agriculture. He  
7 said that even though the business was landscaping, there has been a business in this location for over  
8 twenty years. He said that Mr. Butzow's point was well taken and commercial uses do need to be  
9 screened in the rural areas, however, this area has been expanded greatly and does lie within the  
10 corridor that has been created between Champaign and Savoy.  
11

12 **Mr. Cornelius moved, seconded by Mr. Miller to approve the Finding of Fact and Documents**  
13 **of Record as amended. The motion carried by voice vote.**  
14

15 **Mr. Miller moved, seconded by Mr. Cornelius to grant the Special Use requested in Case 970-S-**  
16 **95 by the petitioner, Charles Jesse, to allow a contractor's facility without outdoor storage or**  
17 **operations on the following property described to wit: All that portion of the South Half**  
18 **Southwest Quarter of Section 33, Township 19 North, Range 8 East of the Third Principal**  
19 **Meridian lying east of the center line of the Kaskaskia Special Drainage Ditch, excepting**  
20 **therefrom that portion of the Interstate 57 Right-of-Way, commonly known as a 10 acre tract**  
21 **of land located on the West side of Interstate 57, North side of Old Church Road (County**  
22 **Highway 25), Champaign Township, Champaign County, Illinois. The vote was:**  
23

24	<b>P. Busboom - yes</b>	<b>Butzow - no</b>	<b>Clapper - absent</b>
25	<b>Cornelius - yes</b>	<b>Keever - yes</b>	<b>Miller - yes</b>
26	<b>Schroeder - yes</b>		

27  
28 Mr. Butzow commented that he considers this to be an urban use in a rural setting.  
29

30 Mr. Keever said that he agreed somewhat with Mr. Butzow, however, the size, location, and general  
31 layout of this tract of land precludes it from farming. This will also make use of an existing building.  
32

33 **6. Staff Report**  
34

35 Ms. Browne noted the meeting time will change to 7:30 p.m. starting April 6, 1995.  
36

37 **7. Audience Participation**  
38

39 There was none.  
40  
41  
42

6. The waiver of the following standard conditions are warranted:

No waivers have been requested nor warranted.

7. The special conditions imposed herein are required to ensure compliance with the criteria for Special Use Permits for the particular purposes described below:

Mr. Goldenstein stated that prior to the issuance of a Zoning Use Permit that the Zoning Administrator determine that the proposed screen planting comply with County guidelines for a Type A screen to a point 345 feet north of the centerline of Ford Harris Road to screen the residential property to the west. This condition is required in order to potentially mitigate noise generated on the lot.

Mr. Goldenstein moved, seconded by Ms. Griest to approve the Summary of Evidence, Finding of Fact, and Documents of Record as amended. The motion carried by voice vote.

Mr. Bluhm moved, seconded by Mr. Goldenstein to close the public hearing in Case 175-S-99. The motion carried by voice vote.

Mr. Irle moved, seconded by Mr. Goldenstein that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.9C have been met, and pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, determines that the Special Use Permit requested in Case 175-S-99 should be forwarded to the County Board with a favorable recommendation, subject to the condition stated within, to allow a dog training facility as a private club in the AG-2, Agriculture Zoning District. Located in Somer Township, Section 22, commonly known as a five acre tract located on the north side of CR 2000 North (Ford Harris Road) approximately 750 feet east of U.S. Route 45. The vote was:

Bluhm - yes	Butzow - yes	Goldenstein - yes
Griest - yes	Irle - yes	Paul - absent
Wirth - yes		

6. New Public Hearings

A. 176-S-99. Petitioners: Charles and Susan Jesse. Request to amend Special Use Permit 970-S-95 to permit a showroom expansion to a Contractor's Facility in the AG-1, Agriculture District. Location: Champaign Township, Section 33, a ten acre tract lying on the North side of Old Church Road immediately West of Interstate Highway 57.

Mr. Charles Jesse stated that he purchased the subject property in 1995. He said that he obtained a Special Use Permit in 1995 so he could operate as a contractor's facility for a heating and cooling business. He said

1 that they would like to add a showroom onto the north side of the building. He noted that since they have  
2 purchased the property, they have cleaned it up and have received compliments from the neighbors. He said  
3 that he believed the addition will only enhance the property. He noted that the facility occupies  
4 approximately 2 acres with the remaining acreage being farmed.  
5

6 Mr. Goldenstein asked what was the size of the new addition. Mr. Jesse said that the addition would be  
7 approximately 3,664 square feet. He said that he wanted the addition to have a 'storefront' appearance. He  
8 said that he wanted to put new siding on the existing building and perhaps a stone front on the new addition.  
9

10 Ms. Griest noted that there was a 16' offset to the proposed addition. She asked whether there was a special  
11 purpose for this offset. Mr. Jesse said that the existing building has a metal roof. He said that joining the  
12 addition would possibly create a leaky roof. The buildings will be joined by a small walkway.  
13

14 Mr. Bluhm noted that a correction should be made on page three where it states that the subject property is  
15 approximately 2 ½ miles east of Savoy. It should state the subject site is west of Savoy.  
16

17 Mr. Jesse noted that the memorandum states the setback from the centerline of the road to the existing  
18 building is 66 feet. He noted that the building is currently 100 feet from the centerline of the road. He said  
19 that the new addition will not extend out any further than the existing building.  
20

21 Mr. Goldenstein asked whether additional parking would be required. Mr. Jesse said that they plan on adding  
22 parking because the addition will take up some of the current parking area.  
23

24 Mr. Goldenstein asked how much more traffic would be generated by adding a showroom facility. Mr. Jesse  
25 said that it would not be like Walmart. He said that he did not know for sure how much more traffic there  
26 would be. He said that they do not plan on a lot more traffic than what there is now. He noted that the  
27 business is located on a County Highway.  
28

29 Mr. DiNovo asked how many employees report to the site. Mr. Jesse said that there are between 12 to 15  
30 employees that work out of the building. He said that a lot of the employees drive the company vehicles to  
31 and from work.  
32

33 Mr. DiNovo said that twenty-two parking spaces are required, however, Mr. Jesse has shown twenty-four  
34 spaces.  
35

36 Mr. Irle asked what the Drainage District easement was. Mr. Hall said that he spoke with Mr. Jeff Tock,  
37 the attorney for the Drainage District, who stated that the easement is 20 feet from the edge of the ditch. He  
38 said that the building would be no closer than 50 to 60 feet to the centerline of the ditch. Mr. Jesse said that  
39 it is 97 feet to his fence. The center of the ditch is approximately another 30 feet from the fence.  
40  
41

1 Mr. Irle noted that the waste they take from the ditch is placed on the opposite side of the ditch instead of  
2 Mr. Jesse's side.

