

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **April 17, 2014**
Time: **7:00 P.M.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

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

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

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

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (March 13, 2014)
5. Continued Public Hearings
6. New Public Hearings

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

Case 771-AM-13 & 722-S-13 Petitioner: Randy and Sue Hopkins, d.b.a. Atlantic Services, Inc.

Case 771-AM-13 Request: **Amend the Zoning Map to change the zoning district designation from the B-3 Highway Business Zoning District to the B-4 General Business Zoning District in order to authorize the proposed Special Use in related zoning Case 772-S-13, described below, on the subject property described below.**

*Case 772-S-13 Request: **On the subject property described below, authorize the following as a Special Use in the B-4 General Business Zoning District:
Part A. Authorize multiple principal buildings on the same lot consisting of the following:
(1) Self-Storage Warehouses providing heat and utilities to individual units, as a special use that was previously authorized in Case 101-S-97; and
(2) a Landscaping and Maintenance Contractor's Facility with outdoor storage as proposed in Part B.
Part B. Authorize the construction and use of a Landscaping and Maintenance Contractor Facility.**

Location: **A five acre tract of land in the North Half of the Northwest Quarter of the Northeast Quarter of Section 24 of Hensley Township and commonly known as the plant nursery and self-storage warehouse located at 31 East Hensley Road, Champaign.**

7. Staff Report
8. Other Business
 - A. Review of Docket
 - B. February 2014 Monthly Report
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

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

1
2 Ms. Capel stated that she previously submitted minor edits to staff for correction.

3
4 Ms. Lee stated that she submitted a minor edit to the February 13, 2014, minutes to staff for correction.

5
6 Ms. Capel entertained a motion to approve the minutes as amended.

7
8 **Mr. Passalacqua moved, seconded by Mr. Randol to approve the January 16, 2014, January 30, 2014,**
9 **and February 13, 2014, minutes as amended.**

10
11 Mr. Hall stated that Mr. Scott Reifsteck submitted a minor edit to the January 30, 2014, minutes. Mr. Hall
12 said that line 42 on page 13 should be revised to indicate the following: He said that at one time it used to
13 be a mutual drainage tile and when the airport came in it restricted some of the use of the tile but there is
14 approximately 240 acres that drains through there from the east and drains to the north side of the swale.

15
16 **The motion carried by voice vote.**

17
18 **5. Continued Public Hearing**

19
20 **Case 766-AM-13 Petitioner: Eric L. Sebens d.b.a. Prairieview Landscaping Request: Amend the**
21 **Zoning Map to change the zoning district designation from the AG-1, Agriculture Zoning District to**
22 **the B-1 Rural Trade Center Zoning District in order to authorize the proposed Special Use in related**
23 **zoning Case 767-S-13. Location: A 5-acre tract in Tolono Township in the East Half of the Southeast**
24 **Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of the Third**
25 **Principal Meridian and commonly known as Prairieview Landscaping at 1069 CR 900E, Champaign.**

26
27 **Case 767-S-13 Petitioner: Eric L. Sebens d.b.a. Prairieview Landscaping Request: Authorize the**
28 **following as a Special Use in the B-1 Rural Trade Center Zoning District: Part A. Authorize multiple**
29 **principal buildings on the same lot consisting of the following: (1) a landscape contractor's facility**
30 **with outdoor storage that was originally authorized in Case 101-S-97; and (2) Self-Storage**
31 **Warehouses, providing heat and utilities to individual units as a special use proposed in Part B.**
32 **Authorize the construction and use of Self-Storage Warehouses, providing heat and utilities to**
33 **individual units as a special use. Location: A 5-acre tract in Tolono Township in the East Half of the**
34 **Southeast Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of the**
35 **Third Principal Meridian and commonly known as Prairieview Landscaping at 1069 CR 900E,**
36 **Champaign.**

37
38 Ms. Capel informed the audience that this is an Administrative Case and as such the County allows anyone
39 the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of
40 hands for those who would like to cross examine and each person will be called upon. She requested that
41 anyone called to cross examine go to the cross examination microphone to ask any questions. She said that
42 those who desire to cross examine are not required to sign the witness register but are requested to clearly

1 state their name before asking any questions. She noted that no new testimony is to be given during the
2 cross examination.

3
4 She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross
5 examination

6
7 Ms. Capel asked the petitioner if he desired to make a statement outlining the nature of his request.

8
9 Mr. Eric Sebens, who resides at 3008 Cherry Hills Drive, Champaign, stated that he is present tonight to
10 request the Board's consideration of rezoning his property from the AG-1, Agriculture Zoning District to the
11 B-1, Rural Trade Center Zoning District. He said that a revised plan prepared by Phoenix Engineering has
12 been submitted to Mr. Hall indicating a revised layout of the storage units, fencing, and a proposed location
13 for the water detention area and the new entrance. He said that the detention basin is in line with the current
14 existing drainage swale and it has been calculated that it will hold the storm water runoff that will be created
15 by the proposed and existing buildings and surrounding gravel. He said that his engineer is present to
16 answer any technical questions that the Board may have regarding this project.

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

19
20 Mr. Hall asked Mr. Sebens if he had reviewed the Supplemental Memorandum dated March 7, 2014, which
21 included staff's twelve points or comments regarding the revised site plan.

22
23 Mr. Sebens stated that he has reviewed the memorandum. He said that the first comment indicated that there
24 was no indication of the total number of individual self-storage units at the site. He said that he anticipates
25 160 units but it really depends on the demand and the size of unit based on that demand therefore it is
26 difficult to determine an exact number. He said that he would guess that the range of units proposed at the
27 facility would be 120-160 depending upon what size unit has the biggest demand.

28
29 Mr. Hall stated that 120 to 160 units seems large because that would mean that there would be that many
30 renters which would directly correlate to the number of traffic. He asked Mr. Sebens if he is fairly confident
31 that he would have at least 120 units.

32
33 Mr. Sebens stated yes. He said that from his observations of storage units the renters are rarely at the units.
34 He said that perhaps on a spring Saturday during warm weather he could not imagine more than a few people
35 being at the facility at the same time and history shows that the average person will rent the unit and
36 occasionally visit the unit as an overflow for their home. He said that 160 units may seem large but if there
37 is a larger demand for the 5' x 5' units than the 10' x 20' units then there could be more than 160 units. He
38 said that the way the layout is currently there would be 48 units, if they were 10' x 20', per building therefore
39 he would estimate that there would be 120 unit since the one building is shorter. He said that he could really
40 see the units being a combination of sizes such as 5' x 5', 10' x 10', or 10' x 20'.

41
42 Mr. Hall asked Mr. Sebens if the buildings will have interior corridors or will they only be open to the

1 outside.
2
3 Mr. Sebens stated that his plans are that the each unit would open to the outside with no interior corridors.
4
5 Mr. Passalacqua asked Mr. Hall if there is a problem with the residence being between the two special uses.
6
7 Mr. Hall stated that the residential property ceased being the principal use when the contractor's facility was
8 established so he can't imagine having the self-storage would create any other problems.
9
10 Mr. Passalacqua asked if a loading berth would be required for this facility.
11
12 Mr. Hall stated that every use that you can imagine, other than a single family dwelling, has to have a
13 loading berth. He said that there may be some area of land or paving where the minimum loading berth may
14 fit and it doesn't mean that there has to be a loading dock where a truck can back up to it. He said that there
15 is adequate space on this property for a loading berth.
16
17 Mr. Passalacqua asked Mr. Hall if accessible parking is required.
18
19 Mr. Hall stated that parking for self-storage units is one of the most difficult portions of the ordinance. He
20 said that as long as there is one space in front of each unit for that renter's vehicle then that is all that staff
21 has ever looked for and in regards to ADA requirements they are not our regulations and staff encourages the
22 applicant to work with Doug Gamble at the Capital Development Board. He said that as long as Mr. Sebens
23 is willing to make a certain number of these units so that they can be easily made accessible in the event that
24 someone needs them to be accessible then that is all that is required and it is probably the lowest standard for
25 accessibility provided that the units are made accessible. He said that wherever there is an accessible storage
26 space, which with 120 units is 6 or 7 units or 5%, will be required to be concrete or asphalt for the parking
27 area and gravel will not acceptable. He said that gravel can lead up to the parking space but the parking
28 space and going into the storage unit itself must be concrete or asphalt and eventually those would need to be
29 added to the plan.
30
31 Ms. Lee asked Mr. Hall to clarify the definition of a parking space for a storage unit.
32
33 Mr. Hall stated that the minimum parking space is 9' x 20' where a vehicle could park. He said that in the
34 case of a 5' x 5' storage unit that is almost impossible because that is only room for one-half a car therefore
35 he does not know what to do with 5' x 5' units in regards to parking.
36
37 Ms. Capel asked Mr. Hall if he would like to review the Supplemental Memorandum dated March 7, 2014,
38 with the Board.
39
40 Mr. Hall stated that the Supplemental Memorandum dated March 7, 2014, is the memorandum that was
41 included in the mailing. He said that Mr. Sebens has already addressed staff comment #1 therefore he will
42 continue review of the remaining points. He said that staff comment #2 is in regards to the storm water

1 drainage plan. He said that Mr. Sebens explained that the detention basin is proposed to be “on stream”
2 which is to say that it intercepts the water that flows in the existing drainage swale. Mr. Hall said that “on
3 stream” drainage basins are not prohibited but there are difficulties with these basins and he has asked the
4 County’s consulting engineer, Don Wauthier, to review the plan and he has already responded via email.
5 Mr. Hall stated that from a staff perspective there is no clear prohibition for an “on stream” basin but there
6 are a few hundred acres upstream draining through the basin and trying to control the drainage from a two
7 acre self-storage warehouse may be difficult to achieve. He said that there appears to be plenty of space to
8 place the basin off line and out of the swale therefore not interrupting the swale to construct the basin and
9 not interrupting the 10” tile for re-routing. He said that there are a lot of good reasons to not do an “on line”
10 basin but it is not prohibited and he knows it may be difficult for the Board to have an opinion about that but
11 staff has concerns and if the plan is approved showing the basin “on stream” there has to be an understanding
12 that if that doesn’t work it must be made “off line”. He said that if Mr. Sebens has to live with fewer units
13 due to the “off line” requirement then that would be one possible result although he does not believe that it is
14 likely because this is going to be a small detention basin. He said that at this point and time no calculations
15 have been submitted and the County’s consulting engineer has not reviewed it and that is acceptable at this
16 point and time. He said that the County’s consulting engineer believes that there could be a detention basin
17 “off stream” on the site which would work better. Mr. Hall stated that he would like to know if the Board
18 has an opinion regarding the detention basin.

19
20 Mr. Hall stated that staff comment #3 is in regards to site security. He said that there is a fence around the
21 warehouses although he does not know how access through that fence is controlled. He said that in a
22 previous self-storage warehouse facility similar to this the Board was happy to see that the petitioner
23 provided security cameras which could be monitored from the office. He said that if the Board prefers
24 security cameras for this facility then the Board should indicate such to staff and the petitioner so that he has
25 ample time to include it on the plan. Mr. Hall stated that having the gate at the right of way of Duncan Road
26 is not an ideal situation.

27
28 Mr. Passalacqua asked Mr. Hall if there was a driveway separation requirement. He said that there are three
29 access driveways on the property already and the proposed would add a fourth entrance.

30
31 Mr. Hall stated that it is another driveway access and approval of the driveway is up to the highway
32 commissioner but he has a concern that the Board would allow the gate to be right at the right of way unless
33 there is some way to know that traffic will not be queuing up along Duncan Road awaiting the gate to open.
34 He said that he would suggest that Mr. Sebens consider moving the gate around to the north side of the self-
35 storage area so that people can pull off at the existing driveway for the contractor’s facility and then there
36 would be space to queue up while opening the gate to the self-storage area. He said that this would require a
37 different plan and if the Board has any opinion it would be good for the Board to indicate such.

38
39 Mr. Randol asked Mr. Hall if the Board needs to address each of these points because he too has a concern
40 about the driveway and how it is set up. He said that if there is an electric gate then someone would have to
41 stop and insert the code in the key pad therefore the vehicle is parking on the street during this process. He
42 said that he is not in favor of the “on stream” detention pond and he would like to know the depth of the

1 detention pond. He said that there are twelve points in the memorandum that the Board should address
2 individually or point it out to Mr. Sebens.

3
4 Mr. Hall stated that in light of these twelve points he did not try to create a Finding of Fact. He said that if
5 there had only been a few things outstanding there may have been a Summary of Evidence for this tonight
6 but there are many questions which must be answered and the Board needs to voice their concerns as well.

7
8 Ms. Lee stated that she also has a concern regarding the proposed driveway because the vehicles waiting on
9 the gate could have trailers attached which is even more of a hazard.

10
11 Mr. Sebens stated that it wouldn't be a problem moving the entry gate to the north side to allow plenty of
12 room for a vehicle and trailer to enter therefore not requiring them to come directly off of Duncan Road. He
13 said that entrance visibility was a concern by staff but there is a straight line of site for approximately 1,000
14 feet from the north and south of the entrance.

15
16 Ms. Griest stated that she is not comfortable with the entrance for the storage units coming directly off of
17 Duncan Road and she would like to see the plan revised to include utilization of one of the existing entrances
18 off of Duncan Road already rather than creating a new one and the entrance in to the fenced area being
19 completely off of the public access. She said that there is a whole host of issues, even if Mr. Sebens had the
20 best visibility, if he had traffic sitting on a rural road at a complete stop trying to get into a gate and either
21 fully or partially sticking out into the driveway. She said that she is not comfortable with the entrance
22 proposal unless he has enough room for a truck and trailer to pull in and be completely off the road. She said
23 that with the current plan she can foresee a visibility with a truck and trailer sitting on the road waiting to
24 come onto the property and speed issues with people coming and going day and night.

25
26 Mr. Hall asked Ms. Griest if she had any input regarding security cameras.

27
28 Ms. Griest stated that security cameras provide some benefit but if they are not monitored 24 hours per day
29 they will probably have limited value. She said that if the security cameras are monitored 24 hours per day
30 during the highest crime time offsite would be a good idea. She said that a DVR can record activity but the
31 perpetrators are long gone and most DVR cameras are not high grade enough to identify images in the dark.

32
33 Mr. Passalacqua stated that the video monitoring could be attractive to any potential customers but he does
34 not believe that it is the County's place to regulate it. He said that having a security camera at a self-storage
35 warehouse is really improving public safety and security cameras are very expensive therefore if Mr. Sebens
36 offers to supply this service to his customers then it should be his choice to do so and not the County's place
37 to require it.

38
39 Mr. Hall asked Mr. Passalacqua if since the self-storage facility will be 24 hour access should it be required
40 to have night lighting.

41
42 Mr. Passalacqua stated yes. He said that he would refer Mr. Sebens to Mr. Jesse's self-storage warehouse

1 plan. He said that if he isn't mistaken there is already night lighting on the property currently.

2
3 Mr. Sebens stated that Mr. Passalacqua was correct. He said that he has been at the property for seventeen
4 years and has never had any issues with theft or foul play.

5
6 Mr. Hall asked the Board if they wanted night lighting for the self-storage warehouse or not.

7
8 The Board indicated yes.

9
10 Mr. Randol stated that the lights would not need to be on consistently at night but some sort of lighting with
11 motion detectors or something would be a safety feature.

12
13 Mr. Hall stated that the motion lights need to be full-cutoff which means that the lamp does not emit light if
14 below the horizontal therefore reducing light trespass onto adjacent properties. He said that the Ordinance's
15 maximum lamp size is based on incandescent wattage and sodium mercury vapor lights and comparing those
16 limits on wattage with LED lamps is a challenge. He asked Mr. Sebens how he plans to access the new hoop
17 building.

18
19 Mr. Sebens stated that there is an access area between the fence and the property line along the back side
20 which will remain in gravel and allow access to the hoop building.

21
22 Ms. Griest asked Mr. Hall how that will impact the setbacks.

23
24 Mr. Hall asked Mr. Sebens if that access is currently in gravel.

25
26 Mr. Sebens stated that most of it is in gravel currently.

27
28 Ms. Griest asked Mr. Sebens if he was already having a problem with encroaching upon the adjacent
29 landowner regarding the spillover of his gravel and traffic. She asked Mr. Sebens what type of proposal he
30 would present to provide a firm barrier that keeps that gravel from moving out into the farm ground or vice a
31 versa.

32
33 Mr. Sebens stated that the property in that area is very level. He said that he sent a letter to Scott Reifsteck
34 indicating that there were a couple of spots where over time his business has edged over onto Mr.
35 Reifsteck's property but his intention is to correct those spots.

36
37 Ms. Griest stated that the aerial photo indicates the line of separation of the two properties. She said that
38 during the previous use it appears that Mr. Sebens tried to utilize his property right up to the edge of the
39 property line and the same thing is appearing with the self-storage and the fencing therefore she fears that
40 there will be additional encroachment onto the adjacent property. She said that she would like some level of
41 confidence that the encroachment will not occur.

42

1 Mr. Sebens stated that he was willing to put it in writing that he wanted to correct the encroachments.
2
3 Ms. Griest stated that she would like to see some type of indication on the site plan such as a proposed
4 setback of five feet. She said that a five foot grass strip to separate the proposed use from the agricultural
5 area would be sufficient.
6
7 Mr. Passalacqua stated that he does not think that the access of eight feet is sufficient.
8
9 Mr. Sebens stated that it is a twelve foot access.
10
11 Mr. Hall stated that in order to have a minimum of five feet between the property line and the access path he
12 is assuming that we are talking about at least fifteen feet in total.
13
14 Mr. Passalacqua stated that he does not know that he is in favor of requiring a grass separation strip along
15 Mr. Sebens' property and the adjacent farm field because that is just another maintenance issue. He said that
16 if he wanted to plant blue stem or switch grass that would be different but a grass filter strip for mowing is
17 not necessary.
18
19 Mr. Hall stated that the Board will not be requiring maintenance but only keeping the noxious weeds under
20 control.
21
22 Ms. Lee asked Mr. Hall if the plan indicated that there is eight feet from the fence line to property line.
23
24 Mr. Hall stated that the eight feet is on the inside of the fence line and the fence line to the property line is
25 twelve feet.
26
27 Ms. Capel called Joy Rexshell to testify.
28
29 Ms. Joy Rexshell, Engineering Consultant for Phoenix Engineering, stated that there is a twenty foot
30 structural setback line from the west line in and at one point of time there were different versions of this
31 layout but she was trying to show that if there is twelve feet from the property line to the fence line there is
32 still an eight foot structural setback from the fence. She said that there is an additional seventeen feet from
33 the setback line to the building along with the eight feet providing twenty-five feet from the fence to the
34 building.
35
36 Mr. Randol asked Ms. Rexshell if she could indicate the depth of the detention pond.
37
38 Ms. Rexshell stated that at the proposed location the detention pond would be approximately two and one-
39 half feet of depth. She said that they are more than willing to move the detention pond off line if the detailed
40 calculations prove that it would be a better situation. She said that there is space to the west but since it is
41 not a huge drainage area it will not have a big depth.
42

- 1 Mr. Randol stated that with all of the surface water that the area just received he noticed that it was quite a
2 lake down through the property therefore he envisions that with a depth of two or three feet the detention
3 pond will not be visible because it will be under water.
4
- 5 Ms. Rexshell stated that the Ordinance requires that they deal with this as a 50-year storm event and the
6 event that we had a couple of weeks ago was unusual and she does not how to quantify all of the melting
7 snow and rain that we received on top of the frozen ground. She said that the Ordinance has certain numbers
8 that they must run through which then the County's engineer will review to make sure that her calculations
9 are correct in meeting the code.
10
- 11 Ms. Capel stated that staff's comment #3.B. refers to the locked gate and that a code will be required to
12 access. She said that there should be some indication as to how people will access their storage units and all
13 of the information should be submitted to the fire protection district.
14
- 15 Mr. Sebens stated that this information can be included on the site plan.
16
- 17 Mr. Passalacqua stated that he drives by the subject property everyday and he is aware that Mr. Sebens has
18 vehicles for the landscaping business. He said that if the construction of the self-storage facility proceeds and
19 the gate is moved to the northwest corner it will create a loss of parking area of the landscaping business'
20 trucks and trailers. He said that the revised site plan should indicate adequate parking for the first special use
21 and setbacks and also a clearer picture of the driveway to the house and whether or not he intends to install a
22 sign for the storage units. He noted that the current site plan does not include any indication of the sanitary
23 systems for the house or the office. He asked Mr. Sebens if the three older buildings are removed and the
24 access is moved to the northwest is there enough space for parking for the landscaping business' trucks and
25 trailers.
26
- 27 Mr. Sebens stated yes. He said that all of the trucks are parked along the property line on the northwest side
28 of the property and they do not currently park any trucks where the storage facility is proposed.
29
- 30 Mr. Passalacqua asked if the bulk storage on the subject property currently would be in the way for parking.
31
- 32 Mr. Sebens stated that he believes that he will still have adequate room for parking but it depends on how the
33 basin is laid out.
34
- 35 Mr. Passalacqua stated that everything needs to be noted on the site plan and if there is something that Mr.
36 Sebens envisions happening in the next phase he would propose that it also be indicated on the revised site
37 plan as future phases.
38
- 39 Mr. Sebens stated that he does not anticipate building anything additional on the site.
40
- 41 Mr. Randol asked Mr. Sebens if he has any concerns about the public driving through his existing
42 landscaping business to get to the access gate for the storage units. He said that people could be coming in

1 and out of the access gate all of the time therefore he thought that perhaps that entrance could be made on the
2 northeast corner but set the gate approximately 50' inside so that people are off the road.
3
4 Mr. Sebens stated that he is not sure where the 24-hour access notion came from because he is considering
5 16-hour access. He said that there may be people who desire to come to the storage units between 10:00
6 p.m. and 6:00 a.m. but he believes that 16-hour access is sufficient.
7
8 Ms. Lee asked Mr. Sebens if he has seen worse flooding on the property during his 17 years of ownership
9 than what was received a couple of weeks ago.
10
11 Mr. Sebens stated that the unique condition that we had a couple of weeks ago with the thawing of snow on
12 frozen ground and all of the water running and not absorbing was the most water in 17 years that he has ever
13 seen flowing through the swale.
14
15 Mr. Passalacqua stated that he lives two miles from the subject property and it was the most water that he
16 has seen in 12 years.
17
18 Ms. Capel asked Mr. Sebens if he plans to have camper, boat or trailer storage at the facility.
19
20 Mr. Sebens stated that if the camper, boat or trailer will fit inside of the units then he may but he does not
21 intend to build anything larger than a 10' x 20' unit.
22
23 Mr. Hall stated that currently no outdoor storage is proposed for the facility but if Mr. Sebens is
24 contemplating allowing outdoor storage for a camper, boat or trailer then the outdoor storage area should be
25 indicated on the revised site plan.
26
27 Mr. Passalacqua asked Mr. Sebens to indicate the height of the doors to the units.
28
29 Mr. Sebens stated that the typical door will be 8' or 9'.
30
31 Mr. Passalacqua asked Mr. Hall to indicate the maximum average height for this building.
32
33 Mr. Hall stated that in the AG-1 District the maximum height is 50' but there is no height limit in the B-1
34 District. He said that the Board could establish a height limit but he does not see any reason to be concerned.
35
36 Mr. Passalacqua stated that he did not want Mr. Sebens to design a building that is too tall.
37
38 Ms. Capel asked Mr. Hall if there is any concern about the amount of existing impervious area on the site.
39
40 Mr. Hall stated that his only concern is that the Board consider and be comfortable with not requiring
41 anything to be retrofitted on the northern portion of the property where there is already evidence of past
42 drainage problems. He said that the petitioner and the neighbor have been working on the past drainage

1 problems and that is wonderful to see, but back in the day the County did not specify that gravel is
2 considered impervious for when you have to provide the detention area which is a direct and obvious result
3 of the way the old ordinance was written. He said that the Board has to be comfortable that either that
4 situation is completely resolved and the Board does not have to worry about it anymore or is there anything
5 further that needs to be done.