3  
4 Mr. DiNovo asked whether Mr. Jesse had thought about where any future additions would go should they  
5 need to expand. Mr. Jesse said that he had not thought about that. He said that when he obtained the original  
6 Special Use Permit, he did not think that he would be coming back for an addition. He said that if they  
7 needed additional warehouse space, they would build on straight back.

8  
9 Mr. DiNovo said that if some reasonable increment of growth could be formulated that the Board believes  
10 could be accommodated, future expansion could be approved without the petitioner returning for another  
11 Special Use Permit.

12  
13 Mr. Goldenstein asked what was the size of the existing warehouse. Mr. Jesse said that it is 54' by 70'. Mr.  
14 Goldenstein asked whether the most Mr. Jesse would want to increase the warehouse would be twice the  
15 current size. Mr. Jesse said that that would be the most he would want to increase the building.

16  
17 Mr. Wirth said that he had a hard time giving 'blank checks' as far as additions to existing buildings when  
18 no plans are shown. Mr. Steve Ziegler stated that allowing a Special Use Permit for potential future  
19 expansion is not a problem as long as the definition of what type of expansion is allowed.

20  
21 Mr. DiNovo noted that this has been done before, however, the future expansion has been shown on the site  
22 plan. He said that he would feel uncomfortable with approving an expansion without having a site plan.

23  
24 The Draft Summary of Evidence, Finding of Fact and Documents of Record was distributed.

25  
26 Mr. Bluhm asked whether there has been any comment from the City of Champaign. Mr. Hall said that  
27 notice was sent to the City, however, no comment has been received. Mr. DiNovo commented that that is  
28 not unusual.

29  
30 Mr. Wirth stated that based upon the public notification, expansion of the warehouse could not be added to  
31 the petition at this time. He said that to add the warehouse expansion, a new legal notification would have  
32 to be submitted.

33  
34 **Findings of Fact:**

35  
36 From the documents of record and the testimony and exhibits received at the public hearing conducted on  
37 April 1, 1999, the Zoning Board of Appeals of Champaign County finds that:  
38  
39

1     **1.     The requested Special Use Permit is necessary for the public convenience at this location.**  
2

3     Mr. Goldenstein stated that the requested Special Use Permit is necessary for the public convenience at this  
4     location because it is a natural extension of the existing building.  
5

6     **2.     The requested Special Use Permit is so designed, located, and proposed to be operated so that**  
7     **it will not be injurious to the district in which it shall be located or otherwise detrimental to**  
8     **the public health, safety, and welfare.**  
9

10    Mr. Goldenstein stated that the requested Special Use Permit is so designed, located, and proposed to be  
11    operated so that it will not be injurious to the district in which is shall be locate or otherwise detrimental to  
12    the public health, safety, and welfare because the existing business has operated at this site since 1995. He  
13    added that the petitioner has made a significant improvement to the property since that time.  
14

15    **3a.    The requested Special Use Permit does conform to the applicable regulations and standards**  
16    **of the district in which it is located.**  
17

18    **3b.    The requested Special Use Permit does preserve the essential character of the district in which**  
19    **it is located.**  
20

21    Ms. Griest stated that the requested Special Use Permit does preserve the essential character of the district  
22    in which it is located because the request is an extension of an existing facility and business operation.  
23

24    **4.     The requested Special Use Permit is in harmony with the general intent and purpose of the**  
25    **Zoning Ordinance.**  
26

27    Mr. Goldenstein stated that the requested Special Use Permit is in harmony with the general intent and  
28    purpose of the Zoning Ordinance because it is a natural extension of an existing building.  
29

30    **5.     The requested Special Use is not an existing nonconforming use.**  
31

32    **Ms. Griest moved, seconded by Mr. Goldenstein to approve the Summary of Evidence, Finding of Fact**  
33    **and Documents of Record as amended. The motion carried by voice vote.**  
34

35    **Mr. Goldenstein moved, seconded by Mr. Irlle to close the public hearing in Case 176-S-99. The**  
36    **motion carried by voice vote.**  
37  
38

1 Mr. Goldenstein moved, seconded by Mr. Irle that the Champaign County Zoning Board of Appeals  
 2 finds that, based upon the application, testimony, and other evidence received in this case, that the  
 3 requirements of Section 9.1.9C have been met, and pursuant to the authority granted by Section 9.2  
 4 of the Champaign County Zoning Ordinance, determines that the Special Use Permit requested in  
 5 Case 176-S-99 should be granted to the petitioners, Charles and Susan Jesse, to permit a Special Use  
 6 Permit to allow a showroom expansion of a contractors facility in the AG-1, Agriculture Zoning  
 7 District located on approximately 10 acres of land in Champaign Township, Section 33, commonly  
 8 known as Jesse Heating and Air Conditioning, 3702 West Old Church Road, Champaign, Illinois.

9 The vote was:

11	<b>Bluhm - yes</b>	<b>Butzow - yes</b>	<b>Goldenstein - yes</b>
12	<b>Griest - yes</b>	<b>Irle - yes</b>	<b>Paul - absent</b>
13	<b>Wirth - yes</b>		

14  
15 The Board recessed at 8:10 p.m., resuming at 8:15 p.m.

16  
17 **C. 178-AT-99. Petitioner: Zoning Administrator. Request to amend Sections 3 and 5.2 to**  
 18 **establish provisions for Sexually Oriented Businesses and to permit them by right in**  
 19 **the B-4, General Business District only subject to location restrictions.**  
 20

21 Mr. Ziegler stated that the proposed amendment deals with the locations of sexually oriented businesses  
 22 within the County. Currently there is no provisions in the Zoning Ordinance for location of sexually oriented  
 23 businesses specifically, however, there are some provisions for related types of businesses. The matter  
 24 originally came to the State's Attorney's Office through several residents and community groups of the  
 25 County that were basically asking four questions. Those questions were what are the current locations of  
 26 sexually oriented businesses within the unincorporated areas, what is the effect of the existing Zoning  
 27 Ordinance on the locations of those types of businesses, what are the legal requirements for designating a  
 28 single, appropriate zone for those businesses to locate in, and, what way have other communities classified  
 29 sexually oriented businesses and how are they dealt with in terms of zoning.  
 30

31 Mr. Ziegler noted that there are only two existing businesses that fit this classification in the unincorporated  
 32 areas, Fantasy's and Malibu Bay Lounge. The proposed amendment would permit, as a matter of right, the  
 33 location of sexually oriented businesses within the B-4, General Business Zoning District. The amendment  
 34 would also add a definition of sexually oriented businesses which would include adult arcades, adult  
 35 bookstores, adult novelty stores, adult video stores, adult cabarets, and adult motion picture theaters.  
 36

37 Mr. Ziegler said that a proposal for an additional limitation which would provide that the sexually oriented  
 38 businesses not locate within 1,000 feet of each other or within 1,000 feet of a residential zoning district, or  
 39 an existing church, park, school or library. He noted that the two existing sexually oriented businesses  
 40 would conform to the regulations of the proposed amendment.  
 41



1 Mr. Ziegler noted that two individuals, who were contacted by the State's Attorney's Office, have agreed  
2 to give their input on the proposed amendment. He noted that Dr. A.O. Griffiths owns property in the  
3 immediate area of the two existing sexually oriented businesses. He has been asked to describe to the Board  
4 whether the existing businesses have had any affect one way or the other on his veterinary business. Mr.  
5 Ziegler said that Mr. Nick Taylor, who is a local realtor, has been asked to give his perspective from a  
6 realtor's view point on the possible effects on residential and commercial districts.  
7

8 Mr. Wirth asked whether the owners of the two existing sexually oriented businesses notified of the meeting.  
9 Mr. Ziegler said that the State's Attorney's Office has been in contact with representatives from the two  
10 businesses since the issue came up.  
11

12 Mr. DiNovo reiterated that the two existing businesses would not be affected by this amendment. Their  
13 circumstances would only change if property within 1,000 feet were rezoned to a residential classification.  
14

15 Dr. A.O. Griffiths stated that he operates Crossroads Veterinary Clinic which is located on Route 45  
16 approximately 1/4 mile north of Fantasy's and 1/2 mile north of the Malibu Bay Lounge. He said that he also  
17 lives on the same property as his business. He said that these two businesses neither add to or detract from  
18 his business or home. He said that they seem to be completely innocuous. He said that the traffic and the  
19 demeanor of the patrons are similar to any business you find along any highway.  
20

21 Dr. Griffiths said that he is a veterinarian and is well versed in biology. He said that he has no hang ups  
22 about sex. He said that he does have hang ups about business and has spent a lot of his working career  
23 promoting and defending small business and their right to engage in their business unless it is illegal. He  
24 said that every business should know where it can locate.  
25

26 Mr. Nick Taylor stated that he was at the meeting as a resident and a business man in Champaign County.  
27 He said that he had some concerns with the proposed type of zoning and recommendation that could be  
28 made. He said that he would recommend that the Board vote positively on the proposed amendment. He  
29 said that he has been in the real estate business since 1976 and has had a variety of exposures to these types  
30 of businesses in limited format. It has been his experience that businesses such as these have impacts on the  
31 neighborhoods they are located in. He said that he has had first hand experience with trying to sell a home  
32 located across from a massage parlor.  
33

34 Mr. Taylor said that in zoning and the buffering of different types of transitional properties from commercial  
35 to residential, you will have a commercial business, then a multifamily complex and then finally a residential  
36 business. He said that the hours of operation that sexually oriented businesses usually have and possibly the  
37 clientele that visits the establishment are detrimental to the property values. He noted that the area of North  
38 Prospect which has a number of stores and restaurants that 'feed' off of each other. The proposed  
39 amendment will have a positive affect by not allowing a clustering affect to take place for these types of  
40 businesses.  
41