6
7 Mr. Passalacqua asked if the existing special use is actually a pertinent part of this case or is this second
8 special use dividing that property in half.

9
10 Mr. Hall stated that he cannot stress enough that in order for this warehouse to be authorized everything on
11 the property is subject to review because now it is two principal uses.

12
13 Mr. Sebens stated that the only significant drainage issue that the original building has caused has been
14 resolved. He said that he had a conversation with Scott Reifsteck today and he mentioned that the previous
15 work had appeared to solve the problems. Mr. Sebens stated that there is a little work that still needs to be
16 done where his property meets Ms. Wills' property in finishing off where the drainage tile terminates at the
17 property line.

18
19 Mr. Hall asked Mr. Sebens to explain what else needs to be done.

20
21 Mr. Sebens stated that something more permanent to catch the water and focus it into the drain tile. He said
22 that drain tile does not have a basin around it and was only terminated at that point.

23
24 Ms. Lee asked Mr. Sebens to indicate the tile's location on the site plan.

25
26 Mr. Sebens stated that the tile is located at the north end labeled as existing inlet on the site plan.

27
28 Mr. Hall asked Mr. Sebens if he has asked his engineer for a recommendation regarding that issue.

29
30 Mr. Sebens stated that they have discussed the tile and he and Mr. Reifsteck have agreed to go out and look
31 at the tile within the next couple of weeks to get this issue corrected and finished up.

32
33 Ms. Griest asked if the proposed detention basin is only detention for the new storage units and not for the
34 entire site.

35
36 Ms. Rexshell stated that a ridge splits the property in half therefore half of the drainage goes to the swale and
37 the other half goes to the tile. She said that the intent with the grading on the property is that all of the new
38 fencing and storage area will drain to the detention basin therefore she is adding area to the detention basin
39 and subtracting it from the tile on the northwest corner of the property thus decreasing the amount of water
40 draining to the tile. She said that she does not look at the proposed detention basin as detaining the entire
41 five acres but it will guide more drainage towards that direction than what is aimed there now. She said that
42 we should be helping the drainage issue in the north corner while maintaining the County ordinances for the

1 new stuff.

2

3 Ms. Griest stated that it will not bring the north portion of the parcel into compliance with the existing
4 drainage ordinance. She asked Ms. Rexshell if she is making any proposals to make the detention basin
5 sized for the northern portion of the parcel.

6

7 Ms. Rexshell stated that the basin that is designed currently will not pull the drainage from the northern
8 portion of the property because it does not drain that direction now. She said that in order for the detention
9 basin to hold that water we would have to route the storm water that direction and there is no easy way to do
10 that because it currently flows due west.

11

12 Ms. Lee asked Ms. Rexshell what part of the northern portion drains towards the basin currently.

13

14 Mr. Sebens stated that the Preliminary Site Plan indicates a dotted line north of the existing house and
15 approximately from that point the property slopes to the southeast.

16

17 Mr. Passalacqua asked Mr. Sebens if the west section at the west edge of the new proposed construction
18 drains west off of the property or does it come around to the south. He asked if the property receives spill
19 off or is it obvious after a rain event that the water is coming from the west.

20

21 Mr. Sebens stated that most of that is sloped to the south.

22

23 Ms. Capel stated that the entire property needs to be brought into compliance with the Storm Water
24 Management Ordinance as part of this case.

25

26 Mr. Sebens stated that the tile that has been put in and the water directed to the tile and even with the
27 excessive recent water flows there is very little erosion on the north quarter of the property. He said that
28 from the line north of the house there is a ridge and that water drains to the south.

29

30 Ms. Capel stated that the numbers still need to be run and it needs to be brought into compliance.

31

32 Ms. Rexshell stated that she would be happy to work with staff to get the entire property in compliance.

33

34 Ms. Capel asked the Board if there were any additional questions for Mr. Sebens or Ms. Rexshell and there
35 were none.

36

37 Ms. Capel asked staff if there were any additional questions for Mr. Sebens or Ms. Rexshell and there were
38 none.

39

40 Ms. Capel called Mr. Scott Reifsteck to testify.

41

42 Mr. Scott Reifsteck, who resides at 1341 CR 600N, Tolono, stated that he is present tonight on behalf of his

1 Aunt Betty who is an adjacent property owner to the subject property. He said that he has some very severe
2 reservations about the buildings and how they will affect the current drainage flow. He said that originally
3 this property drained to the south and down through the swale with the exception of one and one-half acres
4 that drained to an existing tile where he recently installed a surface drain. He said that when the landscaping
5 building was constructed, in order for it to be level they lowered the east end of the property removing the
6 ridge therefore all of drainage goes through the back area which changed the water flow. He said that he
7 understands that in order to get the building level they had to change the elevations, which is fine, but it has
8 changed the drainage flow in the area and has placed a tremendous load on the area in the back, which he is
9 trying to alleviate. He said that there is a lot more water that goes that way now than there was originally.

10
11 Mr. Reifsteck stated that when the proposed buildings are constructed they will be built across the natural
12 drainage flow and the only way that he can see for the water to get where it needs to go is for it to be forced
13 out in to the road ditch and then coming back in. He said that he sees some very difficult problems with the
14 length of the buildings changing and altering the drainage flow therefore forcing more water back down off
15 the west of his property down those steep slopes instead of going to the south where the slopes are more
16 gradual and there is a grass waterway to handle the flow that normally goes that way. He said that he is also
17 concerned about the location of the detention basin due to the flow of the water from the 240 acres to the
18 east that comes down through there. He said that anytime there is going to be detention during a major storm
19 there will already be water coming down through there which will essentially render the basin useless. He
20 said that there will be some more storage capacity but he believes that it will just fill from other areas first
21 therefore not addressing the situation and on top of that the basin is going to sit on top of a current tile. He
22 said that he tried to contact the landowner to the east but they are currently not in the area. He said that he
23 has real concerns about leaving the tile in that situation and how it will be redirected and not filling up from
24 the detention basin. He said that the tile is probably only three and one-half feet deep therefore there will
25 virtually be no cover on the tile at all. He said the edge of the property line runs at about the ridge which is
26 where the drainage separates therefore to the west it runs to the west and to the east it runs to the east and to
27 the south. He said that he does not know at what grade the buildings will be constructed but he foresees the
28 potential in altering the drainage patterns. He said that he does not know how the water is going to flow but
29 his real concern is that the northeast half used to flow south and he is concerned that a lot of the property will
30 be forced down through the gully and through the tile. He said that he has tried to install a decent sized tile
31 but he is concerned that if any more water is put that direction at all that the tile will not be sufficient without
32 having some form of holding water in the area. He said that currently the tile is located on his property and
33 the berm is on his property and Mr. Sebens has been wonderful to work with in trying to get these issues
34 corrected. He said that he does not mean for any of his concerns to deteriorate what Mr. Sebens is trying to
35 do on the property but these are real concerns regarding the drainage. He said that any more water is really
36 going to cause some problems because that is a very narrow channel.

37
38 Mr. Reifsteck stated again that his main concerns are the depth of the basin and where it is located and how
39 the water will be directed around or through the buildings. He said that the east half of the property used to
40 go down to the south and now a lot of the runoff is going to the west and that is all gravel. He said that he
41 welcomes the setbacks because anything will only help. He said that he is concerned about the hoop shed
42 because if it is constructed as indicated there can be no access from Duncan Road to the hoop shed and

1 require another entrance. He asked if it would be better to have a larger setback with the fence than eight
2 feet because an eight feet gap isn't enough room for a pick-up to drive down through and even twelve would
3 be pushing it. He said that he does not want any more water to go down the west side to the tile or to the
4 drainage swale because there is already a terrible erosion problem there already with no good solution due to
5 the increase in runoff.

6
7 Ms. Capel asked Mr. Reifsteck if it would be better if the buildings were oriented north and south in lieu of
8 east and west.

9
10 Mr. Reifsteck stated that he is concerned about redirecting the flow back to the west and any possibility of
11 directing the flow to the road ditch. He said that there is a lot of water that comes down through the swale
12 and generally it is adequate to handle the flow but any modification causes great concern. He said that he is
13 concerned that we don't have this quite right yet and he does not know what the answer is but with this type
14 of building, especially if all of the area is paved, will drastically change the water flow somewhere. He does
15 not want any more water forced down the swale and if the buildings could be redirected to the south like they
16 used to go then that would greatly help the problem. He said that there used to be a very narrow ridge there
17 and the ridge is not there and all of the water goes to the west onto his property.

18
19 Mr. Hall asked Mr. Reifsteck if he was concerned about debris blowing from the entire property or just from
20 the self-storage warehouse area.

21
22 Mr. Reifsteck stated that there is a minimal amount of debris from the landscaping business but Mr. Sebens
23 does a good job policing it. He said that there are always issues with everything but his main concern is the
24 additional load from the storage area. He said that he can deal with what happens now because it is not
25 intentional but if someone leaves their storage unit open and paper starts blowing or items are left outside the
26 unit to blow around then it will be a real problem.

27
28 Mr. Hall asked Mr. Reifsteck if he believes that the contractor area should have a fence around it.

29
30 Mr. Reifsteck stated that a fence would be a benefit but he does not know if it should be required.

31
32 Ms. Lee asked Mr. Reifsteck if he paid for the six inch tile that was installed.

33
34 Mr. Reifsteck stated yes.

35
36 Ms. Griest asked Mr. Reifsteck how far the tile runs before it discharges.

37
38 Mr. Reifsteck stated that the tile runs across the interstate and runs into another tile across 130 acres before it
39 discharges.

40
41 Ms. Griest asked Mr. Reifsteck if the fence would negatively impact his farming operation.

42

1 Mr. Reifsteck stated that it could but it would be more of a benefit than a hindrance. He said that from an
2 agricultural standpoint he would not have any problems with a fence surrounding Mr. Sebens' property.

3
4 Mr. Passalacqua asked Mr. Reifsteck if he only farmed on the north and west sides of the subject property
5 because the south side is grass.

6
7 Mr. Reifsteck stated yes. He said that there is a grass waterway through there and he has a ten foot access
8 strip to get to the grass waterway before the crops start. He said that he uses a portion of Mr. Sebens'
9 property on occasion to park or stage equipment.

10
11 Mr. Passalacqua stated that if there was fence required there would only be one 90 degree corner that would
12 come into play.

13
14 Mr. Reifsteck stated that he could make adjustments for one 90 degree corner. He said that he is more
15 concerned about the drainage and any additional debris. He said that he is concerned about people bringing
16 items to the storage units and not having enough room therefore leaving the items outside. He said that once
17 people see stuff stored outside there will certainly be more people doing the same thing therefore the area
18 must be kept up. He said that the dead end road north of the property has previously been a dumping ground
19 and hopefully since there is a new owner this issue will cease.

20
21 Mr. Passalacqua stated that he knows the new owners of the property to the north and it is their intent to
22 minimize the previous issues with dumping.

23
24 Ms. Capel asked the Board if there were any additional questions for Mr. Reifsteck and there were none.

25
26 Ms. Capel asked if staff had any questions for Mr. Reifsteck and there were none.

27
28 Ms. Capel asked the audience if anyone desired to cross examine Mr. Reifsteck and there was no one.

29
30 Ms. Capel called Mr. Sebens and Ms. Rexshell to the witness microphone.

31
32 Mr. Randol asked Mr. Sebens if he has considered the possibility of orienting the buildings to the north and
33 south so that water could drain more to the south.

34
35 Mr. Sebens stated that he had not considered it but it is a possibility. He said that along the west property
36 line along where the proposed storage will be the ridge is somewhat on his property but the vast majority
37 slopes to the east and not the west. He said that reorienting the buildings north and south is a possibility but
38 the drainage really comes down to the professional engineering and making sure that it is adequate.

39
40 Mr. Passalacqua stated that the center building has a four foot elevation change across the 248 foot
41 foundation therefore it will either have a stair step foundation or massive amounts of concrete or excavation.
42 He said that the topography indicates how the flow goes therefore in essence Mr. Sebens will be creating two

1 248 foot dams therefore he will either have water flowing through the units dropping off mud and everything
2 else or converting the water to the east because water doesn't just go through buildings. He said that if he
3 was doing a bid to build the buildings he would ask Mr. Sebens if he wanted to have a stair step foundation
4 or does he want to have massive amounts of concrete. He said that if Mr. Sebens showed these plans to a
5 Morton Buildings builder they would probably want to build them the other direction.

6
7 Mr. Sebens stated that he will definitely consider it.

8
9 Mr. Passalacqua stated that Mr. Sebens will be faced with a considerable amount of water runoff from the
10 driveway between the buildings which might prompt the installation of concrete instead rock.

11
12 Mr. Sebens stated that he does not believe that the slope is that steep.

13
14 Mr. Passalacqua stated that there will be impervious area from the roof of the new buildings therefore that
15 water needs to go somewhere.

16
17 Mr. Sebens stated that he will have to look at the different options.

18
19 Ms. Capel asked the Board if there were any further questions for Mr. Sebens or Ms. Rexshell and there
20 were none.

21
22 Ms. Capel asked if staff had any questions for Mr. Sebens or Ms. Rexshell and there were none.

23
24 Ms. Capel asked the audience if anyone desired to sign the witness register to present testimony regarding
25 this case and there was no one.

26
27 Ms. Capel closed the witness register.

28
29 Mr. Hall stated that Cases 766-AM-13 and 767-S-13 can be continued to the April 17th or May 15th
30 meetings. He said that he knows that Mr. Sebens will work hard to revise the site plan but a continuance to
31 April 17th does not give Mr. Sebens enough time to adequately fine tune the plan. He said that the May 15th
32 meeting does have a case requesting a church expansion which may generate a lot of neighbors for
33 testimony.

34
35 **Ms. Griest moved, seconded by Mr. Randol to continue Cases 766-AM-13 and 767-S-13 to the May**
36 **29th meeting. The motion carried by voice vote.**

37
38 Ms. Capel called for a five minute recess.

39
40 **The Board recessed at 8:35 p.m.**

41 **The Board resumed at 8:40 p.m.**

42

1 **Case 769-AT-13 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
2 **Ordinance by amending the Champaign County Stormwater Management Policy by changing the**
3 **name to the Storm Water Management and Erosion Control Ordinance and amending the reference**
4 **in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control**
5 **Ordinance as described in the legal advertisement which can be summarized as follows: I. Revise**
6 **existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to**
7 **have authority to prevent pollution of any stream or body of water. (Part A of the legal**
8 **advertisement); and II. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be**
9 **new Section 2 and add purpose statements related to preventing soil erosion and preventing water**
10 **pollution and fulfilling the applicable requirements of the National Pollution Discharge System**
11 **(NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement); and III. Add new Section**
12 **3 titled Definitions to include definitions related to fulfilling the applicable requirements of the**
13 **National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of**
14 **the legal advertisement); and IV. Revised existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11,**
15 **12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance**
16 **activities including a requirement for a Land Disturbance Erosion Control Permit**
17 **including Minor and Major classes of Permits that are required within the Champaign County MS4**
18 **Jurisdictional Area; add a requirement that land disturbance of one acre or more in a common plan**
19 **of development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit**
20 **requirements; add fees and time limits for each class of Permit; add requirements for administration**
21 **and enforcement Permits; and add new Appendices with new standards and requirements for both**
22 **Minor and Major Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement); and V.**
23 **Revise existing Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation**
24 **onto adjacent properties and add minimum erosion and water quality requirements that are required**
25 **for all construction or land disturbance; and VI. Revise existing Section 5 to be new Section 8 and add**
26 **a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement); and VII.**
27 **Revise and reformat existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18.**
28 **(Parts G, I, J, P, Q, R, S and W of the legal advertisement).**

29
30 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must
31 sign the witness register for that public hearing. She reminded the audience that when they sign the
32 witness register they are signing an oath.

33
34 Ms. Capel asked the petitioner if he desired to make a statement outlining the nature of his request.

35
36 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated March 13, 2014,
37 for the Board's review. He said that the new memorandum includes the legal description of the case and has
38 an attachment "Y" for the Board's notebook regarding this case. He said that Attachment Y is an expansion
39 of Attachment C which was included with the ELUC memorandum dated October 29, 2013. He said that
40 Attachment C attempted to indicate what kinds of new permits would be required and the last comments that
41 were received from the Board indicated that they were trying to get a good idea of what the actual changes
42 were and he would have to say that he is still at that stage. He said that an ILR10 is a requirement that

1 applies when there is likely to be one acre of land disturbance but the rest of the world is not set up to
2 anticipate when that one acre of land disturbance will occur. He said that he and Mr. Levy have been trying
3 to identify when an acre will be disturbed and how a system could be set up to catch that disturbance early so
4 that the public will know what to look out for. He said that Attachment C included five rows of information
5 discussing agriculture, mass grading not related to other construction, demolition, constructing a new
6 building in the RRO District, and construction in a new subdivision. He said that the new table in
7 Attachment Y discusses agriculture and grading and the last thing that it discusses is demolition and between
8 those it talks about building new homes on various arrangements of lots because this one acre threshold of
9 land disturbance is based on what happens on a given property or in a common plan of development. He
10 said that the way that they define a common plan of development is as follows: If you have a land auction
11 and the marketing brochure for the land auction indicates a diagram for two lots you made it a common plan
12 of development and an ILR 10 applies on however many lots there are in the diagram. He said that if you
13 have a two lot plat of survey or two lot plat of subdivision they are also considered common plans of
14 development and the one acre threshold can apply to both lots but if the timing is just right it will apply to
15 each lot independently and it literally depends on when the land disturbance occurs. He said that the RRO
16 District is the only time when we see a subdivision with a new street and the minute that a street is provided
17 for at least two lots for access there will probably be more than one acre of land disturbance. He said that
18 anytime someone builds within an RRO District they should worry about an ILR10.

19
20 Mr. Hall stated that an example was provided regarding new construction in a residential district, or business
21 district or industrial district. He said that we don't see a lot of new buildings in the residential districts
22 because we haven't established a new residential district for more than a decade. He said that most of the
23 residential districts are located within extra-territorial jurisdictional areas where the most that you might do
24 is rebuild a building that was just torn down and most of the lots are not more than 10,000 square feet in
25 area. He said that we see some new business and industrial buildings being built and sometimes they are not
26 subject to municipal review and sometimes they disturb more than one acre.