HEATING · AIR CONDITIONING

JESSE

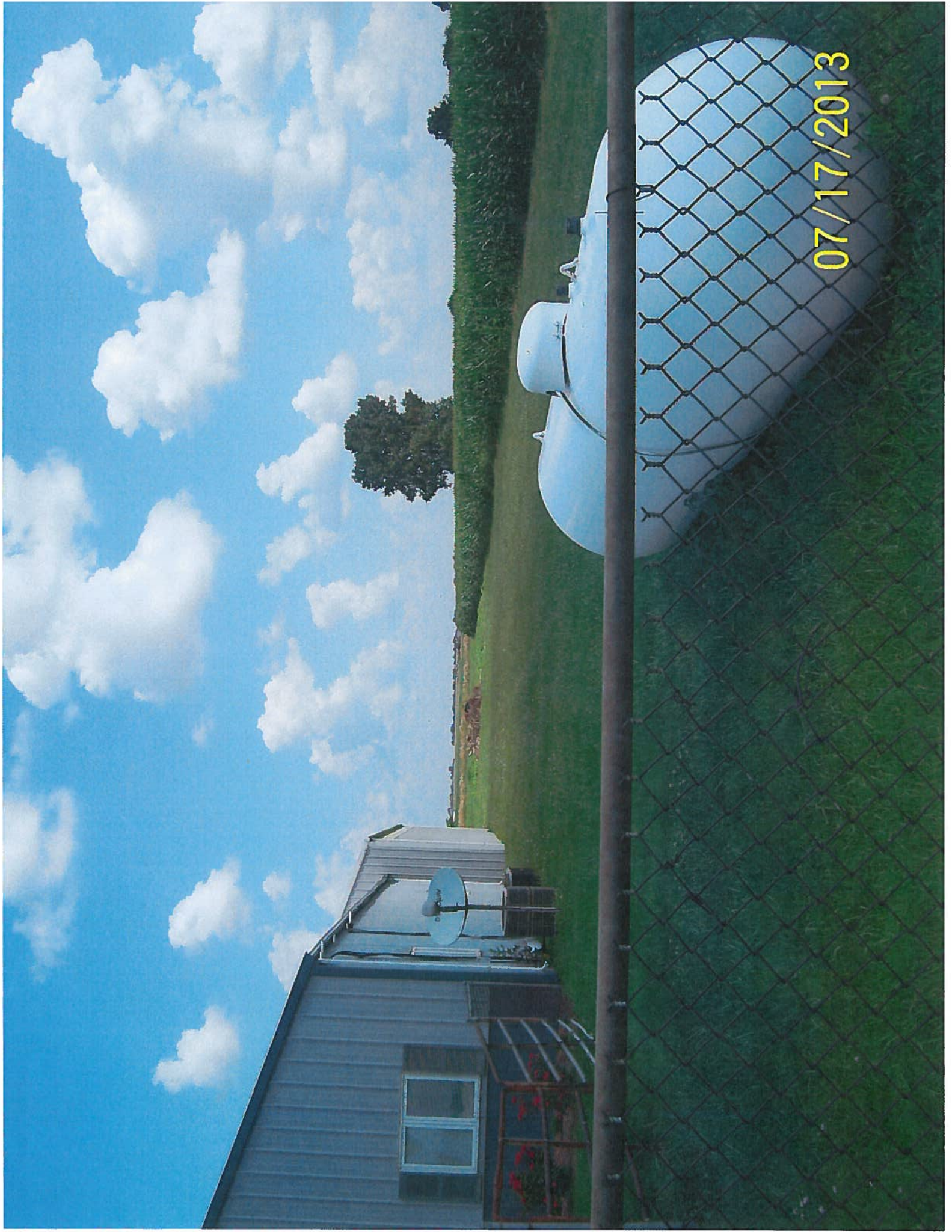
FIREPLACE

SHOW

07/17/2013



07/17/2013



07/17/2013



07/17/2013



07/17/2013



07/17/2013



07/17/2013





07/17/2013



07/17/2013



07/17/2013



07/17/2013

07/17/2013





07/17/2013

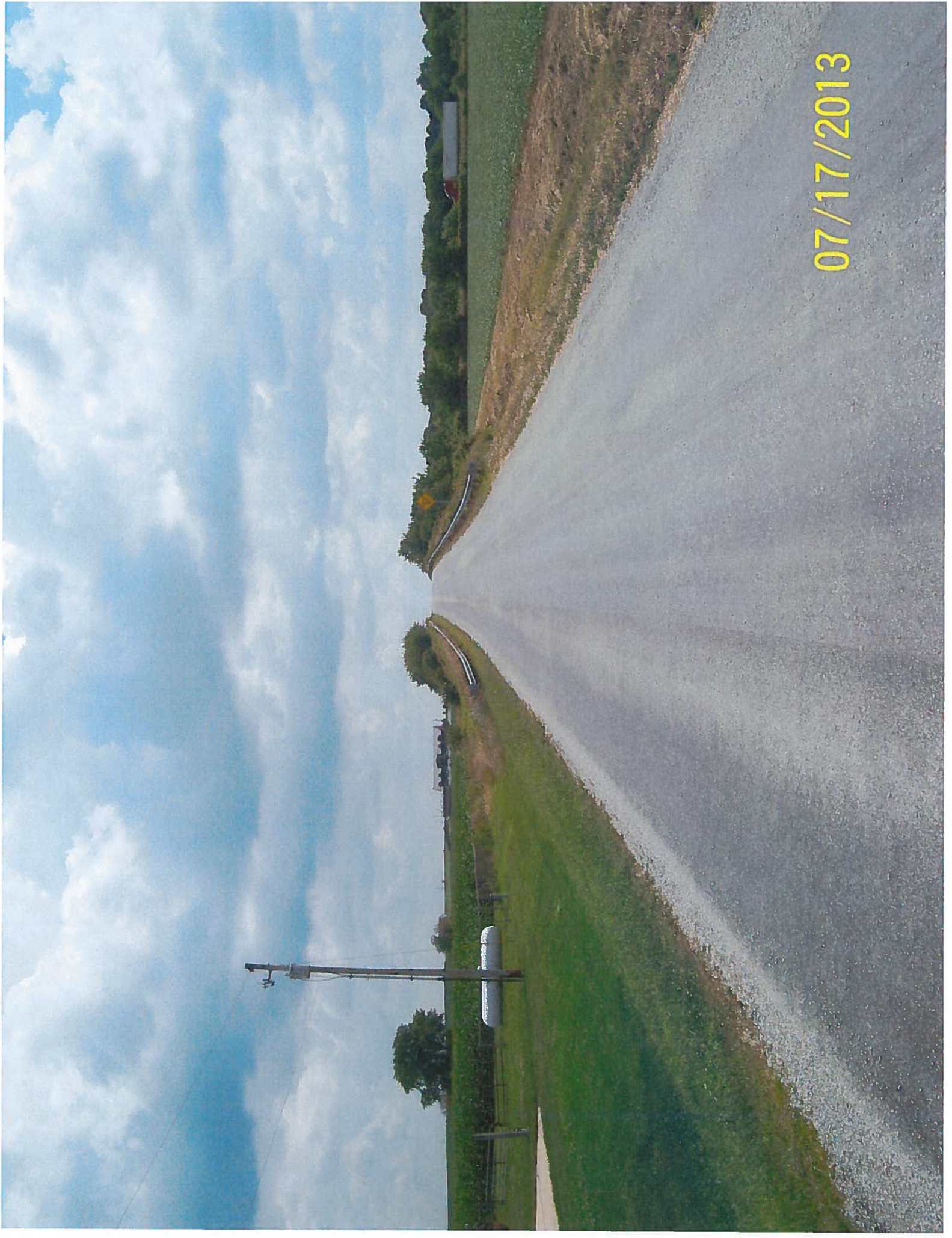


07/17/2013

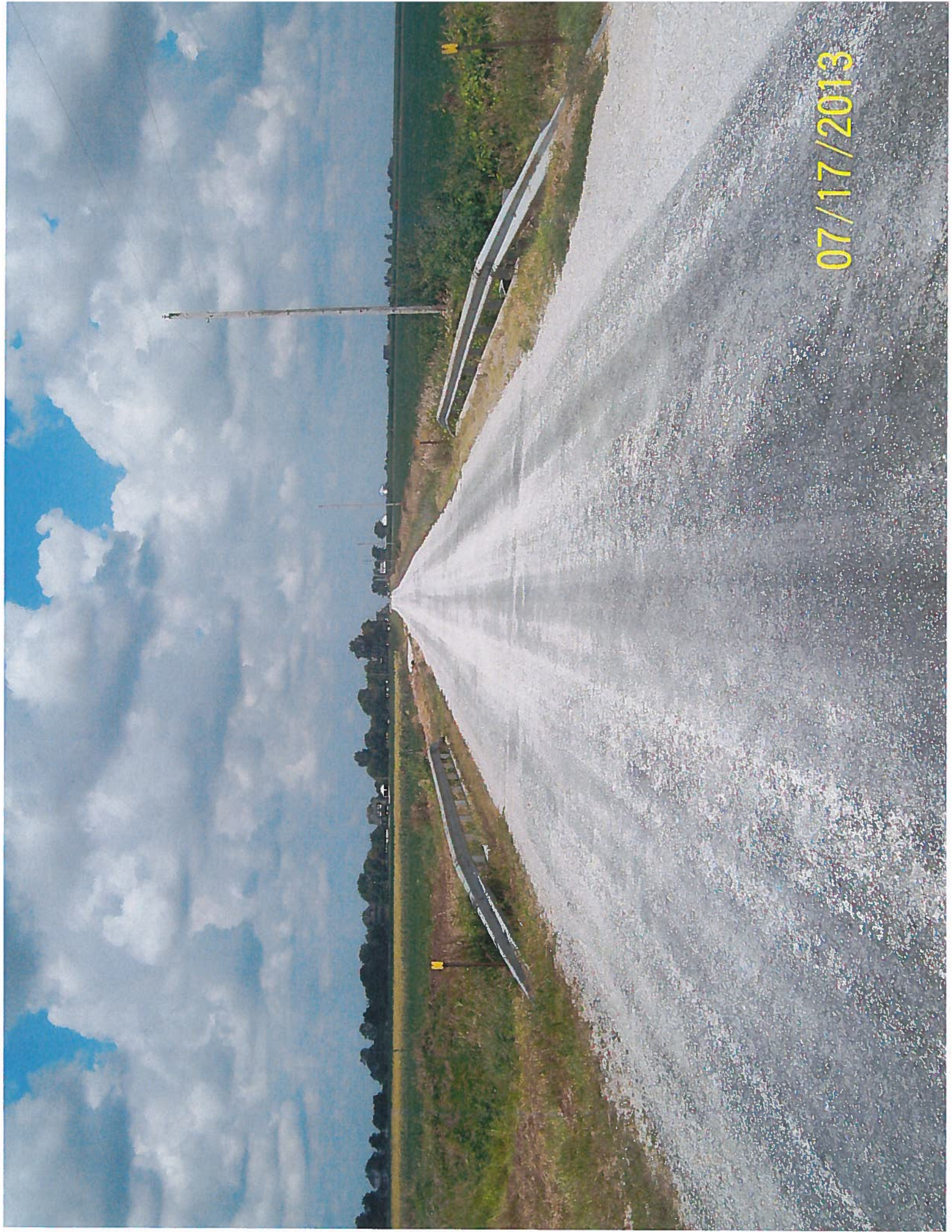
07/17/2013



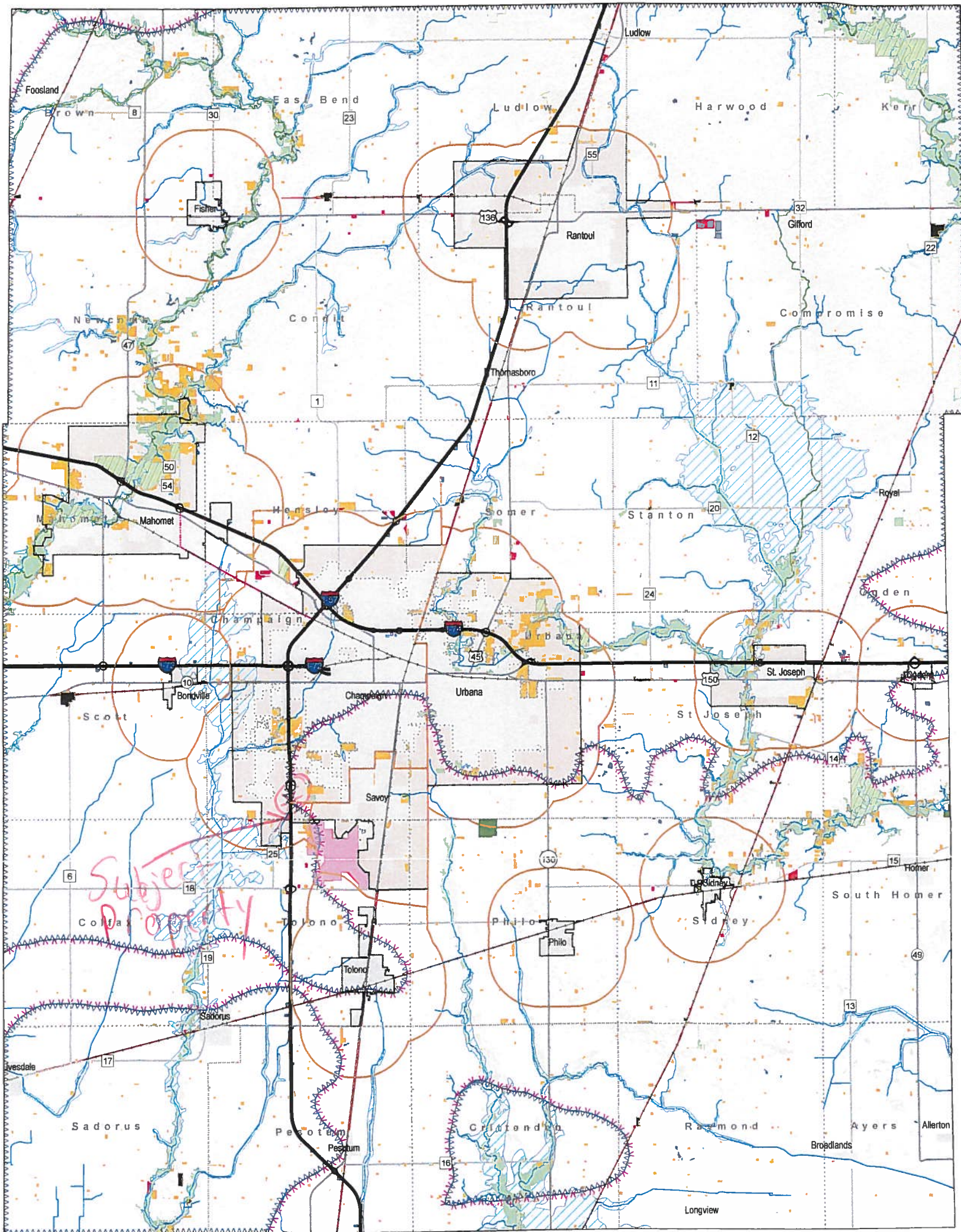