27
28 Mr. Hall stated the first page of the table indicates Grading Example: Mass grading not related to other
29 construction. He said that he sensed for a long time that the first thing that staff is supposed to do is help the
30 EPA identify when one acre of land is being disturbed but the County does not require permits for grading or
31 demolition. He said that currently the County has no regulatory authority over grading when it is just simply
32 grading and the Zoning Ordinance is not supposed to regulate it but with the new ordinance we are supposed
33 to be catching these things therefore he is convinced that the County needs to require a grading permit for
34 grading not related to other construction when it is outside of the MS4 area. He said that when it is within
35 the MS4 area it will require a Land Disturbance Erosion Control Permit but outside of the those areas when
36 the grading is disturbing an acre or more we need to know when it is happening so that we can require
37 compliance with ILR10. He said that by requiring compliance he means literally making sure that they sent a
38 Notice of Intent to the EPA but in order to do that we must require something from people. He said that in
39 the Grading Example, "Section 6.5 Grading Permit Required" is double underlined. He said that a Grading
40 Permit is being proposed to be required when there is more than 10,000 square feet being graded. He said
41 that if someone is doing less than 10,000 square feet in grading the Section 6.4 Optional Minimum
42 Requirements still apply and they still have to be careful in not letting erosion and sedimentation happen on

1 their neighbor’s property and if they have a stock pile of soil they need to locate it properly and if it is more
2 than 100 cubic yards they have to actually put in some controls. He said that at less than 10,000 square feet
3 the County is not requiring a permit. Mr. Hall stated that no Zoning Use Permit is required if it is over
4 10,000 square feet provided that it is less than one acre but in order to be able to catch whenever it is one
5 acre or more he believes that we need to start requiring a permit at more than 10,000 square feet. He said
6 that the draft language for the Grading Permit has not been distributed but it has been written. He said that a
7 nominal fee of \$50 is being proposed and a site plan must be submitted indicating how much land is being
8 disturbed and if it is more than one acre a copy of the Notice of Intent that was submitted to the EPA has to
9 be submitted with the Grading Permit. He said that if it is less than one acre and is not part of a common
10 plan of development a Notice of Intent does not have to be submitted because it wasn’t required in the first
11 place but a Grading Permit is required.

12
13 Ms. Griest asked Mr. Hall to indicate the definition of Grading. She said that with grading being a function
14 requiring a permit she would like to know where the boundaries of the definition are going to reside.

15
16 Mr. Hall stated that Grading is indicated as defined but it is not defined therefore staff will try to find a
17 definition.

18
19 Ms. Griest stated that she could give the word “grading” several definitions and for the purpose and intent of
20 what we are doing she would like to know how it is being defined.

21
22 Mr. Hall stated that staff will work on the definition.

23
24 Mr. Hall stated that there is a Grading Permit with a \$50 fee and an application must be submitted. He said
25 that the benefit of the permit is so that staff can make the landowner/developer aware of the Optional
26 Minimum Requirements. He said that in the MS4 area once the ILR10 kicks in the Department of Planning
27 and Zoning will have to go out and complete extra inspections but that is what is required. He said that
28 grading may be part of a larger common plan of development in which case if it is less than one acre of
29 disturbance and you are outside of the MS4 area the ILR 10 still applies and you have to submit a Notice of
30 Intent and if you are in the MS4 you have to apply for the Minor Land Disturbance Erosion Control Permit.
31 He said that staff is recommending a Grading Permit but staff is also recommending a Demolition Permit for
32 the same reason, same nominal fee, and the same requirements so that staff can identify when there is an acre
33 of disturbance and the landowner/developer should be applying to the EPA with a Notice of Intent.

34
35 Mr. Hall stated that as far as new requirements there are the new Optional Minimum Requirements, Grading
36 Permit and ultimately possible submission of documentation of the ILR10 compliance. He said that if the
37 property is within the MS4 area the Land Disturbance Erosion Control Permit is required. He said that from
38 a staff perspective this adds a lot of detail about what all is required in these new approvals, particularly
39 outside of the MS4 area, and the table that went to ELUC did not have this level of detail and there is a level
40 of that is missing in this table. He said that what matters is when the one acre of disturbance occurred and
41 what has happened at that point.

42

1 Mr. Hall stated that page two of the table includes Construction Example A. He said that this is the most
2 common thing that staff sees in their office which is construction of a new home in the rural district on a by-
3 right lot created by either a written legal description, a one lot Plat of Subdivision or a one lot Plat of Survey.
4 He said that the key thing is that there is no plan or diagram that shows more than one lot. He said that
5 someone is building a house on their lot and as long as they are not disturbing one acre of land they do not
6 need to worry about the ILR10 and if they are not within the MS4 area they do not need to worry about the
7 ILR10 if they are not disturbing an acre of land. He said that very soon he hopes to be able to show the
8 Board an example that will be used in the handout of a typical rural lot showing what is the disturbed area.
9 He said that the disturbed area is where the house is, the area disturbed around the edge of the house with all
10 of the excavating and construction traffic, it is where the septic system is located, where the stockpile is
11 stored. He said that for a typical rural lot with typical Champaign County conditions the landowner should
12 be able to do everything in less than 15,000 square feet. He said that the one acre limit should not be a
13 problem unless someone wants a pond or if they have a site where you have to do a lot of grading in which
14 case they will have to tell staff about the grading and if there is more than one acre they will have to comply
15 with the ILR10. He said that when someone is disturbing less than 10,000 square feet they still have to
16 disclose that on the Zoning Use Permit Application and the Optional Minimum Requirements will still
17 apply.

18
19 Mr. Hall stated that with Construction Example A we don't have to worry about a larger common plan of
20 development because it is a one lot thing that created this therefore it only for one acre or more of land
21 disturbance. He said that the minute that there is one acre or more of land disturbance then the landowner
22 has to document ILR10 compliance. He said that if someone is building a site that is exceptionally steep a
23 septic system will take up more land and the house will have to be set back further therefore disturbing a
24 larger area and possibly disturbing more than one acre. He said that inside of the MS4 area the only thing
25 that is any different is the Major Land Disturbance Erosion Control Permit requirement. He said that this
26 makes him believe that there should be a fee for the Major Land Disturbance Erosion Control Permit the
27 same as for the Minor Land Disturbance Erosion Control Permit. He said that there is a \$50 fee for the
28 Minor Land Disturbance Erosion Control Permit but there is no fee for a Major Land Disturbance Erosion
29 Control Permit because generally you should already be doing erosion control but sometimes that major
30 permit will be kicked in for a use where you do not have a stormwater drainage plan that is already
31 completed and in those instances there should be a nominal fee.

32
33 Mr. Hall stated that the Construction Example A is an easy example because there are no timing difficulties.
34 He said that the landowner will simply come to the office indicate how much land will be disturbed building
35 the home and that settles it.

36
37 Mr. Hall stated that Construction Example B is more complicated because it is for construction of a new
38 home in the rural districts on a "by-right" lot created by either a Plat of Subdivision of two lots; or a Plat of
39 Survey of two lots; or any Plat of Survey or written legal description pursuant to a land auction diagram that
40 illustrated two lots. He said that it is not limited to a land auction diagram but also any printed material such
41 as a sign advertising two lots. He said that the advertising sign makes the two lots a common plan of
42 development and the one acre threshold applies in total but if each lot is developed separately so that one lot

1 is built, disturbed and stabilized and then the other lot is built, disturbed and stabilized then the one acre
2 standard will apply in each instance which is a much better situation. He said that if both houses are under
3 construction at the same time ILR10 applies and again someone can disturb as much land as desired but they
4 have to put in the Erosion and Sedimentation Controls which costs approximately \$5,000 per lot. He said
5 that starting off with less than 10,000 square foot of disturbance the applicant indicates how much land will
6 be disturbed with the Zoning Use Permit and the Optional Minimum Requirements apply. He said that with
7 more than 10,000 square foot of disturbance the applicant will indicate how much land will be disturbed
8 with the Zoning Use Permit and the Optional Minimum Requirements apply. He said that a typical home
9 should not disturb more than 15,000 square feet and it is conceivable that both homes could be under
10 construction and would never disturb one acre of land and that is what is encouraged. He said that for
11 almost all of the lots that we see this will not be a problem and as long as you don't go over the one acre
12 threshold whether or not you are inside the MS4 area or outside the MS4 area makes no difference.

13
14 Ms. Lee stated that Construction Example B indicates that for one acre or more of land disturbance an ILR10
15 is required outside of the MS4 area but not inside the MS4 area. She asked why the ILR10 is not required
16 inside the MS4 area.

17
18 Mr. Hall stated that the second column of the example includes a general note indicating the following:
19 ILR10 Compliance required by IEPA for street construction and all dwellings. He said that this note applies
20 when there is one acre or more of land disturbance. He said that the two columns on the right of the table
21 indicate proposed Ordinance requirements for outside of the MS4 area and inside the MS4 area. He said that
22 if there is one acre or more of land disturbance inside the MS4 area the Major LDEC Permit is required. He
23 said that if there is one acre or more of land disturbance outside of the MS4 area documentation of
24 compliance with ILR10 is required. He said that documentation of compliance with ILR10 consists of
25 sending staff a copy of what was sent to the IEPA and implementing the costs of the erosion controls.

26
27 Mr. Hall stated that Construction Example C involves construction of a new dwelling in the rural districts
28 with the establishment of the RRO District in a subdivision with a new street. He said that an RRO
29 subdivision with a new street could be required for only one lot although we have not actually seen that
30 happen yet but it is conceivable. He said that it is common to see an RRO District for only one lot. He said
31 that if someone is in an RRO District for one lot and there is no new street the one acre threshold should not
32 be a problem. He said that anytime when there is a street, while you might think that people would wait for
33 the street to be built before they begin building their home they don't. He said that there are homes and
34 streets being built at the same time that are almost guaranteed to exceed the one acre threshold and that is the
35 thing that he is trying to be comfortable with. He said we know that there is going to be one acre of
36 disturbance because the street and the two lots, we would expect that when they build that street that they
37 would file a Notice of Intent with the IEPA. He said that if someone wanted to build a house before the
38 street is done then the landowner would also have to file an ILR10 with the IEPA and if there are multiple
39 homes under construction before the street was finished all of the landowners would have to file an ILR10
40 with the IEPA. He said that he wonders if that is an instance where the Zoning Ordinance might be able to
41 make things easier for people but for right now we know that all of the landowners would have to file an
42 ILR10. He said that with the larger municipal subdivisions we know that the way those things operate is that

1 the original developer gets the ILR10 and then the individual homes on the small lots file for a permit with
2 Champaign or Urbana and they never have to contact the IEPA which is easier for those homeowners. He
3 said that the same standards apply in regards to installing the same controls and doing maintenance on those
4 controls and the homeowners will still end up spending the same amount for protecting the land although
5 they will not have to file the paperwork.
6

7 Mr. Hall stated that what Construction Example C illustrates is that in an RRO with less than 10,000 square
8 feet of disturbance, which is very unlikely, whether it is inside or outside the MS4, the landowner would
9 have to apply for the Zoning Use Permit and indicate how much they plan to disturb and abide by the
10 optional minimum requirements. He said that there was a street constructed therefore we know there was an
11 ILR10 compliance at that time. He said that for an RRO with 10,000 square feet or more but less than one
12 acre, because we know that this is part of a larger common planned development at that second level of land
13 disturbance (10,000 square feet or more but less than one acre), if you are outside of the MS4 area
14 documentation of ILR10 compliance must be submitted and if you are inside of the MS4 area a Minor Land
15 Disturbance Erosion Control Permit is required. He said that if one acre is being disturbed on each lot
16 someone will still need to document the ILR10 compliance but inside the MS4 they would need to apply for
17 a Major Land Disturbance Erosion Control Permit.
18

19 Mr. Hall stated that an RRO with one acre or more of disturbance is a complicated situation because there
20 may be different contractors on site and each may have their own ILR10 compliance. He said that the
21 erosion controls will still need to be put up for both the street and the lots and this would be a really big
22 problem for our department because it requires a lot of inspections. He said that the last subdivision with a
23 street was a really big problem for our department and at that time we weren't even concerned about erosion
24 controls which is a good thing because there were a lot of problems created during the development of that
25 subdivision. He said he is sure that the neighbors to that property will be happy to see that the County will
26 do a better job with erosion controls in the future. He said that the bad erosion controls on that subdivision's
27 property ended up costing that developer a lot more than it should have because they did not monitor their
28 erosion and sedimentation controls and it was not a good situation. He said that he is happy to say that the
29 street was finally built in the subdivision and it was accepted therefore it is no longer an issue for our
30 department.
31

32 Mr. Hall stated that Construction Example C is probably the most complicated example. He said that
33 Construction Example D discusses a new building in some other district which may or may not be part of a
34 larger common plan of development which is something that staff needs to be looking out for and asking the
35 right questions. He said that he doubts that anyone will actually want to make staff aware of the fact that
36 they are part of a larger common plan of development right off the bat but it is just like our current
37 stormwater drainage plan requirements in that staff is responsible for knowing how much impervious area
38 has been created and making the landowner aware of when they need a detention basin. He said that
39 Construction Example D is not really any different than any of the other examples in that once there is an
40 acre of land disturbance, ILR10 compliance is required or if it is part of a larger common plan of
41 development ILR10 can apply earlier. He said that we always get a permit for construction of a new building
42 therefore that is how staff will track this because the applicant will need to indicate the area of proposed land

1 disturbance on the site plan.

2

3 Ms. Lee stated that at times people do not apply for a permit before they build.

4

5 Mr. Hall stated that people can always call staff when they see construction occurring.

6

7 Mr. Hall stated that land disturbance is defined and he isn't very eager about helping that first applicant
8 define his area of land disturbance on the site plan but it has to be done as part of this requirement. He said
9 that the site plan has to indicate where the excavation is being completed and where they are putting the
10 stockpiles and how they are maneuvering on the site. He said that the site plan also has to indicate where the
11 construction supplies and equipment are being stored on the site, the location of the septic system, and
12 assurance that the stockpiles are not being placed over the septic system.

13

14 Mr. Passalacqua asked Mr. Hall if these requirements will cause more trips to the site for staff.

15

16 Mr. Hall stated yes, but only inside the MS4 area.

17

18 Ms. Griest asked Mr. Hall if this will detour developers from peeling off top soil and selling it because they
19 will have to disclose it up front.

20

21 Mr. Hall stated that he suspects that to be one result.

22

23 Ms. Griest asked Mr. Hall if this is a question that staff will ask during the application process. She said that
24 most of the developers peel off the good top soil selling it separately which disturbs the entire site and
25 degrades the quality of the site.

26

27 Mr. Hall stated that he believes that the minor costs of the erosion and sedimentation controls are more than
28 paid for by the value of black dirt and he still believes that this will happen largely but not in all instances.

29

30 Ms. Griest stated that all of the examples indicate a lot that is still in production but properly defined as a
31 buildable lot by-right or within an RRO. She said that good black dirt is being developed therefore will staff
32 only count the area of the site where the developer is placing the house, septic, construction materials, and
33 the driveway and not the areas that are being graded and sown in grass. She asked if the area graded for
34 grass will be counted in the area of disturbance.

35

36 Mr. Hall stated that agriculture is exempt from this program. He said that if a lot is created out of a farm
37 field the fact that it is disturbed from agriculture is not a problem as long as it is identified where it will be
38 disturbed during construction and get the rest of the lot protected with vegetation.

39

40 Mr. Levy stated that when it becomes a plat and it is not stabilized he believes that it will become part of the
41 disturbed area. He said that if it is done prior to a plat and it is graded level for development then he could
42 see a different situation because it would have some sort of surface cover for soil stabilization and only the

1 part that is considered in the site plan would be indicated as disturbance.

2
3 Mr. Passalacqua stated that it could be assumed that when row crop becomes lawn grass that the soil will
4 have to be worked a lot therefore the entire parcel has been disturbed.

5
6 Mr. Hall stated that we will be able to document that the disturbance is only to the extent that someone is
7 trying to establish a good vegetative cover and that does not count against what we are concerned about.

8
9 Ms. Griest stated that is exactly what she was trying to get at.

10
11 Mr. Hall stated that the Demolition Example is similar to grading and demolition is less likely to be part of a
12 common plan of development but again we must always check it. He said that currently demolition does not
13 require a permit and in our jurisdiction it is quite rare for demolition to include a whole area that is more
14 than 10,000 square feet therefore he believes that we will see these quite rarely but we have to have the
15 regulatory system in place in case someone does disturb one acre or if it is part of larger common plan of
16 development. He said that outside of the MS4 area if it is more than one acre ILR10 compliance must be
17 documented, \$50 fee for the demolition permit must be filed, and the optional minimum requirements apply.

18 He said that he does have a concern that there may be some state level standards related to demolition and
19 disposal of materials. He said that if we are supposed to be doing something to make sure that asbestos is
20 being properly taken care of then the permit may get more complicated but staff will have to investigate that.

21 He said that currently the example shows the County requiring a demolition permit below one acre of
22 disturbance because we want to be there when they define the one acre of disturbance so that it is realistic.
23 He said that depending on how complicated this permit will be there may be good reason to minimize this
24 permit as much as possible. He said that if we can help people to do things the right way then that is why we
25 are here. He said that hopefully a handout will be available for the public regarding the rules and hopefully
26 this will be easier than grading because it will be generally be for an individual site.

27
28 Mr. Hall stated that if someone is going to tear something down and immediately apply for a Zoning Use
29 Permit to build something else he would rather do that under a Zoning Use Permit and not get involved with
30 the demolition. He said that the intent is to only do the demolition permit when someone is going to tear a
31 building down and has no plans for redevelopment. He said that the demolition permit will help staff make
32 sure that everything is buttoned up and has a good vegetative cover.

33
34 Mr. Hall stated that Mr. Levy is working on a list regarding what is required for each one of these instances
35 and will submit that list to the ZBA for review. Mr. Hall stated that staff has begun converting this
36 information to the Finding of Fact but it is not ready for distribution tonight to the Board. He said that if the
37 Board has any questions regarding the table after the meeting they should feel free to call staff at anytime.
38 He said that he hopes to provide more detail at the next meeting regarding the RRO situation where there is
39 an ILR10 in the beginning and then if two or three homes begin construction they too need ILR10
40 compliance. He said that he would like to have all of the information in a handout form for public
41 distribution when this is finally adopted.

- 1 Ms. Griest asked Mr. Hall if there are multiple homes proposed to be under construction in an RRO situation
2 how will the landowners know that they could be in a more expensive category if they build later in lieu of
3 building immediately.
4
- 5 Mr. Hall stated that the landowner should be able to find this information out before they purchase the lot
6 and the handout will also explain the process. He said that they are going to know that they are building in
7 an RRO with a street and vacant lots. He said that it is entirely possible, if the economy stays as it is
8 currently, we may never see an RRO but if we do perhaps the construction will be so slow that each lot will
9 be stabilized individually but he finds that hard to imagine.
10
- 11 Ms. Griest stated that a perfect example is the subdivision on Airport Road because the road was built and
12 only one house has been constructed with many vacant lots remaining.
13
- 14 Mr. Hall stated that if someone went out there and purchased a lot and started construction right away the
15 EPA would still require E & S controls and since the lots are not even one acre therefore one lot cannot
16 disturb more than one acre and everything else is stabilized.
17
- 18 Ms. Griest asked Mr. Hall what would happen if three landowners decided to construct within this RRO at
19 the same time. She asked Mr. Hall if his office will be the bearer of the bad news or will there be some other
20 way to inform the public.
21
- 22 Mr. Hall stated that the handouts will be prepared to inform the public. He said that people need to look at
23 how many other lots may be under construction during the same time that their lot is and if the two are more
24 than one acre they should be prepared to spend \$5,000 per lot for E & S controls and complete the
25 paperwork necessary for compliance.
26
- 27 Mr. Passalacqua stated that because they are part of the larger development it doesn't matter what else is
28 going on the rest of the area and whether or not it is stabilized.
29
- 30 Mr. Hall stated that if there is no more than one acre disturbed he believes that the EPA would still want the
31 E & S controls up and the subdivision that was mentioned is within the MS4 area. He said that outside of
32 the MS4 area it will be whatever the EPA is going to require on the lot and staff will not be policing it.
33
- 34 Mr. Passalacqua stated that he obviously misunderstood because he thought that once it became a parcel of a
35 larger common plan of development that it didn't matter.
36
- 37 Mr. Hall stated that outside of the MS4 we only want to know that the notice was sent to the EPA and that is
38 it, but inside the MS4 area we want to know that the notice was sent to the EPA and we will notify the
39 landowner that we will be out tomorrow before they start construction to make sure they have everything in
40 place.
41
- 42 Mr. Randol asked Mr. Hall if the developer or the individual builder will be responsible for this compliance.

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Mr. Hall stated both and they already are responsible.

Ms. Lee stated that when we first started discussing this Mr. Hall indicated that we are doing it just inside the MS4 area but now it appears that there are rules outside of the MS4 area. She asked if the *Clean Water Act* only requires the County to enforce this inside the MS4 area why are we trying to enforce it outside of the MS4 area as well.

Mr. Hall stated that the legal advertisement made it very clear that the County will be policing for ILR10 compliance and that is a requirement. He said that people will have to prove to the County that they sent in their notice if they are outside of the MS4 area but the extra inspections that are completed inside the MS4 area will not be required outside of the MS4 area. He said that outside the MS4 area this Ordinance does not require E & S Controls to be in place so if someone submits the EPA notification then they will put up the controls but the County is not policing it and is not requiring it outside of the MS4 area and all the County wants to know will be whether or not they complied with the EPA.

Mr. Levy stated that the concern is that the County will be held liable if we don't take some action to assure that a landowner or developer has submitted their ILR10 Notice of Intent and we will be complacent in that and that is where this extension comes in and the County doesn't want to hold that burden. He said that we need to comply with the ILR10 with the IEPA and this is the closest that we can get to that without undue burden.

Ms. Lee stated that in other words we are going to be controlling it outside of the MS4 area to the extent that we are going to require compliance with ILR10.

Mr. Hall stated that if someone is supposed to be in compliance with ILR10 and they come to the County for a permit and indicate that they are not going to comply with ILR10 until the IEPA contacts them the County will not issue them a permit. He said that if we continue to permit without verifying compliance with ILR10 the County will have problems of its own. He said that there are a few people in this meeting room that know a lot more about this than he does and if he is wrong he hopes someone will speak up because there is only so much to find out by cruising the handouts and reading the material on the EPA website and they require the same thing regardless of where you are and they do not make this distinction of inside or outside the MS4 area. He said that the EPA is making sure that the controls are installed regardless of where you are but that is not feasible for our County therefore we are trying to do it this way.