07/17/2013



07/17/2013



**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**

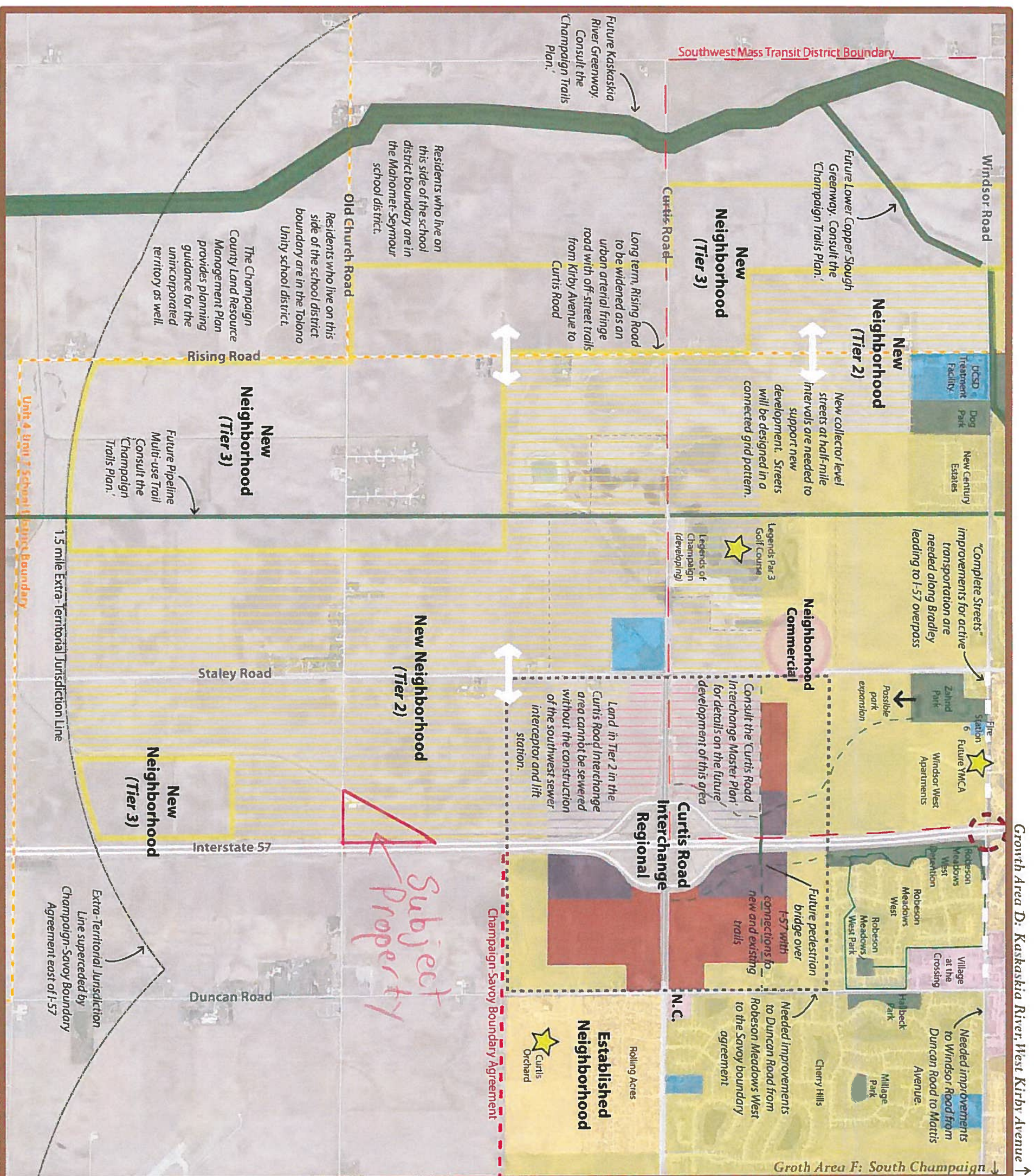
- Commercial / Industrial
- Residential
- Existing Incorporated Area
- Airport