Ms. Capel asked the Board if there were any additional questions for Mr. Hall and there were none.

Ms. Capel stated that no one has signed the witness register for this case. She asked the audience if anyone would like to sign the witness register at this time to present testimony regarding Case 769-AT-13.

Ms. Capel called Herb Schildt to testify.

1

2 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet, asked Mr. Hall if the February 4, 2014, Draft
3 Storm Water Management and Erosion Control Ordinance is the most current version under review.

4

5 Mr. Hall stated yes.

6

7 Mr. Schildt stated that Mr. Hall referred to the grading permit indicated in Section 6.5 although he does not
8 see such indication in Section 6.5.

9

10 Mr. Hall stated that the text has been drafted and we know where it is going to be inserted but the draft
11 version was not ready for tonight's meeting.

12

13 Mr. Schildt stated Mr. Hall referred to the ILR10 requirement in Section 5 although he does not see such an
14 indication in Section 5.

15

16 Mr. Hall stated that his comments were in reference to another change that is part of the addition of the
17 grading and demolition permit. He said that it will be inserted in Section 5 soon.

18

19 Mr. Schildt stated that the demolition permit is not included in the current draft ordinance.

20

21 Mr. Hall stated that Mr. Schildt is correct.

22

23 Mr. Schildt asked Mr. Hall to explain what other counties who do not have zoning are doing in regards to the
24 *Clean Water Act*.

25

26 Mr. Hall stated that those counties are not subject to it. He said that Champaign County is subject to it
27 because it is fortunate to have metropolitan area that met or exceeded the population threshold. He said that
28 counties who do not have zoning generally do not have that much population but the ILR10 still applies
29 although he is not aware whether compliance is enforced in those areas.

30

31 Mr. Schildt stated that he is not very excited about the grading permit.

32

33 Ms. Capel asked if staff had any questions for Mr. Schildt and there were none.

34

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

36

37 Ms. Lee asked Mr. Schildt to explain why he disagreed with a grading permit requirement.

38

39 Mr. Schildt stated that he agrees with Ms. Griest's concern regarding the lack of a definition of grading. He
40 said that he does not see roto-tilling for a grass bed as being a ground disturbance but more of a bedding
41 preparation as done in a gardening project. He said that he likes objective law and not subjective law.

42

- 1 Mr. Hall stated that Mr. Schildt's reaction is completely expected and there are many people that staff
2 reports to on a daily basis who will have a much stronger reaction.
3
- 4 Mr. Schildt stated that he believes that in regards to the zoning department he believes that less is more and
5 if it isn't something that has to be done then don't do it.
6
- 7 Mr. Hall stated that the zoning department is technically five years late.
8
- 9 Ms. Capel called Don Wauthier to testify.
10
- 11 Mr. Don Wauthier, who resides at 1831 Tahoe Court, Champaign, stated that he is employed by Berns,
12 Clancy and Associates Engineers and he was one of the instructors for the IEPA permit. He said that he can
13 answer the question regarding a rural lot which is currently a cornfield and is worked and tilled for a bed for
14 grass and it is considered land disturbance and an ILR10 is required. He said that if the lot is a cornfield
15 today and the lot was subdivided and tilled for grass then that is considered land disturbance and the owner
16 must obtain an ILR10 permit and that is information straight out of the USEPA and not just the IEPA. He
17 said that the acre of disturbance is going to be a big issue.
18
- 19 Ms. Lee asked Mr. Wauthier if a permit would be required if you just graded the lot and seeded it with grass
20 with no intention of construction.
21
- 22 Mr. Wauthier stated that if someone is planting grass and creating pasture then it is considered agriculture
23 and no permit is required because agriculture is exempt. He said that if someone is planting grass to create a
24 lot for a homestead then an ILR10 is required. He said that one way around it would be that before someone
25 files a Plat of Survey they plant the entire area in grass and then file for an RRO.
26
- 27 Mr. Hall asked Mr. Wauthier if someone left a portion of the minimum one acre lot in crop production then
28 by definition they would not be disturbing an acre which would get around the requirement.
29
- 30 Mr. Wauthier asked Mr. Hall if the 10,000 square feet is a magic number or is it just something that staff
31 made up because one of the ways to help with the grading permit process might be to raise the threshold to
32 20,000 square feet so that if mass grading was completed a permit would be required but it would get rid of
33 some of the smaller sites.
34
- 35 Mr. Hall stated that the 10,000 square feet is a magic number but the threshold for which the grading permit
36 kicks in could be 20,000 square feet as long as we are confident that we are not missing anything for a
37 common plan of development.
38
- 39 Mr. Wauthier stated that he would recommend such to make things easier. He said that it is unfortunate that
40 this is one of the problems that we run in to since we are a county with a MS4 and counties like Douglas do
41 not have to do this. He said that they are basing these requirements on the population of a particular county
42 and their metro area.

1

2 Mr. Hall stated that Mr. Wauthier did provide many written comments to staff and the Board will eventually
3 see those comments. He said that staff has also received comments from Mr. Schildt and other Board
4 members and all of those comments will be put together for the Board's review at a future meeting.

5

6 Ms. Capel called Rob Parker to testify.

7

8 Mr. Rob Parker, who resides at 467 CR 2500N, Mahomet, stated that he is also concerned with the 10,000
9 square feet threshold as well as the restrictions on stockpiles more than 100 cubic yards, which is five semi-
10 loads. He said that he has a landscaping business and he has graded a lot of yards and typically when
11 someone builds a house on five acres the entire lot is graded. He said that by the time they install the septic
12 system, geo-thermal system, driveway the entire lot has been disturbed because no one wants corn stalks as a
13 yard cover or hay and they want grass. He asked if 100 cubic yards is an IEPA requirement or another
14 arbitrary number.

15

16 Mr. Hall stated that if we didn't have it as a minimum to apply to everywhere it would definitely be a part of
17 the MS4 section but we felt that large stockpiles could create large problems if they are set too close to
18 streams or too close to ditches. He said that the 100 cubic yards is an arbitrary number because he hasn't
19 found anything that tells him that 100 cubic yards is the amount to be worried about but it is the number that
20 he has seen in many of the other ordinances.

21

22 Mr. Parker stated that if the 100 cubic yards is an arbitrary number then he would suggest that it be increased
23 or the determination placed on a slide depending upon the lot size. He said that he has seen places where he
24 has hauled in 2200 cubic yards of dirt to grade the yard.

25

26 Mr. Hall stated that he cannot recommend 2200 cubic yards as the threshold.

27

28 Mr. Parker stated that he would suggest that the County only do what the State requires and that's it. He said
29 that we do not have the staff for this and we can't afford it. He said that if he has a customer that indicates
30 that they have a \$3,000 limit to install their yard on a five acre lot then they are going to be out of luck
31 because they won't be able to do it let alone spend \$5,000 for a silt fence and engineering plans. He said that
32 he believes that these requirements are too much.

33

34 Mr. Hall stated that if someone doesn't have to comply with ILR10 then the County will not make them do
35 anything with a stockpile unless it is within 30 feet of a stream or ditch. He said that if the stockpile is more
36 than 100 cubic yards a silt fence is supposed to be installed at the bottom to protect it but staff will not be
37 enforcing that and it will only be enforcement by complaint. He said that this is the most cost that someone
38 will have to do outside of the MS4 area because if someone does not manage the stockpile properly you
39 could damage a neighbor's property. He said that staff does not receive these complaints very often but has
40 gotten them sometimes and it isn't like staff has reams of complaints therefore posing the need to
41 recommend this and ELUC let the optional minimum requirements come to the public hearing but they made
42 it very clear that they are going to look very closely at them. He said that he will pass the comments from

- 1 Mr. Schildt, Mr. Wauthier, and Mr. Parker to ELUC and we will see what happens.
2
- 3 Mr. Parker asked Mr. Hall if there is currently a mechanism in place if he has a stockpile of dirt and it runs
4 off onto the neighbor's property and they complain.
5
- 6 Mr. Hall stated that it isn't a violation of the County's Nuisance Ordinance currently therefore staff could not
7 do one thing about it.
8
- 9 Mr. Parker stated that he is not in favor in doing anymore than we have to do and it also appears that some of
10 newer parts should be prepared in advance for review by the public.
11
- 12 Mr. Hall stated that he will be placed on the mailing list and the information will be sent to him as soon as it
13 is ready for review.
14
- 15 Ms. Capel asked if staff had any questions for Mr. Parker and there were none.
16
- 17 Ms. Capel asked the Board if there were any questions for Mr. Parker and there were none.
18
- 19 Ms. Capel asked the audience if anyone else desired to sign the witness register at this time to present
20 testimony regarding Case 769-AT-13.
21
- 22 Mr. Hall noted that staff will do a separate legal advertising for the grading and demolition permits because
23 it will be a separate case and the legal advertisement will not cost very much.
24
- 25 Ms. Capel entertained a motion to continue the meeting to 10:15 p.m.
26
- 27 **Ms. Griest moved, seconded by Ms. Lee to continue the meeting to 10:15 p.m. The motion carried by**
28 **voice vote.**
29
- 30 Ms. Capel called Mr. Steve Burdin to testify.
31
- 32 Mr. Steve Burdin, who resides at 2527 CR 450 E, Mahomet, stated that Mr. Hall previously stated that the
33 EPA would like this ordinance to be enacted throughout the entire county and other counties who have
34 created an ordinance like this have done the same. He asked Mr. Hall if there is a chance that Champaign
35 County will be pushed to enact this ordinance for the entire county in lieu of just the MS4 area.
36
- 37 Mr. Hall stated that he does not know but he has asked the question.
38
- 39 Ms. Capel entertained a motion to continue Case 769-AT-13 to a date certain.
40
- 41 Mr. Hall recommended that Case 769-AT-13 be continued to the April 17th meeting. He said that he does
42 not believe that staff will have a substantial amount of new information by then but it is essential that we get

1 anything done that we can. He said that he is sorry that interested people are required to come to the
2 meetings because they want to follow this case but at the same time we have a tremendous challenge at a
3 staff level in trying to get this material completed. He said that he will be working on the map amendment
4 and special use permit cases that are scheduled to be heard for the April 17th meeting and those petitioners
5 have submitted completed applications to staff therefore he is going to try to have those cases ready for final
6 action that night so he might not have a lot of time to work on this case. He said that Mr. Levy may be able
7 to work on this case but he too has other things that he must work on. He said that it is essential to have this
8 case on the agenda even though there may not be much information available and in having it on the agenda
9 it will help spur the progress of this case.

10
11 Ms. Griest asked Mr. Hall if by the April 17th meeting staff would be able to advertise the grading and
12 demolition permit cases advertised and maybe discuss those at the meeting and have something for the
13 audience to review.

14
15 Mr. Hall stated that in order to have it advertised for the April 17th meeting he would have to send in the
16 legal advertisement tomorrow. He said that he would feel more comfortable if Case 769-AT-13 was
17 continued to the May 15th meeting.

18
19 Ms. Griest stated that the May 15th meeting could possibly be a large meeting therefore she is not inclined to
20 continue this important case to May 15th.

21
22 Mr. Hall stated that he would recommend that Case 769-AT-13 be continued to the May 29th meeting.

23
24 **Ms. Griest moved, seconded by Mr. Passalacqua to continue Case 769-AT-13 to the May 29th meeting.**
25 **The motion carried by voice vote.**

26
27 **6. New Public Hearings**

28
29 None

30
31 **7. Staff Report**

32
33 None

34
35 **8. Other Business**

36 **A. Review of Docket**

37 Mr. Hall noted that Case 732-AT-12 was deferred again at the February County Board meeting therefore it is
38 on the agenda for next Thursday pending that there are enough County Board members present to hopefully
39 override a protest.

40
41 Ms. Lee asked Mr. Hall to elaborate on Case 732-AT-12.

42

1 Mr. Hall stated that Case 732-AT-12 was a case liberalizing the Zoning Ordinance to make the requirement
2 less for home occupations and someone is protesting it because they don't want any requirements on home
3 occupations.

4

5 **B. Cancellation of March 27, 2014, meeting**

6

7 Mr. Hall stated that he will be out of the office during the week of March 24th and Andrew Levy will also be
8 out of the office.

9

10 Ms. Capel entertained a motion to cancel the March 27, 2014, meeting.

11

12 **Ms. Griest moved, seconded by Mr. Randol to cancel the March 27, 2014, meeting. The motion**
13 **carried by voice vote.**

14

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

16

17 None

18

19 **10. Adjournment**

20

21 Ms. Capel entertained a motion to adjourn the meeting.

22

23 **Ms. Griest moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by voice**
24 **vote.**

25

26 The meeting adjourned at 10:05 p.m.

27

28

29

30 Respectfully submitted

31

32

33

34

35 Secretary of Zoning Board of Appeals

CASE NO.S 771-AM-13 and 772-S-13

PRELIMINARY MEMORANDUM

April 9, 2014

Petitioners: Randy and Sue Hopkins d.b.a. Atlantic Services, Inc.

Case 771-AM-13

Request: Amend the Zoning Map to change the zoning district designation from the B-3 Highway Business Zoning District to the B-4 General Business Zoning District in order to authorize the proposed Special Use in related zoning Case 772-S-13 described below, on the subject property described below.

Case 772-S-13

Request: Authorize the following as a Special Use in the B-4 General Business Zoning District:

Part A. Authorize multiple principal buildings on the same lot consisting of the following:

- (1) Self-Storage Warehouses providing heat and utilities to individual units, as a special use that was previously authorized in Case 101-S-97; and
- (2) a Landscaping and Maintenance Contractor's Facility with outdoor storage as proposed in Part B.

Part B. Authorize the construction and use of a Landscaping and Maintenance Contractor Facility.

Location: A five acre tract of land in the North Half of the Northwest Quarter of the Northeast Quarter of Section 24 of Hensley Township and commonly known as the plant nursery and self storage warehouse located at 31 East Hensley Road, Champaign.

Site Area: 5 acres

Time Schedule for Development: Existing and As Soon As Approval Is Given

Prepared by: John Hall
Zoning Administrator

BACKGROUND

The subject property is currently zoned B-3 Highway Business. A two-part Special Use Permit was authorized on the subject property in Case 576-S-07 on May 17, 2007, that authorized (A) the construction and use of a seven-unit self-storage warehouse with heat and utilities to individual units as a Special Use and (B) two principal buildings as a second Special Use consisting of the ongoing use of a tree nursery (and an existing building) and the self-storage warehouse requested in Part A. Note that "self-storage warehouse" is authorized only by Special Use Permit in the B-3 District.

The property was recently purchased by Randy and Sue Hopkins who own Atlantic Services, Inc. and the property was purchased as a location to build a storage building to store the equipment and materials for Atlantic Services, Inc.

After purchasing the subject property the petitioners contacted the Department to inquire about building the storage building. In the course of the inquiry it was established that employees will be driving the equipment to and from the subject property to job sites and therefore, the Zoning Administrator determined that the proposed use is actually a “contractor facility”. Note that “contractor facility” is not authorized by any means in the B-3 Highway Business District.

A few pages from the company website (www.atlanticsvcs.com) have been included to document the breadth of services provided by Atlantic Services, Inc. One of the services provided by Atlantic Services, Inc. is landscape contracting and the company will presumably have outdoor storage of landscaping supplies although that is not yet indicated on the site plan.

Thus, the petitioners propose to rezone the property to B-4 General Business (Case 771-AM-13) and also propose a Special Use Permit (Case 772-S-13) for a two part Special Use including (B) the new contractor facility with outdoor storage and (A) a Special Use Permit for two principal buildings on the same property consisting of that contractor facility and the existing self-storage warehouse that was previously authorized in Case 576-S-07.

EXTRATERRITORIAL JURISDICTION

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

HENSLEY TOWNSHIP PLANNING COMMISSION JURISDICTION

The subject property is located within Hensley Township which has a Planning Commission. The Township has protest rights on the proposed Map Amendment. A Township protest must be signed and acknowledged by the Township Board and filed with the Champaign County Clerk within 30 days after the close of the public hearing at the Zoning Board of Appeals. In the event of a Township protest, a three-fourths majority of the County Board will be required to grant the Map Amendment request instead of a simple majority.

APPROVED SITE PLAN AND SPECIAL CONDITIONS IN CASE 576-S-07

Like all Special Use Permits, there was an approved site plan for Case 576-S-07 (see attached). The Board also included three special conditions in the approval of Case 576-S-07. See the attachment with the minutes of the Final Determination for Case 576-S-07. All special conditions were for the self-storage warehouse with heat and utilities to individual units.

The special conditions in Case 576-S-07 “run with the land” as long as there is a self-storage warehouse authorized by Special Use and thus, those conditions will also be part of the Final Determination in this case unless the Board determines that the special conditions are no longer necessary.

EXISTING LAND USE AND ZONING**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	<u>EXISTING:</u> Plant Nursery and Self-Storage Warehouse (Case 576-S-07) ----- Agriculture	<u>EXISTING:</u> B-3 Highway Business w/ Special Use Case 576-S-07
	<u>PROPOSED:</u> Self-Storage Warehouse and Contractor facility with outdoor storage	<u>PROPOSED:</u> B-4 General Business
North	Agriculture	AG-1 Agriculture
East	Agriculture	B-3 Highway Business
West	Tire Central Distribution	AG-1 Agriculture
South	Interstate 57 and interchange	AG-1 Agriculture

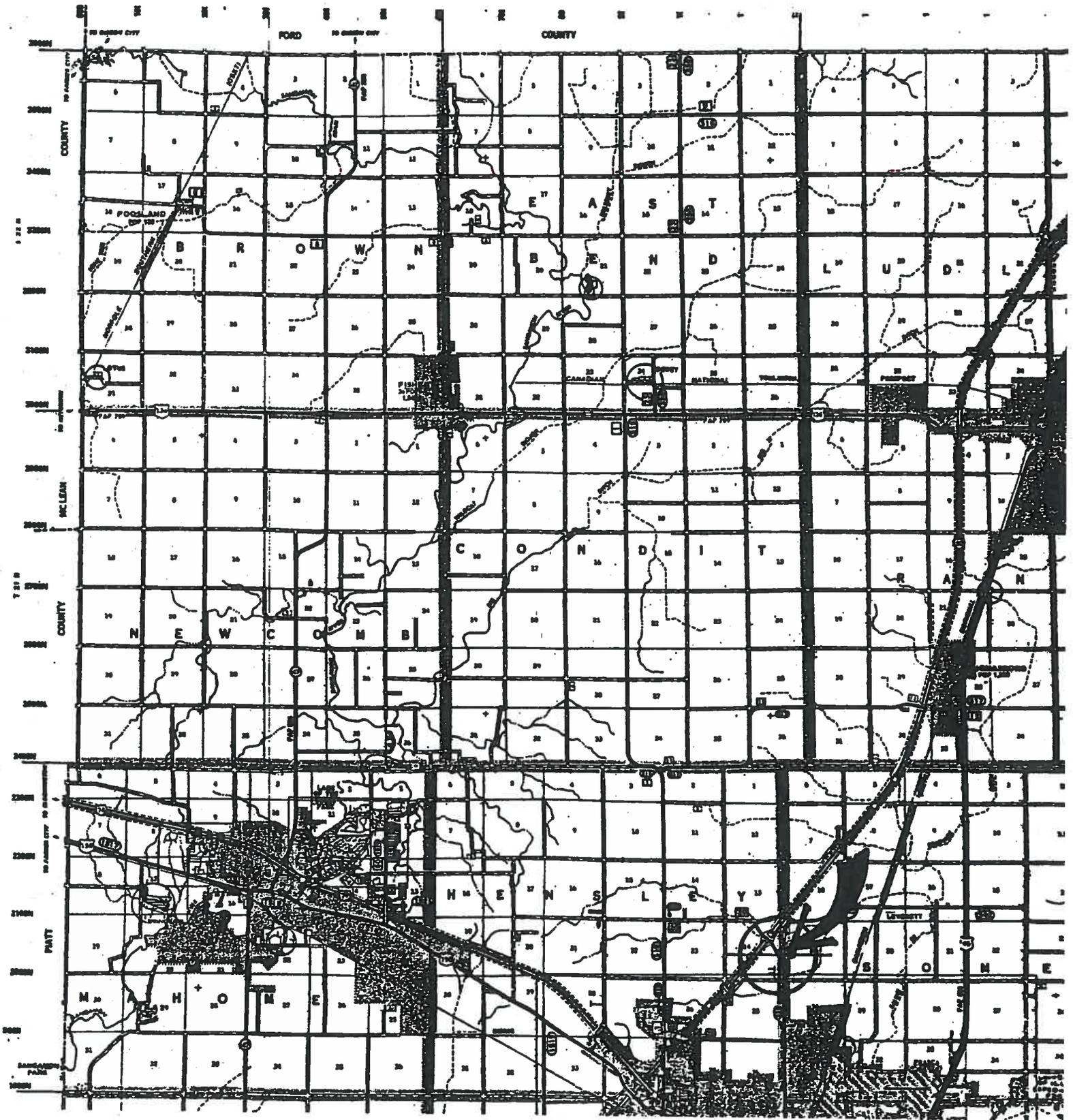
ATTACHMENTS

- A Case Maps from Case 576-S-07 (Location, Land Use, Zoning)
- B Pages from Atlantic Services Inc. website (www.atlanticsvcs.com)
- C Approved Site Plan from Case 576-S-07 (seven sheets total) consisting of the following:
 1. Grading and Utility Sheet received 3/15/07
 2. Specifications and Details received 3/15/07
 3. Hensley Storage Security Notes received 3/09/07
 4. Elevation of typical overhead door received 3/09/07
 5. South bay floor plan received 5/15/07
 6. Revised building elevations received 5/15/07
 7. Gate & Fence detail site plan received 3/09/07
- D Excerpt of Draft minutes of 5/17/07 ZBA Public Hearing for Case 576-S-07 with As-Approved Finding of Fact, Special Conditions, and Final Determination
- E Aerial photograph of subject property received 12/31/13
- F Revised Proposed Site Plan received February 14, 2014 (Reduced to 8½x 11; Board members also received 11 x 17 copy)
- G Isometric drawing of proposed building received February 11, 2014
- H On-Site Evaluation for Septic Filter Field by Roger D. Windholm received February 11, 2014
- I LRMP Land Use Goals, Objectives, and Policies & Appendix (included separately)
- J LRMP Land Use Management Areas Map (included separately)

ATTACHMENT A. LOCATION MAP

Case 576-S-07

FEBRUARY 23, 2007

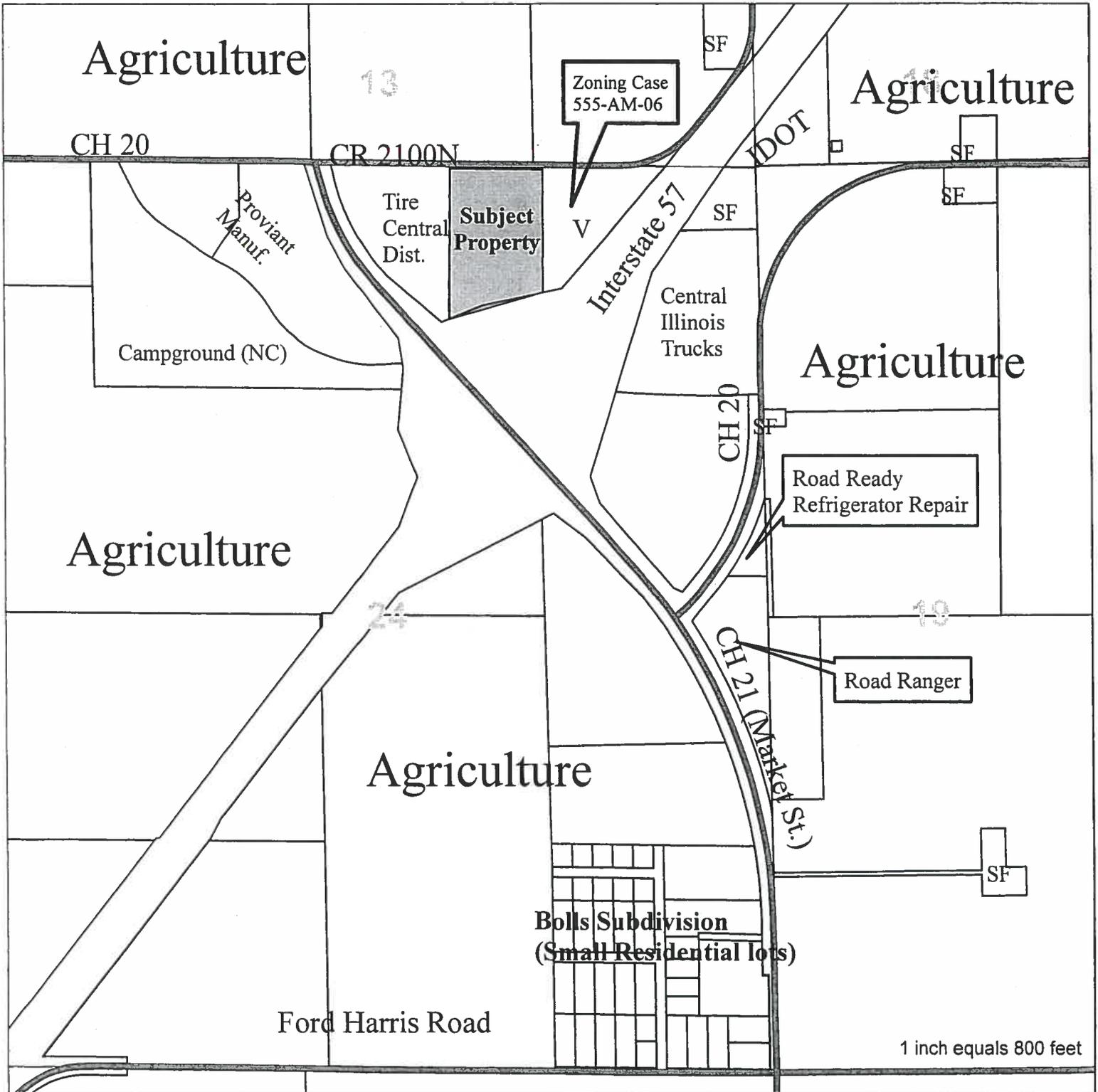


Champaign
County
Department of
**PLANNING &
ZONING**

ATTACHMENT A. LAND USE MAP

Case 576-S-07

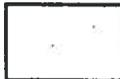
FEBRUARY 23, 2007



Area of Concern



Single Family



Farmstead



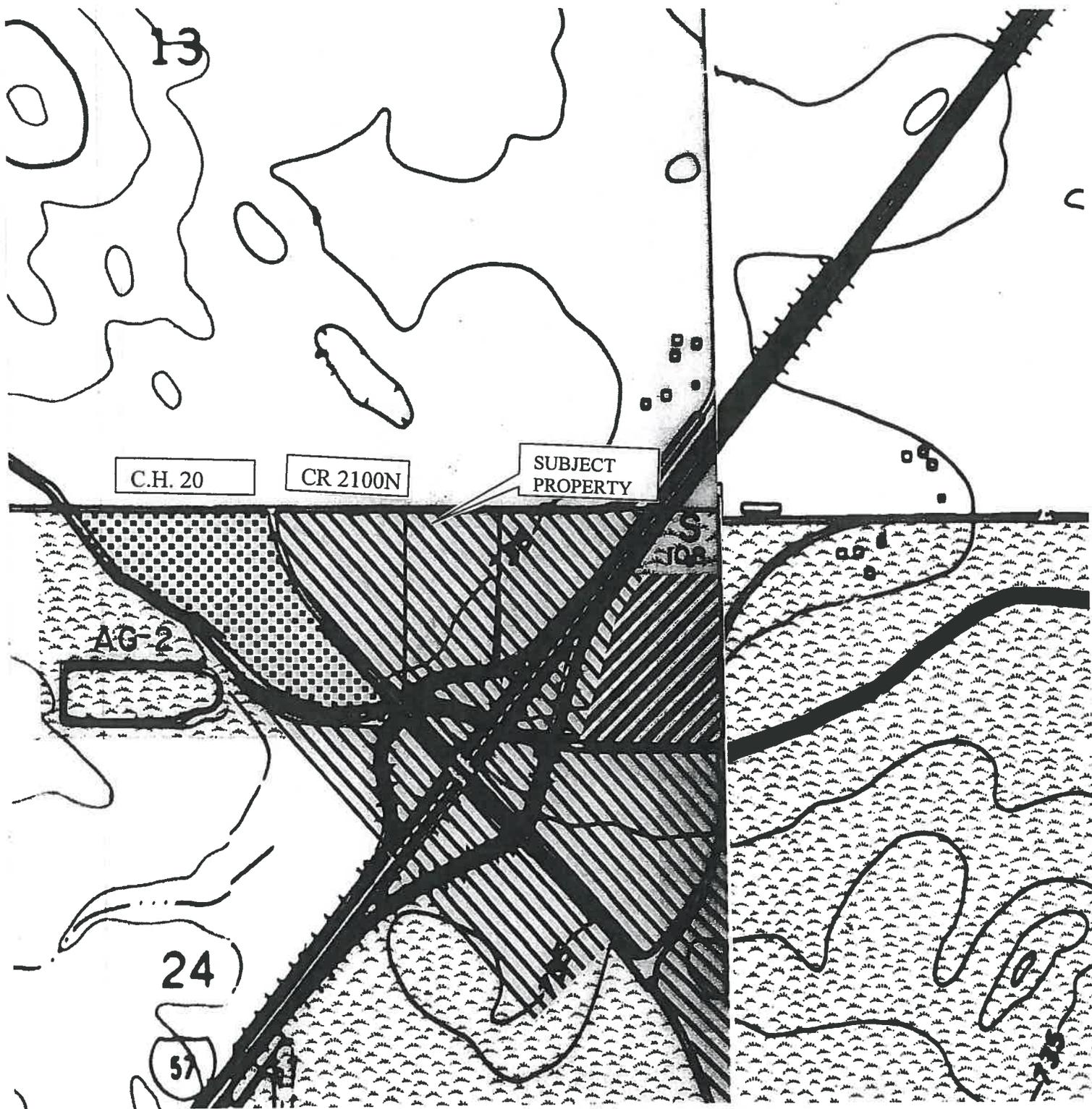
NORTH

Champaign
County
Department of
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ZONING**

ATTACHMENT A. ZONING MAP

Case 576-S-07

FEBRUARY 23, 2007



	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	

Atlantic Services Incorporated

Spring 2014 preparing for summer seasonal services
click here to learn about spring seasonal services

This is all about Atlantic.
And we are all about our clients.

Atlantic Services is Champaign County's premier all season commercial and residential property management company.



everything

Snow Removal.

Atlantic Services has knowledgeable and experienced employees, along with state of the art equipment to handle any job. Whether the job is large or small, Atlantic Services will ensure you are taken care of in an efficient, timely manner. Atlantic Services has been in business since 1985. Atlantic Services welcomes new business, in addition to our extensive satisfied customer base.

Atlantic Services has an impressive client base that includes some of the largest businesses in this area. We currently have parking lot sweeping contracts with several large retail sites in Champaign, Urbana, and Savoy. We also provide grounds maintenance at several large strip malls and medical campuses (we provide additional services as well). Some of our clients include hotels, restaurants, and shopping plazas. We understand the commercial maintenance business and are committed to doing the job in a professional and timely manner.

Atlantic Services is an authorized dealer and service provider for Mi-T-M Pressure Washers.

Commercial Services

- [Landscape Maintenance](#)
- [Landscape Design & Install](#)
- [Irrigation Systems](#)
- [Pressure Washing](#)
- [Snow Removal](#)
- [Parking Lot Maintenance](#)

Residential Services

- [Landscape Maintenance](#)
- [Landscape Design & Install](#)
- [Irrigation Systems](#)
- [Pressure Washing](#)

Every season puts different demands on your property. Let Atlantic Services prepare your business or home for the upcoming season, whatever that season may be. With over 2 decades of experience in this area, we have the knowledge to prepare your facility or home for the heat of summer and the frigid ice of winter, as well as the more temperate spring and fall.

Spring 2014 preparing for summer seasonal services
click here to learn about spring seasonal services



ASI@atlanticsvcs.com | [contact us](#)

- Winter is snow removal season
- Spring is the time to repair the damage done to your parking lot over winter
- Fall means clean-up and preparation for the dormant season of winter

[Click here for more information on our seasonal services.](#)

Commercial Services

[Landscape Maintenance](#) - [Landscape Design & Install](#) - [Irrigation Systems](#) - [Pressure Washing](#) - [Snow Removal](#) - [Parking Lot Maintenance](#)

Residential Services

[Landscape Maintenance](#) - [Landscape Design & Install](#) - [Irrigation Systems](#) - [Pressure Washing](#)

ASI Home

[Commercial/Residential Opportunities](#)
[Contact ASI](#)

Atlantic Services Incorporated

Spring 2
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Landscape Design

We can do that.

Atlantic Services has an outstanding reputation for creative designs. Our design professionals have extensive knowledge in planning, construction and maintenance of any design. Below are some examples of some services we provide.

- Landscape Renovations & Additions
- New Construction Design
- Perennial Garden Design
- Annual Design & Planting
- Theme Gardens

Hardscapes

- Patios, Walkways & Driveways
- Retaining & Freestanding Walls
- Stairs

Specialties

- Fountains, Water Features & Gardens
- Pond & Lake Maintenance
- Outdoor Fireplaces & Kitchens

[Click here to see pictures of our work](#)

2706 N Mattis Ave, Champaign, IL 61822
217-356-8665
ASi@atlanticsvcs.com | [contact us](#)

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Commercial Services

[Landscaping Design & Install](#) - [Landscape Maintenance](#) - [Irrigation Systems](#) - [Pressure Washing](#) - [Snow Removal](#) - [Parking Lot Maintenance](#)

Residential Services

[Landscape Maintenance](#) - [Landscape Design & Install](#) - [Irrigation Systems](#) - [Pressure Washing](#)

INDEX OF SHEETS

1. GRADING AND UTILITY SHEET
2. SPECIFICATIONS AND DETAILS

SITE ENGINEERING PLANS FOR
TOM COURSON
CHAMPAIGN COUNTY, ILLINOIS

ENGINEER/DRAWN BY
HDC ENGINEERING, LLC
201 W. SPRINGFIELD AVE., SUITE 300
P.O. BOX 140
CHAMPAIGN, ILLINOIS 61824-0140
(217) 202-8197

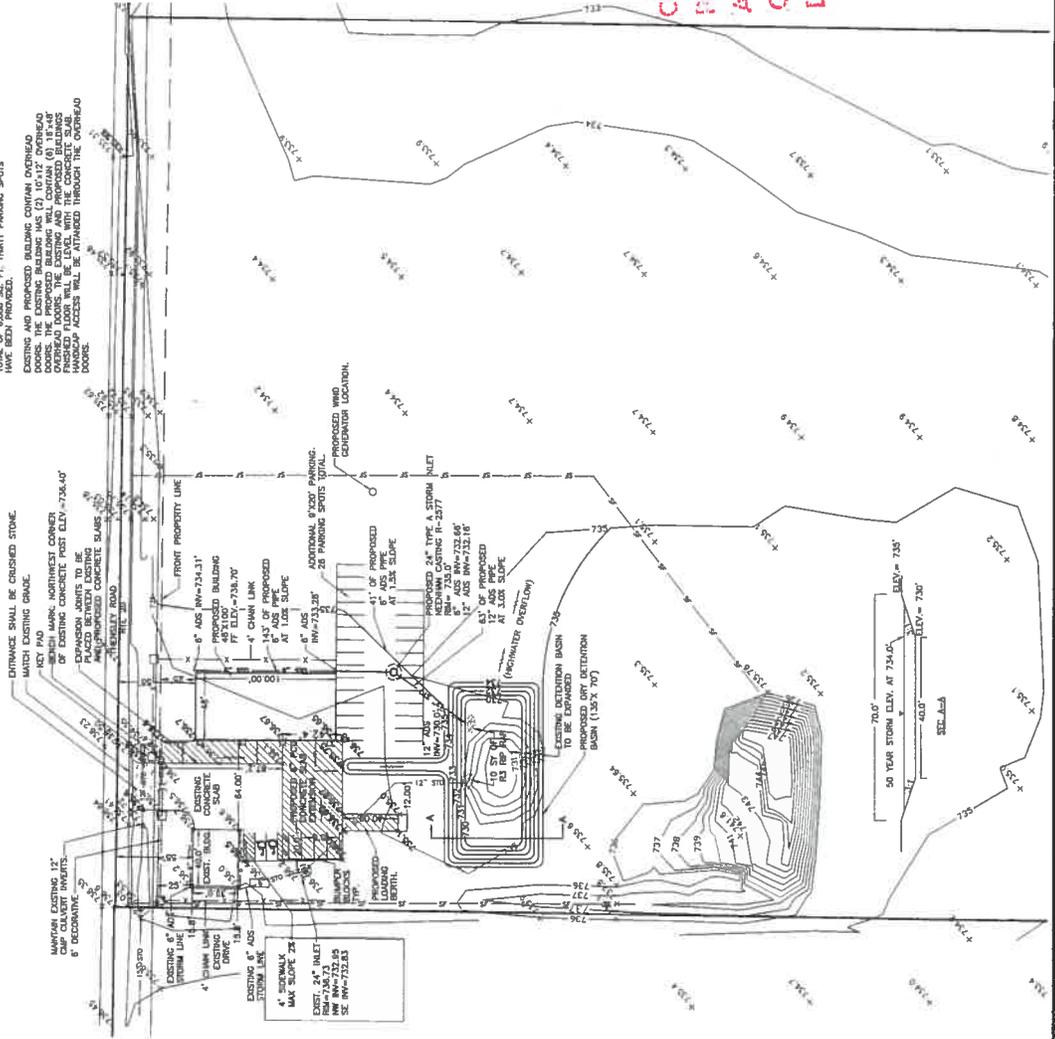
OWNER/DEVELOPER
TOM COURSON
2102 BELMONT PARK LANE
CHAMPAIGN, IL 61822
(217) 202-8197

Professional Design Firm License No. 044-002223 (Expires 04/30/2007)
Professional Engineer License No. 044-002223 (Expires 04/30/2007)
211 West Springfield, Suite 300 P.O. Box 140 Champaign, Illinois 61824-0140
717-221-8878 Fax 717-221-0270

HDC ENGINEERING



NOTES:
EXISTING AND PROPOSED BUILDINGS ARE SHOWN IN BLACK. EXISTING AND PROPOSED UTILITIES LOCAL A AND LOCAL B ARE SHOWN IN RED. EXISTING AND PROPOSED PARKING SPOTS HAVE BEEN PROVIDED.
EXISTING AND PROPOSED BUILDING OVERHEAD DOORS. THE EXISTING BUILDING HAS (2) 10'x12' OVERHEAD DOORS. THE EXISTING BUILDING HAS (2) 10'x12' OVERHEAD DOORS. THE EXISTING AND PROPOSED BUILDING OVERHEAD DOORS WILL BE LEVEL WITH THE CONCRETE SUB FLOOR. THE EXISTING AND PROPOSED BUILDING OVERHEAD DOORS WILL BE FINISHED THROUGH THE OVERHEAD DOORS.



GENERAL LEGEND

- BOUNDARY OF SUBDIVISION
- PROPOSED STORM INLET
- EXISTING STORM MANHOLE
- PROPOSED LIGHT POLE
- DIRECTION OF SURFACE DRAINAGE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- SLEET BASKET AROUND OPEN STORM STRUCTURE
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- EXISTING STORM SEWER
- PROPOSED SALT FENCE
- PROPOSED SPOT ELEVATION
- EXISTING SPOT ELEVATION

Champaign County
Planning & Zoning Department
Approved Site Plan
Case # 5765-07
Date: 5/17/07
Sh. 1 of 7

STATEMENT OF CONFORMANCE
I HAVE PREPARED THESE PLANS AND SPECIFICATIONS AND I DO NOT REPRESENT THAT THE ATTACHED PLANS AND SPECIFICATIONS AND STATEMENTS OF CONFORMANCE KNOWLEDGE AND BELIEF AND TO THE BEST OF MY CONTRACTUAL OBLIGATION, THESE PLANS, SPECIFICATIONS AND STATEMENTS OF CONFORMANCE COMPLY WITH THE ACCESSIBILITY CODE, 71 ILL. ADM. CODE 400.



SIGNED: David E. Abbey 10/17/07, No. 47257
DATE: 5/16/07
PROJECT NO. 08205 DATE 9/27/06 FOR 195578

Hensley Storage

Security notes

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Access to site will be controlled by an electronic gate keypad with individual codes allowing only renters and owner into site.

Color video surveillance cameras will be in place to record all activity between buildings and gate. Recording will be on a DVR and I hope to be able to access the system from the internet.

The site will be lit with 5-27 watt fluorescent lights between the 2 buildings.

Inside the storage building units will be 2-13 watt compact fluorescent lights on a timer switch and 1-15 amp outlet.

Site is self powered with solar and wind generators with battery backup.

Renters will not have access to power breakers and in floor heat controls.

No water on site.

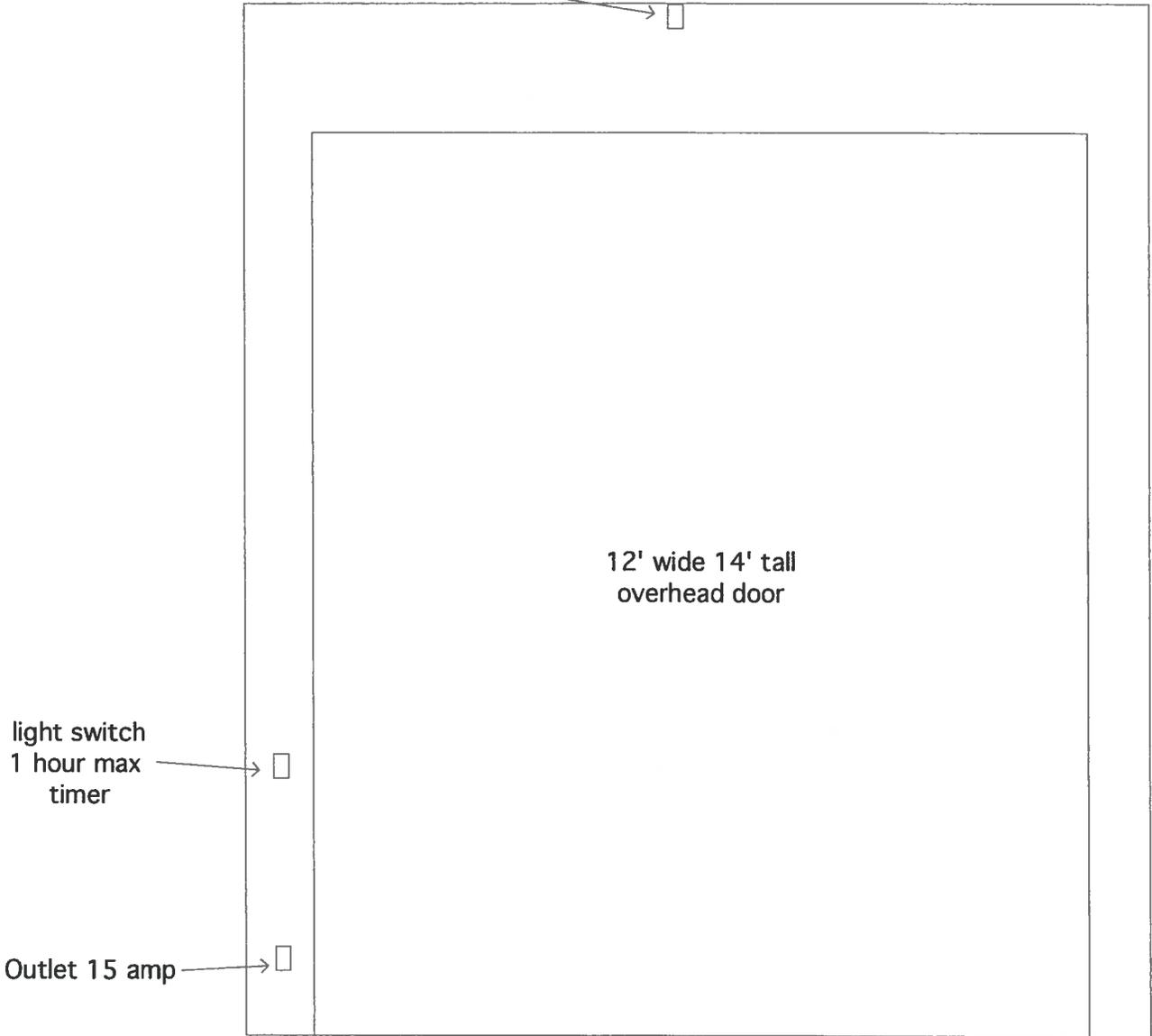
Owner lives within 1 mile of site and will visit it often. No one will be employed at site.