**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



# Growth Area E Southwest Champaign

## Opportunities and Constraints

The Curtis Road Interchange has become a new gateway to the community and a key entryway to the University of Illinois. The land surrounding the interchange is part of the Curtis Road Interchange Master Plan, which also includes design guidelines that will ensure high quality, comprehensively planned development. There is opportunity for a mix of employment, shops, services and housing with integrated plazas and open spaces. In addition to the Curtis Road Interchange area, there are large tracts of land planned for residential development.

Challenges in this area are found in sewerability and transportation. A new southwest sewer interceptor and lift station is needed in order to develop land south of Curtis Road. The greatest challenge is the large amount of unfunded arterial road improvements needed in this area. Another transportation challenge comes from the Southwest Mass Transit District, which does not provide transit. The I-57 overpass at Windsor Road is in need of widening, and is not safe for bicyclists and pedestrians.

### Infrastructure and Public Services

**Sanitary Sewers:**  
Following the completion of a new southwest sewer interceptor and lift station, this area has considerable land available south of Curtis Road. Tier 2 areas have outstanding sewer needs that are not yet satisfied.

**Roads:**  
Over 6 lane miles of arterial road improvements to Mattis Avenue, Duncan Road, Rising Road, Staley Road and Windsor Road are needed here.

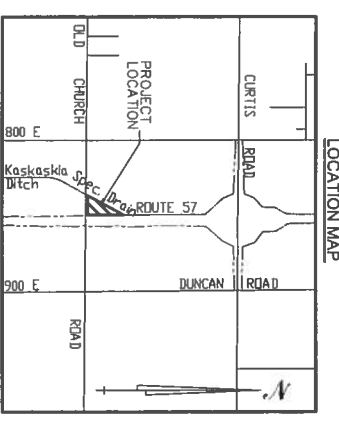
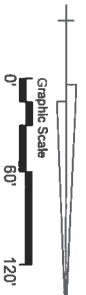
**Transit:**  
This area has limited weekday transit service provided by the CUMTID Navy, Green Express and West Direct lines as of 2010. Certain areas of the west side of I-57 are part of the Southwest Transit District. The Southwest Transit District does not provide transit service.

**Fire Protection:**  
Fire Station 6 provides adequate coverage of this area.

**Parks and Trails:**  
The existing Champaign neighborhoods east of I-57 are adequately served by neighborhood parks. The Curtis Road Interchange area is envisioned to develop with parks, plazas and trails as described in the Master Plan, as well as an I-57 pedestrian overpass. New parks should be sited adjacent to the Pipeline Trail to maximize connectivity. Expansion of Zahnd Park should be considered. Along the Kaskaskia River, opportunities for park space should be explored.

**Other Considerations:**  
A new police patrol district will be needed as growth extends west and southwest. The location of a boundary agreement with Savoy, west of I-57, is under discussion.