Site will be fenced with 5' tall chain link along sides and a 6' decorative fence on North side with a 6' tall gate.

Champaign County
Planning & Zoning Department
Approved Site Plan
Case # 576-S-07
Date: 5/17/07
Sh. 3 of 7

Inside view west side north bay (typical)

2-13 watt compact florence bulbs spaced
24' apart centered in bay



light switch
1 hour max
timer

Outlet 15 amp

12' wide 14' tall
overhead door

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MAR 09 2007

CHAMPAIGN CO. PLANNING & ZONING DEPARTMENT

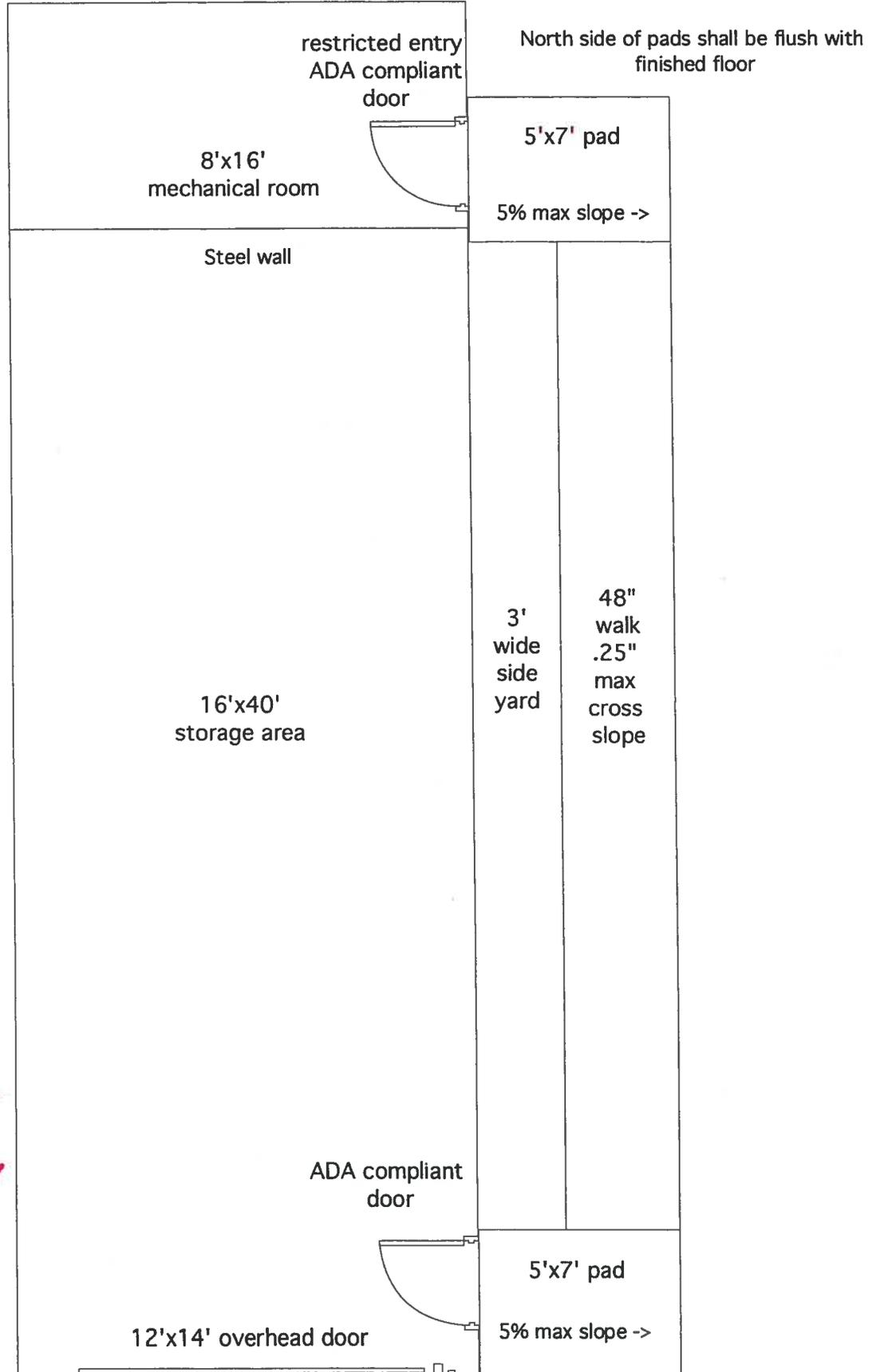
Champaign County
Planning & Zoning Department
Approved Site Plan

Case # 516-S-07

Date: 5/17/07

Sh. 4 of 7

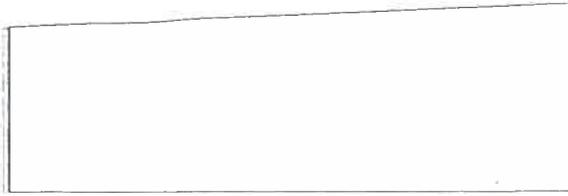
South bay floor plan



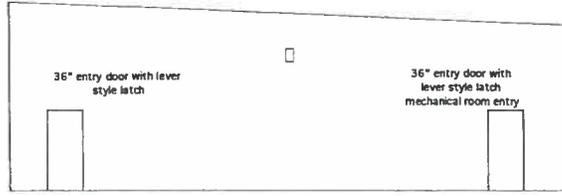
opener and light switch locations

Champaign County
Planning & Zoning Department
Approved Site Plan
Case # 576-S-07
Date: 5/17/07
SH. 507

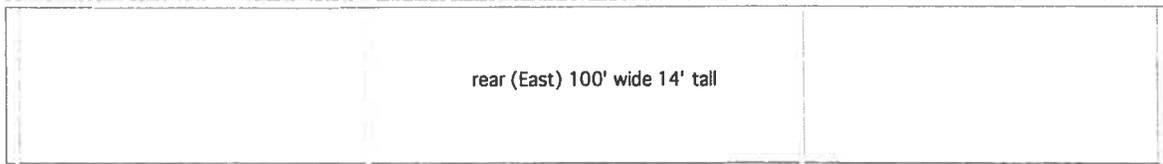
Hensley Storage



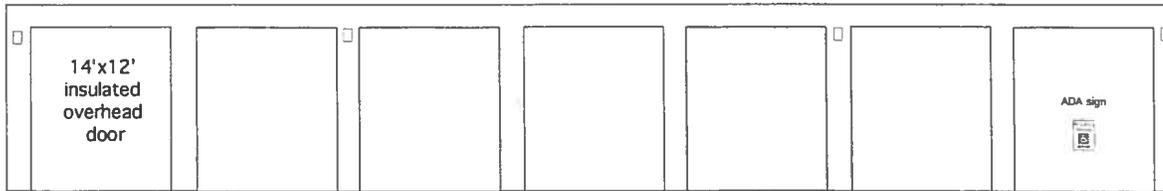
North side 48' wide



South side 48' wide



rear (East) 100' wide 14' tall



front (West) 100' wide 16' tall

gutters and downspouts along east wall. Walls are insulated fiberglass with vapor barrier. Tan building with green trim. Dividers between each 14' bay with trim on one side in white. South bay will be handicap accessible from the south entry door and will have an electric opener on the overhead door. 4 exterior 7 watt fluorescent lights with the top of light even with top of door openings on west side and 1 light on the south side, approximately 14' from ground level. Contact Tom Courson 2102 Belmont Park Lane Champaign, Illinois 61822 phone 217 202-8197 fax 217 356-3916

Champaign County
Planning & Zoning Department

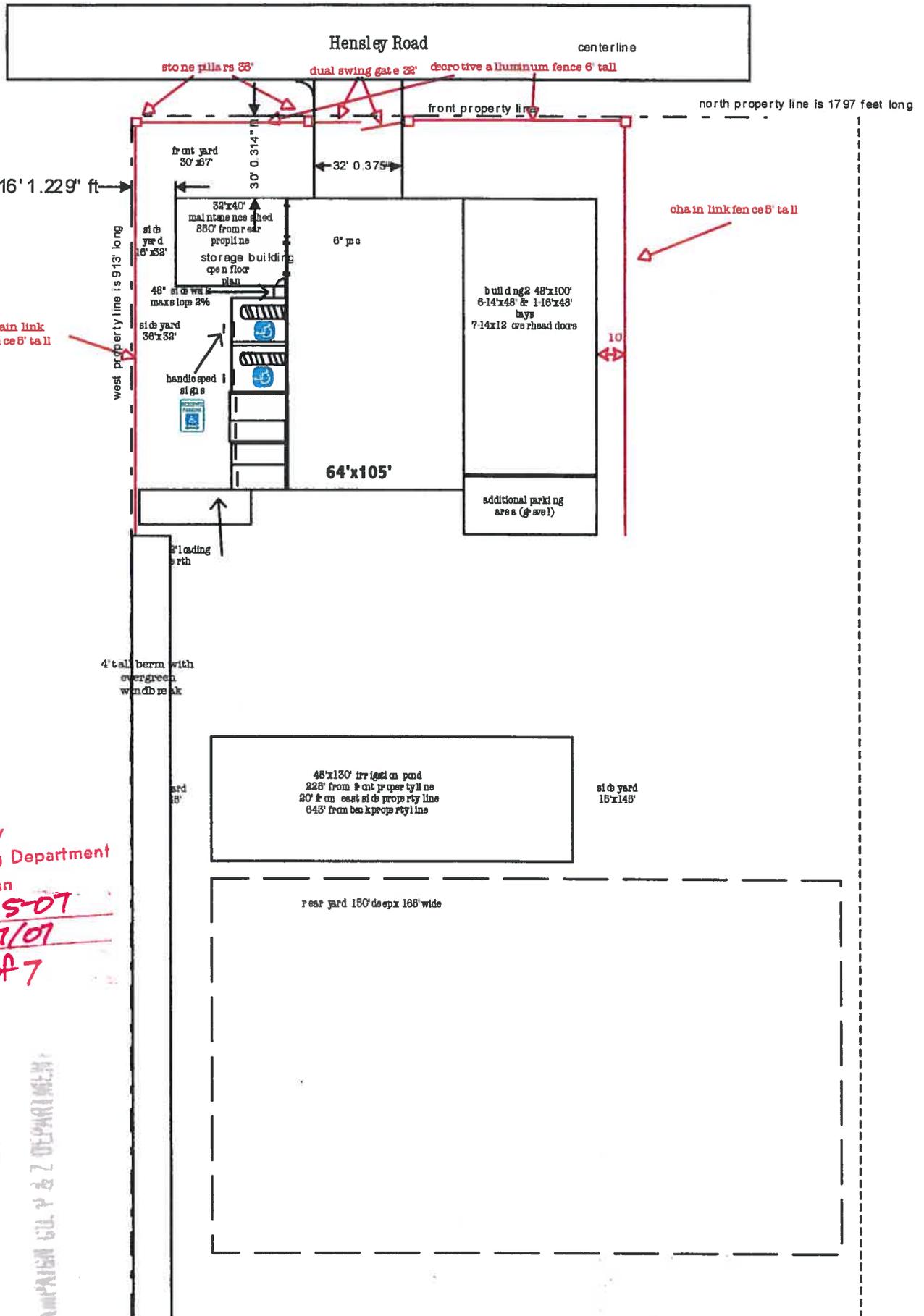
Approved Site Plan

Case # 576-S-07

Date: 5/11/07

SH. 6 of 7

Gate & Fence



Champaign County
 Planning & Zoning Department
 Approved Site Plan
 Case # 576-5-07
 Date: 5/17/07
 Sh. 7 of 7

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 CHAMPAIGN COUNTY & ZONING DEPARTMENT

**Excerpt of Draft May 17, 2007, Minutes
For Case 576-S-07**

Finding of Fact for Case 576-S-07:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 576-S-07 held on March 1, 2007 and May 17, 2007, the Zoning Board of Appeals of Champaign County finds that:

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

Mr. Bluhm stated that the requested Special Use Permit IS necessary for the public convenience at this location because this is such a small number of storage units that the demand exists for this type of unit.

Mr. Irle stated this location for the nursery business is very attractive and convenient to the public.

- 2. The requested Special Use Permit 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 detrimental to the public health, safety and welfare.**

Mr. Goldenstein stated that the requested Special Use Permit 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 detrimental to the public health, safety and welfare because the facility will be fenced and gated with video surveillance and the gate will be operated with a keypad or remote control. He said that the gate will have a 35 foot queuing area.

- 3a. The requested Special Use, subject to the special conditions, DOES conform to the applicable regulations and standards of the district in which it is located.**

Mr. Irle stated that the requested Special Use, subject to the special conditions, DOES conform to the applicable regulations and standards of the district in which it is located.

- 3b. The requested Special Use, subject to the special conditions, DOES preserve the essential character of the district in which it is located.**

Mr. Bluhm stated that the requested Special Use, subject to the special conditions, DOES preserve the essential character of the district in which it is located because there are buildings of the same types located in the district and there is plenty of open space on the subject property for the tree nursery.

Mr. Irle stated that the proposed use is a limited impact to the district versus what type of use could be allowed to construct in the district.

- 4. The requested Special Use Permit IS in harmony with the general purpose**

**Excerpt of Draft May 17, 2007, Minutes
For Case 576-S-07**

1 **and**

2 **intent of the Ordinance.**

3

4 Mr. Irle stated that the requested Special Use Permit IS in harmony with the general purpose and
5 intent of the Ordinance because the Ordinance indicates that commercial establishments are
6 intended to be located along major thoroughfares in the County.

7

8 Mr. Bluhm stated that the proposed use complies with all Zoning Regulations.

9

10 Mr. Hall noted that the approved conditions ensure public safety.

11

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

13

14 Mr. Irle stated that the requested Special Use IS NOT an existing nonconforming use.

15

16 **Mr. Irle moved, seconded by Mr. Bluhm to adopt the Summary of Evidence, Documents of**
17 **Record and Finding of Fact as amended. The motion carried by voice vote.**

18

19 **Mr. Bluhm moved, seconded by Mr. Goldenstein to close the public hearing for Case 576-**
20 **S-07, Tom Courson. The motion carried by voice vote.**

21

22 Ms. Griest informed Mr. Courson that the Board has one member absent from tonight's meeting
23 and one abstention therefore it is at their direction whether the present Board proceeds with the
24 Final Determination at this time or continue the Final Determination until a time when all Board
25 members are present.

26

27 Mr. Courson requested that the present Board proceed with the Final Determination tonight.

28

29 **Final Determination for Case 576-S-07:**

30

31 **Mr. Irle moved, seconded by Mr. Goldenstein that the Champaign County Zoning Board**
32 **of Appeals finds that, based upon the application, testimony, and other evidence received in**
33 **this case, that the requirements of Section 9.1.11B. HAVE been met and pursuant to the**
34 **authority granted by Section 9.1.6B. of the Champaign County Zoning Ordinance,**
35 **determines that:**

36

37 **The Special Use requested in Case 576-S-07 is hereby GRANTED WITH SPECIAL**
38 **CONDITIONS to the petitioner Tom Courson to authorize:**

39

40 **Part A:**

41 **The construction and use of a seven-unit self-storage warehouse with hear and**
42 **utilities**

43 **to individual units as a Special Use.**

44

45 **Part B:**

46 **As a second Special Use, the following two principal uses on the same property:**

*Excerpt of Draft May 17, 2007, Minutes
For Case 576-S-07*

- The ongoing use of a tree nursery;
- The self-storage warehouse requested in Part A.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Access to the subject property should be controlled but may be problematic for large vehicles or vehicles pulling trailers if restricted by a driveway gate. The following conditions make it clear that access should be restricted but should not create a traffic hazard on CR 2100N.

(1) Access to the subject property should be restricted for security but no vehicles or trailers should sit or stand on CR 2100N while the gate is being unlocked and opened;

(2) Access may be restricted by a keypad access operable gate by customers only if the gate is relocated to provide a minimum 35 foot queuing space between the gate and CR 2100N or access may be restricted by a remote operable gate for which customers have the remote control.

2. Heat and utilities provided to the individual self-storage units should be limited so that improper use cannot be made of those services. The following conditions will ensure that the heat and utilities are provided as necessary but not to the extent that the services can be used for improper or illegal activities:

(1) Heating in the individual storage units shall not be controllable by the individual storage unit renters and shall be controlled by the management as described in the Hensley Storage Security Notes submitted by the petitioner.

(2) No plumbing shall be provided within the individual self-storage units nor within the immediate vicinity of the self-storage units as described in the Hensley Storage Security Notes submitted by the petitioner.

(3) Electrical power within the individual self-storage units shall be limited to one 15 amp outlet as described in the Hensley Storage Security Notes submitted by the petitioner.

3. Security is a particular concern at a rural self-storage warehouse with heat and utilities provided to individual units. The following condition should provide adequate security:

Activities outside the self-storage units shall be recorded by video surveillance as described in the Hensley Storage Security Notes submitted by the petitioner.

*Excerpt of Draft May 17, 2007, Minutes
For Case 576-S-07*

1 The roll was called:

2

3

Bluhm-yes

Goldenstein-yes

Irle-yes

4

Miller-absent

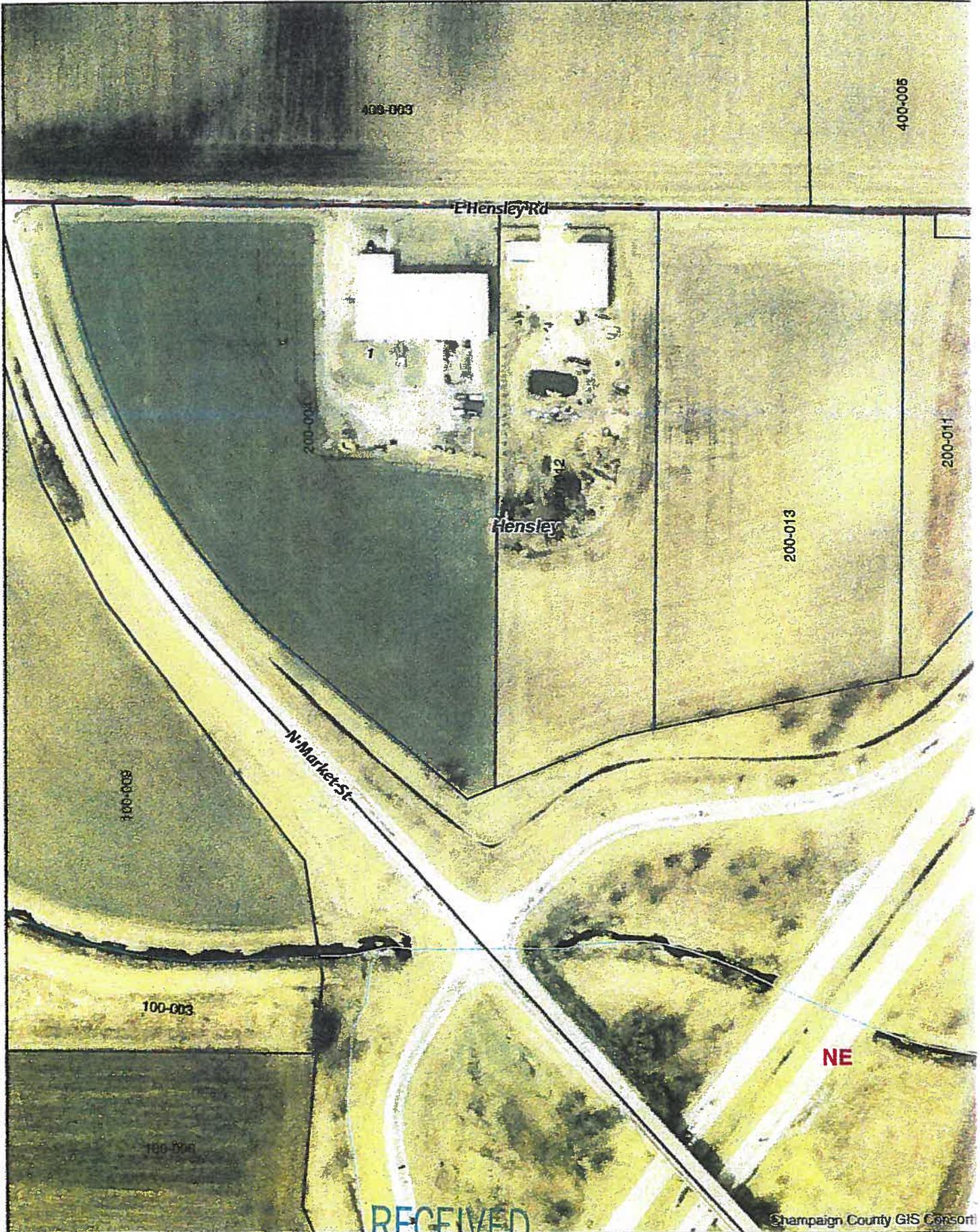
Schroeder-yes

Steeves-abstain

5

Griest-yes

6



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DEC 31 2013



1 inch = 200 feet
1 inch = 0.04 miles

DISCLAIMER:
This map was prepared by the Champaign County GIS Directorate (CCGISD) using the best available data. This map and its underlying data is intended to be used as a general index to land related information and is not intended for detailed, site-specific analysis. CCGISD does not warrant or guarantee the accuracy of this information for any purpose.

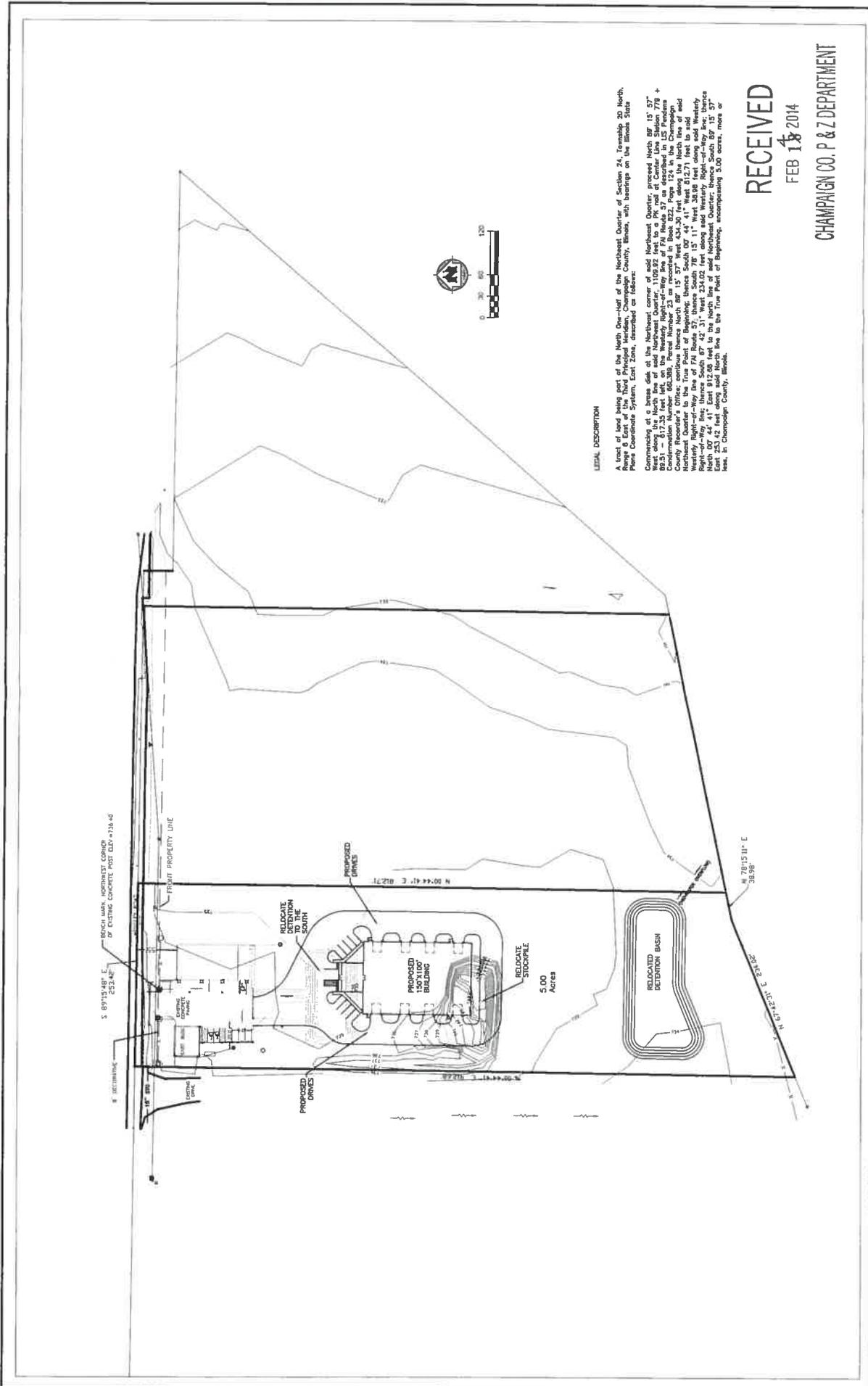
For questions regarding availability of geo-data or the CCGISD, or to report a mapping error, please contact CCGISD at 217-249-3355.

CHAMPAIGN CO. P & Z DEPARTMENT

Champaign County GIS Consortium



Map Data Provided By
Champaign County GIS Consortium



LEGAL DESCRIPTION

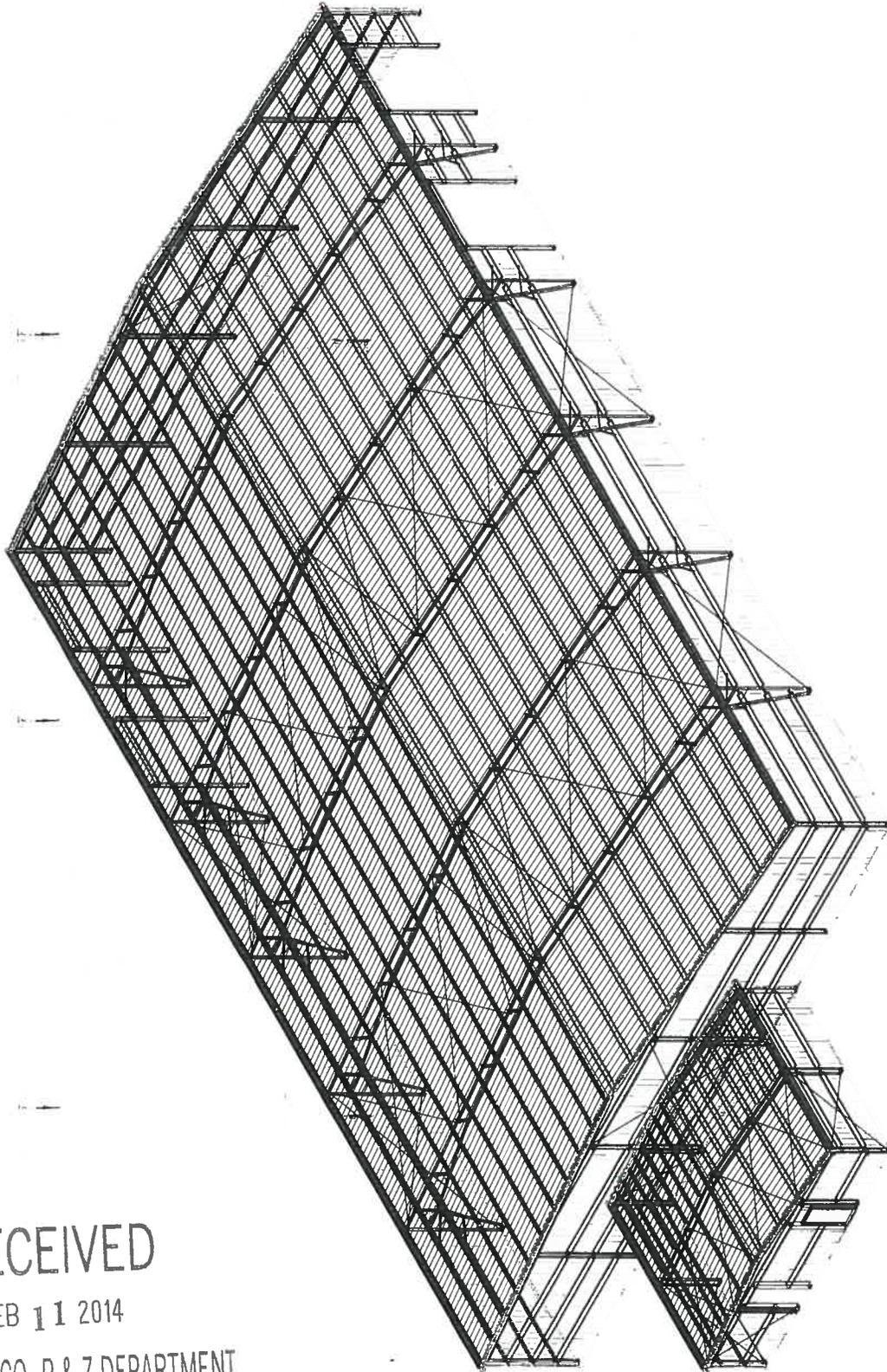
A tract of land being part of the North One-Half of the Northeast Quarter of Section 24, Township 20 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois, with bearings on the Illinois State Plane Coordinate System, East Zone, described as follows:

Commencing at a brass spike at the northeast corner of said Northeast Quarter, intersected North 89° 15' 37" West 89.51' - 81.23' feet left, on the Westerly Right-of-Way line of FM Road 37 as depicted in US Patent 8,272,422, Parcel Number 289 15' 37" West 89° 15' 37" North 81.23' feet left, on the Westerly Right-of-Way line of FM Road 37 as depicted in US Patent 8,272,422, Parcel Number 289 15' 37" West 89° 15' 37" North 81.23' feet left, on the Westerly Right-of-Way line of FM Road 37, thence South 78° 15' 11" West 38.98' feet along said Westerly Right-of-Way line of FM Road 37, thence South 78° 15' 11" West 38.98' feet along said Westerly Right-of-Way line of FM Road 37, thence East 912.08 feet to the North line of said Northeast Quarter, thence North 00° 44' 41" East 912.08 feet to the North line of said Northeast Quarter, thence South 89° 15' 37" East 253.42 feet along said North line to the True Point of Beginning, encompassing 5.00 acres, more or less, in Champaign County, Illinois.

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 FEB 18 2014

CHAMPAIGN CO. P & Z DEPARTMENT

PROJECT NO. (REQUIRED)	DATE	DATE	DATE	DATE
PROJECT DATE (REQUIRED)	DATE	DATE	DATE	DATE
<p>MSA PROFESSIONAL SERVICES</p> <p>201 W. Springfield Ave. - Champaign, IL 61820 West Afton, IL 61820 www.msa.com</p>				
<p>PROJECTED BY: MSA CHECKED BY: MSA DRAWN BY: MSA DATE: 02/12/14</p>				
<p>PROJECT NO. 15993000 SHEET NO. 1</p>				
<p>Atlantic Services Champaign County</p>				
<p>Zoning Exhibit</p>				



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CHAMPAIGN CO. P & Z DEPARTMENT

ON-SITE SOIL EVALUATION for SEPTIC FILTER FIELD
SE-1347

To: Randy – Atlantic Services

On January 30, 2014 an in-field soil evaluation was made on the property at 31E Hensley Road, Champaign, Illinois in Champaign County. This soil evaluation is done in accordance with and by the standards established in the PRIVATE SEWAGE DISPOSAL LICENSING ACT AND CODE of 2003 and continuing in subsequent revisions and updates. (Recently Aug. 28, 2013) **NOTE:** This evaluation was based on site conditions on the above mentioned date. If soil or site conditions change, a new evaluation may be necessary. **NOTE:** *Soil Evaluation* test rarely fails a site by itself for *conventional systems*, unless very wet (gray matrix), very slow permeability due to compaction, dense glacial till, or composed of fill material. **State Septic Code** allows for depth and size ranges to accommodate different soil conditions. **NOTE: From a professional perspective, this soil report belongs to the person paying for it.**

Four holes within the proposed seepage filter field were examined to a depth of 60 inches. Hole 1 is on the west side of the proposed field. Hole 2 is located on the south side of the field, with Hole 3 located on the north. Hole 4 is 50 feet east of Hole 3 in the edge of the corn stubble. Elevation difference between the holes is estimated to be one foot or so. The distance between each hole is at least 50 feet as specified in the State Code. All holes were described using accepted procedures and terminology as used in the United States Department of Agriculture Soil Survey Manual. The approximate field location of the holes has been sketched on the soil description sheets, although the field map is not to scale.

Hole Number 1 (West) had a *Limiting Layer* (as defined in 2013 STATE CODE) at a depth of about 34 inches. This limiting layer is a seasonal water table as indicated by prominent gray soil mottles. "Seasonal High Water Table" is a condition of saturation that exists in the soil *temporarily*, sometimes *only for a couple of weeks*, during the wettest time of the year. Often times this is in late fall or early spring. During the drier times of the year, it is likely *no water table* would be observed. If a soil has a continuous gray color throughout (*gray matrix*) a longer degree of wetness and saturation is assumed, as compared to one having *gray mottles*, or splotches of gray in a browner or lighter colored soil matrix. *In its natural water state, no drain tile*, this soil would have a Moderate Probability of having the water table interfere with the operation of the septic filter field during seasonal wet times. The soil horizons to a depth of 47 inches have a loading rate of 0.45/l/d/sq. ft.

Hole Number 2 (South) had a *Limiting Layer* at a depth of 37 inches, as indicated by prominent gray soil mottles (seasonal water table). *In its natural water state, no drain tile*, this soil would have a Moderate Probability of having the water table interfere with the septic filter field during seasonal wet times. The soil horizons to a depth of 48 inches have a loading rate of 0.45g/d/sq. ft.

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Hole Number 3 (North) had a *Limiting Layer* at a depth of 37 inches, as indicated by prominent gray soil mottles (seasonal water table). *In its natural water state, no drain tile, this soil would have a Moderate Probability of having the water table interfere with the septic filter field during seasonal wet times. The soil horizons to a depth of 47 inches have a loading rate of 0.45g/d/sq. ft.*

Hole Number 4 (East) had a *Limiting Layer* at a depth of 36 inches, as indicated by prominent gray soil mottles (seasonal water table). *In its natural water state, no drain tile, this soil would have a Moderate Probability of having the water table interfere with the septic filter field during seasonal wet times. The soil horizons to a depth of 46 inches have a loading rate of 0.45g/d/sq. ft.*

SITE CHARACTERISTICS. All four holes have layers in the middle part of the subsoil that have a Moderately Slow permeability rate due to clay content greater than 35%. These layers have a 0.45g/d/sq. ft. loading rate. All four holes *would have formed under* Somewhat Poorly Drained soil conditions with a seasonal water table in the middle part of the subsoil. Any seasonal water table present is part of a regional water table that exists in this general area. *Field tile lines are adjacent to the area on the east side. This system has lowered the seasonal water table in this area.* A suggestion would be to keep all construction traffic off the proposed leach field location to minimize soil compaction which could alter the permeability. The field location should be roped off and protected from encroachment by driveways, buildings, etc. Always a good idea to keep the leach field as shallow as State Code and conditions allow.

Example situation based on soil properties only: *Restrictive soil layers are listed in 2013 State Code. Least permeable layer between the top of the septic distribution system to about two feet below the bottom of the trench, (about 40" to 48") defined in the 2013 State Code, has a loading rate of 0.45g/d/sq. ft. Size of the actual leach field for a conventional system will depend on depth and type of system installed and loading volume determined by the local IDPH office. Large chambers with a 4:1 or 5:1 (county specific) sq. ft to linear foot ratio allow for total square footage required to be divided by a factor of 4 or 5. Example situation only, if a loading rate of 30 gallons per day for 10 workers is applied, then total load is 300 gallons per day. Using the most restrictive soil layer as determined above, then 300 divided by 0.45 g/d/sq. ft. would equal about 700 square feet of leach field required for a shallow system. Using a large chamber system (4:1), then about 175 linear feet, minimum, of line would be needed for a conventional system.*

Included are copies of the detailed soil descriptions. Also included are the loading rates applicable for each soil layer. All loading rate charts can be viewed at the Laws and Rules Section of the Illinois Department of Public Health website. <http://www.idph.state.il.us/> If there are questions, I would be glad to discuss any of my findings and conclusions with you at the site.

Roger D. Windhorn, MS
62 Holiday Drive
Clinton, Illinois 61727
217-433-5293

ARCPACS - Certified Professional Soil Scientist #01228
ISCA - Certified Professional Soil Classifier #19

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SOIL EVALUATION FIELD REPORT

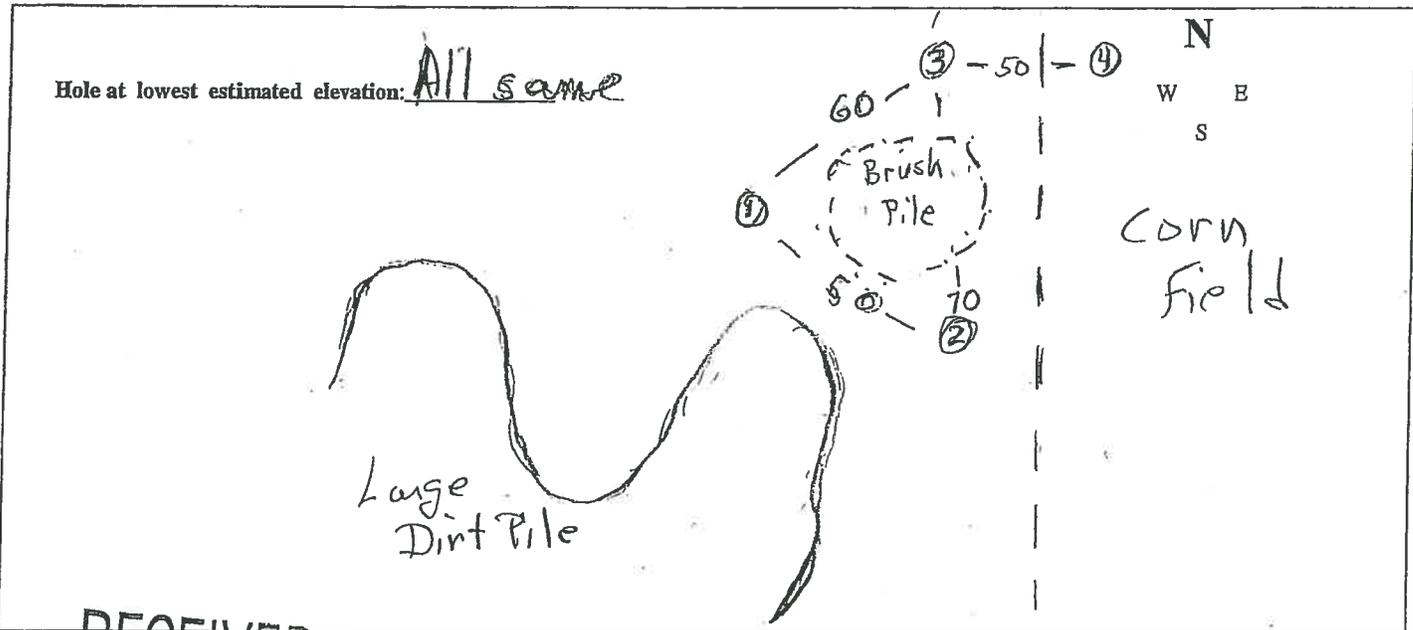
>35%? Soil Description / Interpretations Bore Hole 3 North

Layer Desig.	Depth (in)	Texture	Structure	C	Limiting Layer *	Sq Ft/ Bedroom	Loading G/D/Ft ²	Soil Group
			Blocky-Platy-Massive			X		
A/B	0 12	SiL SiL	Mod SubAng Blocky- Platy				0.75	5D 6D
B	12 19	SiCL	Mod SubAng Blocky				0.62	6D
B	19 26	SiCL	Mod Prismatic /Blocky				0.62	6D 6E
B	26 37	SiCL SiCL	Weak Mod Prismatic				0.45	6C 6E
B	37 47	SiCL SiCL SiCL	Weak Mod Prismatic		X		0.52	6E
2BC	47 60	CL SiCL	Weak Blocky/Massive				0.52	* 6E

*Limiting Layer (LL): Seasonal Water Gray Matrix Gray Mottles 4/1 4/2 5/1 5/2 Other _____ Depth: 37
 Parent Material: Loess, 47 over loamy till
 Physiography: Upland Terrace _____ Landscape Position Broad flat Slope 1% Shape Flat
 Estimated Drainage Class: Well Drained Moderately Well Drained Somewhat Poorly Drained Poorly Drained
 Observed saturation at depth (in) > 60 Compaction? () yes (X) no depth: _____
 Additional Remarks: _____

Site Map -- **NOT TO SCALE**

Well Location Identified



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Report prepared by: Roger Windhorn, MS CPSS, ARCPACS; CPSC - ISCA Soil Tech Phone: (217)433-5293

FEB 11 2014

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Signature: Roger D Windhorn

FEB 11 2014

CHAMPAIGN CO. P & Z DEPARTMENT

1/13

SOIL EVALUATION FIELD REPORT

In accordance with 77 Illinois Administrative Code, Chapter 1, Subchapter r, Section 905