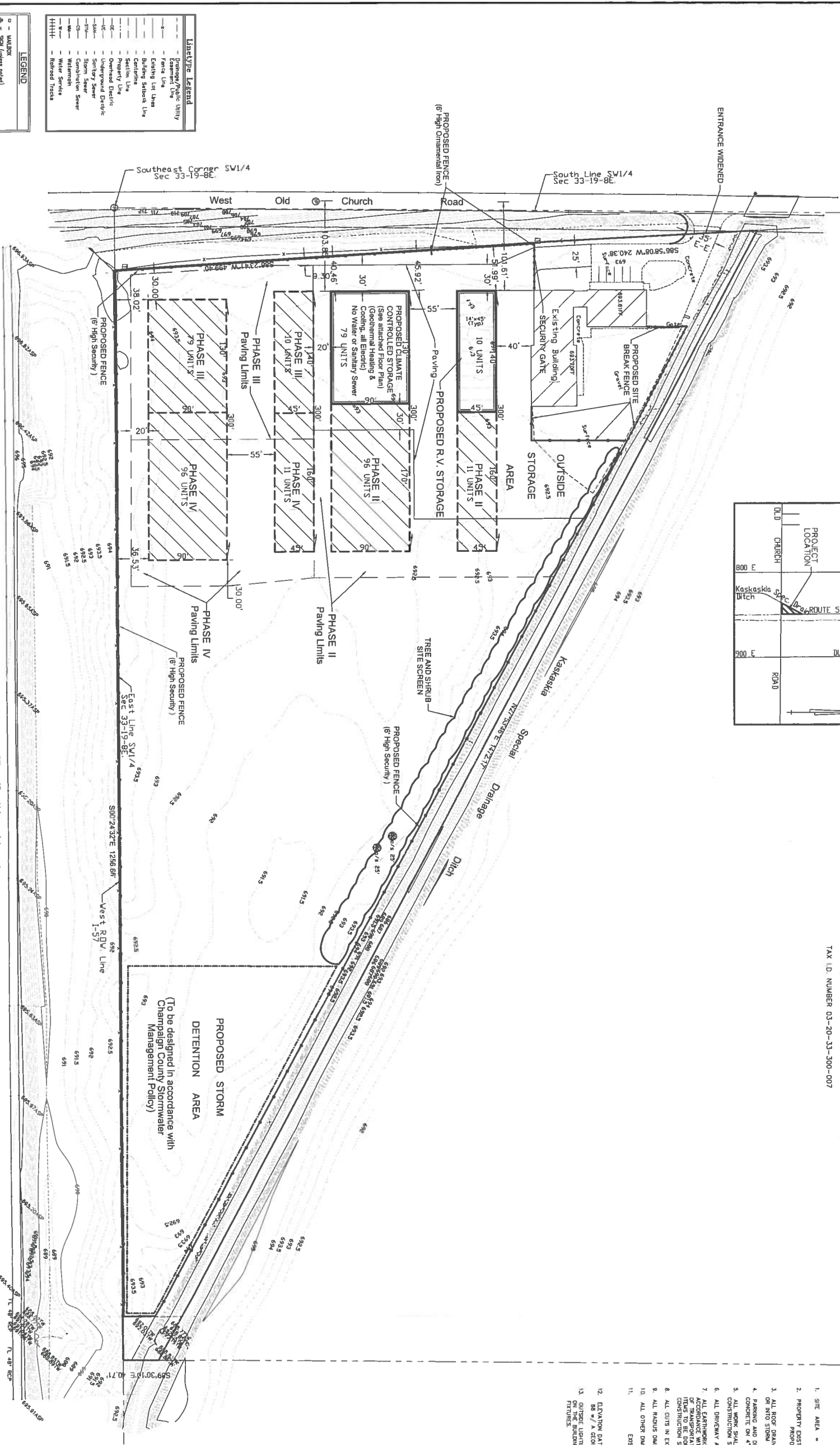




**LEGAL DESCRIPTION**

ALL THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 19 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING EAST OF THE CENTER LINE OF THE KASKASKIA SPECIAL DRAINAGE DITCH, EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF ILLINOIS BY WARRANTY DEED RECORDED AUGUST 3, 1991 AS DOCUMENT NO. 887077 SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

TAX ID NUMBER 03-20-33-300-007



**LineType Legend**

- Existing/Proposed Utility
- Fence Line
- Existing Lot Lines
- Building Footprint Line
- Centerline
- Section Line
- Property Line
- Overhead Electric
- Underground Electric
- Survey Stake
- Construction Stake
- Water Service
- Well
- Railroad Tracks

**LEGEND**

- WATER
- LOT LINE
- TRANSFERRED (green hatched)
- EDC SERVICE PANEL (green hatched)
- STORM WATER
- DRIVEWAY
- FIRE HYDRANT
- GAS METER (green hatched)
- STORM WATER
- WATER VALVE (green hatched)
- TELEPHONE METER
- DRIVEWAY
- DOWNSPOUT
- SEWER METER FROM 6" TO 30" DIA.
- SEWER
- WATER METER (green hatched)

**SILTATION AND EROSION CONTROL**

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.

**RECEIVED**

JUL 17 2013

CHAMPAIGN CO. P & Z DEPARTMENT

Interstate 57 (Southbound lanes)

**NOTES**

1. SITE AREA = 11.28 ACRES TOTAL w/ 800 ACRES RELIABLE
2. PROPERTY EXISTING ZONING = A-1, AGRICULTURAL, SPECIAL USE, RESIDENT FARM
3. ALL ROOF DRAINS SHALL OUTLET ON SLASH BLOCKS OR PAVED SURFACE OR INTO STORM SEWER
4. PARKING AND DRIVEWAY AREAS TO BE CONSTRUCTED OF 5" OR 6" C.C. CONCRETE ON 4" CA-8 COMPACTED BASE
5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH COUNTY OF CHAMPAIGN CONSTRUCTION STANDARDS
6. ALL DRIVEWAY APPROACHES TO BE CONSTRUCTED OF 6" C.C. CONCRETE
7. ALL EXISTING PAVING MATERIALS AND WORK TO BE DONE IN ACCORDANCE WITH THE APPLICABLE SECTIONS OF THE ILLINOIS DEPARTMENT OF TRANSPORTATION (DOT) LATEST STANDARD SPECIFICATIONS. ALL OTHER CONSTRUCTION STANDARDS SHALL BE IN ACCORDANCE WITH COUNTY OF CHAMPAIGN CONSTRUCTION STANDARDS
8. ALL CURBS IN EXISTING ASPHALT, CONCRETE OR CURB SHALL BE SAW CUT.
9. ALL RADIIUS DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED
10. ALL OTHER DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED
11. EXISTING GRASSES
12. ELEVATION DATIVE GPS OBSERVANCE USING TRIMBLE CORS NETWORK HAVO 08 W/ A DEED BY ACQUISITION
13. OUTSIDE LIGHTING TO BE PROVIDED IN FULL CUT-OFF FIXTURES MOUNTED ON 5' TALL POLES. SPACING NOT TO EXCEED 200 FEET. ALL FIXTURES TO BE LED FIXTURES

**OWNER/DEVELOPER**  
CHARLES JESSE

Philip W. Cochran  
Illinois Registered Professional Engineer  
No. 32383  
Exp. 11/30/13



**CHASTAIN & ASSOCIATES LLC**  
CONSULTING ENGINEERS

DECATUR (217) 422-8544  
CHICAGO (773) 714-0650  
ROCKFORD (815) 489-0050  
184-001397

Project No.	5976
Field Book No.	
Date	7-9-2013
Drawn By	mlg/sgm
REVIEWED	

3702 WEST OLD CHURCH ROAD  
CHAMPAIGN, ILLINOIS 61822

BY	DATE	REVISION

**SITE PLAN**

IRONGATE SELF STORAGE  
CHAMPAIGN COUNTY, ILLINOIS

Sheet No. C-1  
Project No. 5976



## 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**

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

## **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.



**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

**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.

**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.

## 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.

## 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.

## 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.

**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.

## 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

**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.