Report prepared for: Randy - Atlantic Services Investigation No: SE-1347 Date: 1-30-14
 Name: _____ Property Owner: (SAME)
 Address: _____ City: _____ State: IL Zip: _____ County: Champaign
 Site Location: 31 E Hensley Road Champaign

>35%? ↓
 Soil Description / Interpretations Bore Hole 1 West

Layer Desig.	Depth (in)	Texture	Structure	C	Limiting Layer *	Sq Ft/ Bedroom	Loading G/D/Ft ²	Soil Group
			Blocky-Platy-Massive			X		
A	0 12	SiL SiL	Mod SubAng Blocky-Platy				0.75	5D 6D
B	12 19	SiCL	Mod SubAng Blocky				0.62	6D
B	19 27	SiCL	Mod Prismatic/Blocky				0.62	6D 6E
B	27 34	SiCL SiCL	Weak Mod Prismatic				0.45	6C 6E
1B	34 47	SiCL SiCL SiL	Weak Mod Prismatic		X		0.52	6E
2BC	47 60	CL-L-SiCL-SiL	Weak Blocky/Massive				0.52	*6E

*Limiting Layer (LL): Seasonal Water Gray Matrix Gray Mottles 4/1 4/2 5/1 5/2 Other _____ Depth: 34
 Parent Material: loess 47 over loamy till
 Physiography: Upland Terrace _____ Landscape Position Broad flat Slope 1% Shape Flat
 Estimated Drainage Class: Well Drained Moderately Well Drained Somewhat Poorly Drained Poorly Drained
 Observed saturation at depth (in) >60 Compaction? () yes (X) no depth: _____
 Additional Remarks: _____

>35%? ↓
 Soil Description / Interpretations Bore Hole 2 South

Layer Desig.	Depth (in)	Texture	Structure	C	Limiting Layer *	Sq Ft/ Bedroom	Loading G/D/Ft ²	Soil Group
			Blocky-Platy-Massive			X		
A	0 11	SiL SiL	Mod SubAng Blocky-Platy				0.75	5D 6D
B	11 20	SiCL	Mod SubAng Blocky				0.62	6D
B	20 29	SiCL	Mod Prismatic/Blocky				0.62	6D 6E
B	29 37	SiCL SiCL	Weak Mod Prismatic				0.45	6C 6E
1B	37 48	SiCL SiCL SiL	Weak Mod Prismatic		X		0.52	6E
2BC	48 60	CL-L-SiCL-SiL	Weak Blocky/Massive				0.52	*6E

*Limiting Layer (LL): Seasonal Water Gray Matrix Gray Mottles 4/1 4/2 5/1 5/2 Other _____ Depth: 37
 Parent Material: loess 48 over loamy till
 Physiography: Upland Terrace _____ Landscape Position Broad flat Slope 1% Shape Flat
 Estimated Drainage Class: Well Drained Moderately Well Drained Somewhat Poorly Drained Poorly Drained
 Observed saturation at depth (in) >60 Compaction? () yes (X) no depth: _____
 Additional Remarks: _____

PRELIMINARY DRAFT

771-AM-13

**FINDING OF FACT
AND FINAL DETERMINATION
of**

Champaign County Zoning Board of Appeals

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

Date: ***{date of final determination}***

Petitioner: **Randy and Sue Hopkins d.b.a. Atlantic Services, Inc.**

Request: **Amend the Zoning Map to change the zoning district designation from the B-3 Highw Business Zoning District to the B-4 General Business Zoning District in order to authorize the proposed Special Use in related zoning Case 772-S-13**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 17, 2014**, the Zoning Board of Appeals of Champaign County finds that (Note that* indicates identical to evidence in related Case 772-S-13):

- *1. The petitioners Randy and Sue Hopkins d.b.a. Atlantic Services, Inc., own the subject property.
- *2. The subject property is a five acre tract of land in the North Half of the Northwest Quarter of the Northeast Quarter of Section 24 of Hensley Township and commonly known as the plant nursery and self storage warehouse located at 31 East Hensley Road, Champaign.
- *3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning. The City of Champaign has been notified of this case.

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 a 5 acre tract and is currently zoned B-3 Highway Business. The subject property was previously used to operate a plant nursery and a self-storage warehouse with heat and utilities as authorized in Case 576-S-07 but is now proposed to be a self-storage warehouse with heat and utilities and a contractor facility with outdoor storage in related Case 772-S-13, pending approval of this case.
 - 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 B-3 Highway Business and is an interchange for Interstate 57.
 - (3) Land west of the subject property is zoned B-3 Highway Business and is used for a tire distribution warehouse for Tire Central stores.
 - (4) Land east of the subject property is zoned B-3 Highway Business and is in agricultural production.

*Identical to evidence in related Case 772-S-13.

- 5. Regarding comments by the petitioner on the Petition for Amendment:
 - A. When asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner indicated the following:
“Would like to build a contractor’s warehouse, shop, and office. Currently contractor’s facilities are not allowed in B-3.”

- B. When asked on the petition what other circumstances justify the rezoning, the petitioner indicated the following:
“Current location is too congested and located on Mattis Avenue that is heavily traveled”
- C. Additional comments on the petition by the petitioner are as follows: None
6. Previous zoning cases in the vicinity are the following:
- A. Case 576-S-07 authorized the current plant nursery and self-storage warehouse with heat and utilities on the subject property.
- B. Case 555-AM-06 was a proposed rezoning from the B-3 District to the B-4 District on the adjacent property to the east. The ZBA recommendation was “Recommend Approval” and ELUC upheld that recommendation but the County Board failed to override a protest from Hensley Township and the map amendment was not approved.
- C. Case 504-AM-05 established the current B-4 District (from the previous B-3 District) on the east side of the interchange. This District fronts CH20 (Leverett Road).
- D. Case 294-AM-01 established the I-1 District (from the previous B-3 District) southwest of CH20 and the Market Street overpass.
- E. The original zoning at this interchange was AG-2 Agriculture and was changed to the B-3 District in Cases 688-AM-89, 636-AM-88, 360-AM-79, and 151-AM-76.
- *7. Regarding the site plan and operations of the proposed Special Use in related Case 772-S-13:
- *A. The revised site plan received February 14, 2014, indicates the following existing and proposed improvements:
- (1) The existing self-storage warehouse and the building used for the previous plant nursery are at the north end of the subject property and as documented in Case 576-S-07 include the following:
- a. The revised Site Engineering Plans received on March 15, 2007 indicates the following:
- (a) There are two buildings on the subject property. The 40 feet by 32 feet existing building in the northwest corner of the property is associated with the tree nursery.
- (b) The proposed self-storage warehouse is located on the east edge of the developed portion of the subject property and is 100 feet by 48 feet.
- (c) The separation distance between the two buildings is indicated as 64 feet.
- (d) The area between the buildings has been paved to act as a parking lot and vehicle maneuvering space.

PRELIMINARY DRAFT

- (e) The developed portion of the subject property is bordered by a fence that is six feet tall and made of decorative aluminum on the north edge of the property line, and is four feet tall and made of chain links on the east and west sides of the development.
 - (f) The two eastern pillars are indicated as being in the right-of-way.
 - (g) What is apparently the entrance gate is not noted and is indicated as being located adjacent to the street right-of-way and approximately 20 feet from the street pavement.
 - (h) There is a large mound of dirt and a berm indicated south of the developed portion of the property. The berm is located almost on top of the property line for the subject property.
 - (i) A wind powered electrical generator is proposed on the west side of the property.
- b. As indicated on excerpts of building drawings received January 10, 2007, the proposed self-storage warehouse will contain seven units. One of the self-storage bays will be 15 feet by 48 feet, and the rest will be 14 feet by 48 feet.
- c. The "Hensley Storage Security Notes" received on March 9, 2007 state the following:
- (a) Access to the site will be controlled by an electronic gate keypad with individual codes allowing only renters and owner into site.
 - (b) Color video surveillance cameras will be in place to record all activity between buildings and gate. Recording will be on a DVR and I hope to access the system from the internet.
 - (c) The site will be lit with 5-27 watt fluorescent lights between the 2 buildings.
 - (d) Inside the storage building units will be 2-13 watt compact fluorescent lights on a timer switch, with 1 hour maximum time, and a 1-15 amp outlet.
 - (e) Site is self-powered with solar and wind generators with battery backup.
 - (f) Renters will not have access to power breakers and in-floor heat controls.
 - (g) No water on site.
 - (h) Owner lives within 1 mile of site and will visit it often. No one will be employed at site.
 - (i) Site will be fenced with 5-foot tall chain link along sides and a 6-foot decorative fence on North side with a 6-foot tall gate.
 - (j) Each bay will have an overhead door 12 feet wide by 14 feet tall.
 - (k) There will be gutters and downspouts along the east wall.
 - (l) Walls are insulated fiberglass with a vapor barrier type of insulations.

- d. The Gate and Fence detailed site plan received on March 9, 2007 indicates the following additional relevant information:
 - (a) Four stone pillars will support a 6-foot tall fence and gate along the Hensley Road right-of-way.
 - (b) A dual swing gate that is 32 feet wide will limit access to the property.
 - (c) A 5-foot tall chain link fence is proposed to extend an unspecified distance south of Hensley Road on each side.
 - (d) A 4-foot tall berm with evergreen windbreak will be constructed along the west property line.

- e. The South bay floor plan and revised building elevations received on May 15, 2007, indicate the following:
 - (a) The southern most bay in the building will be handicapped accessible from a door in the south wall of the building and will have an electric opener on the overhead door.
 - (b) There will be a handicapped reserved parking sign on the overhead door for that bay for the parking space in front of that bay.
 - (c) The door in the south wall of the building will be ADA compliant. There will be a 5 foot by 7 foot concrete pad in front of the door,
 - (d) The electric opener button and light switch will be located on the wall next to the door.
 - (e) This bay will be 16 feet wide but only 40 feet deep because the east 8 feet will be used as a mechanical room where the controls for the heating and electrical systems for the whole building will be located.
 - (f) The mechanical room will have a separate entrance from the south bay that will be located in the south wall. This door will also be ADA compliant and have a concrete pad identical to the one outside the bay entrance door, but will only be openable by the management.

- (2) The existing detention basin is proposed to be relocated to the south.

- (3) A proposed new building consisting of a 100' by 150' warehouse portion and an approximately (not dimensioned on the plan) 30' by 40' office portion. The new building is surrounded by a proposed new drive. Parking spaces are indicated east and west of the office portion including one accessible parking space.

*Identical to evidence in related Case 772-S-13.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

8. 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 B-3, Highway Business DISTRICT is intended to provide areas for commercial establishments which primarily serve the needs of motorists and are intended for application only adjacent to major thoroughfares in the COUNTY.
 - (2) The B-4, General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.
 - B. Regarding the general locations of the existing and proposed zoning districts:
 - (1) The B-3 District is generally located throughout the county near major thoroughfares.
 - (2) The B-4 District is generally located in areas adjacent to urbanized areas suitable for commercial activity.
 - 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 48 types of uses authorized by right in the B-3 District and there are 114 types of uses authorized by right in the B-4 District:
 - a. The following 45 uses are authorized by right in both the B-3 District and the B-4 District:
 - Hotel – no more than 15 lodging units;
 - Hotel – over 15 lodging units;
 - Subdivisions of three lots or less;
 - Subdivisions totaling more than three lots or with new streets or private accessways;
 - Agriculture;
 - Minor Rural Specialty Business;
 - Major Rural Specialty Business;
 - Commercial Greenhouse;
 - Greenhouse (not exceeding 1,000 square feet);
 - Garden Shop;
 - Plant Nursery;
 - Municipal Government Building;
 - Township Highway Maintenance Garage (must meet separation requirements of Special Use Permit in B-3);
 - Police Station or Fire Station;
 - Public Park or Recreational Facility;

- Parking Garage or Lot;
 - Telephone Exchange;
 - Telegraph Office;
 - Motor Bus Station;
 - Roadside Produce Stand;
 - Artists Studio;
 - Restaurant (indoor service only);
 - Supermarket or Grocery Store;
 - Drive-In Restaurant;
 - Tavern or Night Club;
 - Bakery (less than 2,500 square feet);
 - Dairy Store;
 - Delicatessen;
 - Confectionary Store;
 - Retail Liquor Store;
 - Locker, Cold Storage for Individual Use;
 - Major Automobile Repair;
 - Minor Automobile Repair;
 - Gasoline Service Station;
 - Automobile Washing Facility;
 - Automotive Accessories (new);
 - Antique Sales and Service;
 - Lawnmower Sales and Service;
 - Bait Sales;
 - Outdoor Commercial Recreational Enterprise (except amusement park);
 - Private Indoor Recreational Development;
 - Commercial Fishing Lake;
 - Christmas Tree Sales Lot;
 - Off-Premises Sign; and
 - Temporary Uses
- b. The following 3 uses are authorized by right in the B-3 District but not in the B-4 District:
- TRAVEL TRAILER Camp;
 - Roadside Stand operated by Farm Operator; and
 - Public CAMP or Picnic Area
- c. The following 69 uses are authorized by right in the B-4 District but not in the B-3 District:

PRELIMINARY DRAFT

- Institution of an Educational, Philanthropic or Eleemosynary Nature;
- Church, Temple or church related Temporary Uses of Church Property;
- Library, Museum or Gallery;
- Radio or Television Station;
- Railway Station;
- Truck Terminal;
- Barber Shop;
- Beauty Shop;
- Reducing Salon;
- Dressmaking Shop;
- Drycleaning Establishment;
- Laundry and/or Drycleaning Pick-up;
- Millinery Shop;
- Self-Service Laundry;
- Shoe Repair Shop;
- Tailor and Pressing Shop;
- Diaper Service Establishment;
- Clothing Repair and Storage;
- Mortuary or Funeral Home;
- Medical and Dental Clinic;
- Farm Equipment Sales and Service;
- Feed and Grain (sales only);
- Banks, Savings and Loan Associations;
- Insurance and Real Estate Offices;
- Business Office;
- Professional Office;
- Private Kindergarten or Day Care Facility;
- Vocational, Trade or Business School;
- Meat and Fish Market;
- Automobile, Truck, Trailer and Boat Sales Room (all indoors)
- Automobile or Trailer Sales area (open lot);
- Building Materials Sales (excluding concrete or asphalt mixing);
- Hardware Store;
- Electrical or Gas Appliance Sales and Service
- Department Store;
- Apparel Shop;
- Shoe Store;
- Jewelry Store;
- Stationery-Gift Shop-Art Supplies;

- Florist;
 - Newsstand-Bookstore;
 - Tobacconist;
 - Variety-Drygoods Store;
 - Music Store;
 - Drugstore;
 - Photographic Studio and Equipment Sales and Service;
 - Furniture Store – Office Equipment Sales
 - Used Furniture Sales and Service;
 - Pet Store;
 - Bicycle Sales and Service;
 - Fuel Oil, Ice, Coal, Wood (sales only);
 - Monument Sales (excluding stone cutting);
 - Pawn Shop;
 - Sporting Goods Sales and Service;
 - Heating, Ventilating, Air Conditioning Sales and Service;
 - Billiard Room;
 - Bowling Alley;
 - Dancing Academy or Hall;
 - Lodge or Private Club;
 - Indoor Theater;
 - VETERINARY HOSPITAL (no outdoor areas and no animal boarding);
 - Wholesale Business;
 - Warehouse;
 - Self-Storage Warehouse, providing heat and utilities to individual units;
 - Self-Storage Warehouse, not providing heat and utilities to individual units;
 - Auction House (non-animal);
 - Sexually Oriented Business (subject to minimum separation requirements including no less than 1,000 feet from a residential District);
 - Contractors Facilities (with no outdoor storage nor outdoor operations);
 - Small Scale Metal Fabricating Shop
- (2) There are 11 types of uses authorized by Special Use Permit (SUP) in the B-3 District and 11 types of uses authorized by SUP in the B-4 District:
- a. The following 4 uses may be authorized by SUP in both the B-3 District and B-4 District:

PRELIMINARY DRAFT

- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
 - Electrical Substation; and
 - HELIPORT-RESTRICTED LANDING AREAS
- b. The following 7 uses may be authorized by SUP in the B-3 District but not in the B-4 District:
- Radio or Television Station (by right in B-4);
 - VETERINARY HOSPITAL (by right in B-4);
 - Warehouse (by right in B-4);
 - Self-storage Warehouses, providing heat and utilities to individual units (by right in B-4);
 - Self-storage Warehouses, not providing heat and utilities to individual units (by right in B-4);
 - Gasoline and Volatile Oils Storage up to and including 80,000 gallons; and
 - Liquefied Petroleum Gases Storage
- b. The following 7 uses may be authorized by SUP in the B-4 District but not in the B-3 District:
- HOSPITAL;
 - Bakery (more than 2,500 square feet);
 - Amusement Park;
 - Kennel;
 - Recycling of Non-Hazardous materials (all storage and processing indoors);
 - Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS; and
 - LIGHT ASSEMBLY
 - utilities to individual units;
 - Storage of gasoline, volatile oils, and liquefied petroleum gases.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

9. 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 Polices 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

10. 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)

11. 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.

12. 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/ WILL NOT} HELP ACHIEVE* the achievement of Goal 3 based on the following:

- A. Although the proposed rezoning is *NOT DIRECTLY RELEVANT* to any of the Goal 3 Objectives, the proposed rezoning will allow the petitioner to utilize the property somewhat more intensively and continue business operations in Champaign County.
- B. Based on the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment *{WILL/ WILL NOT} HELP ACHIEVE Goal 3 Prosperity*.

13. 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 *{WILL / WILL NOT} HELP ACHIEVE* Goal 4 for the following reasons:

- A. Objective 4.1 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/ WILL NOT} HELP ACHIEVE* Objective 4.1 because of the following:

Evidence to be added.

- (1) 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 / WILL NOT} HELP ACHIEVE* Policy 4.1.6 for the following reasons:

Evidence to be added.

- B. Objective 4.2 states, “**Champaign County will require that each discretionary review development will not interfere with agricultural operations.**”

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

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

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.2.1 because based on the evidence, the proposed Special Use in related Case 759-S-13 *{WILL-/ WILL NOT}* interfere with agricultural operations and is a service which is appropriate for the rural area and therefore *{IS / IS NOT}* a service better provided in rural area than in an urban area as follows:

- *a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.

Evidence to be added.

- (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 / WILL NOT} HELP ACHIEVE* Policy 4.2.2 because based on the evidence, the proposed Special Use in related Case 772-S-13 *{DOES / DOES NOT}* negatively affect agricultural activities, of *{IS / IS NOT}* located and designed to minimize exposure to negative effects of agricultural activities, and *{WILL / WILL NOT}* interfere with agricultural activities as follows:

Evidence to be added.

- C. Objective 4.3 states, **“Champaign County will require that each discretionary review development is located on a suitable site.”**

The proposed rezoning *{WILL / WILL NOT} 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 / WILL NOT} HELP ACHIEVE* Policy 4.3.2 for the following reasons:

Evidence to be added.

- (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 / WILL NOT} HELP ACHIEVE* Policy 4.3.3 for the following reason:

Evidence to be added.

- (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 / WILL NOT} HELP ACHIEVE* Policy 4.3.4 for the following reason:

Evidence to be added.

- (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 / WILL NOT} HELP ACHIEVE* Policy 4.3.5 for the following reasons:

Evidence to be added.

- D. The proposed amendment *{WILL/ WILL NOT} IMPEDE* the achievement of Objectives 4.6, 4.7, and 4.9 and Policies 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.8, 4.2.3, 4.2.4, 4.6.1, 4.6.2, 4.6.3, and 4.9.1. Objectives 4.4 4.5, and 4.8 and Policies 4.1.7, 4.1.9, and 4.3.1 are *NOT RELEVANT* to the proposed amendment.

14. 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 amendment *{WILL / WILL NOT} HELP ACHIEVE* Goal 5 for the following reasons:

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

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

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

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 5.1.3 for the following reasons:

Evidence to be added.

- (2) Policy 5.1.4 states, “**The County may approve discretionary development outside contiguous urban growth areas, but within municipal extra-territorial jurisdictions 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 objective and policies.”**

Evidence to be added

- B. Objective 5.3 states, “**Champaign County will oppose proposed new urban development unless adequate utilities, infrastructure, and public services are provided.**”

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The proposed rezoning will *{WILL/ WILL NOT} HELP ACHIEVE* Objective 5.3 because of the following:

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

Evidence to be added

- (2) Policy 5.3.2 states, “**The County will:**
 - a. **require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense.”**

The proposed rezoning will *{WILL/ WILL NOT} HELP ACHIEVE* Policy 5.3.2 because of the following:

Evidence to be added

- C. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Objective 5.2 and Policies 5.1.1, 5.1.2, 5.1.5, 5.1.6, 5.1.7, 5.1.8, 5.1.9, 5.2.1, 5.2.2, 5.2.3, and 5.3.3.

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

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

Goal 6 has 4 objectives and 7 policies. The proposed rezoning will *{WILL/ WILL NOT} HELP ACHIEVE* Goal 6 for the following reasons:

- A. Objective 6.1 states, “**Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”**

The proposed rezoning will *{WILL/ WILL NOT} HELP ACHIEVE* Objective 6.1 because of the following:

- (1) Policy 6.1.3 states, “**The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.**”

Evidence to be added.

- B. The proposed amendment **WILL NOT IMPEDE** the achievement of Policies 6.1.1, 6.1.2, and 6.1.4. Objectives 6.2, 6.3, and 6.4 and Policies 6.2.1, 6.2.2, and 6.2.3 are **NOT RELEVANT** to the proposed amendment.

16. 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 **{WILL/ WILL NOT} HELP ACHIEVE** Goal 7 for the following reasons:

- A. Objective 7.1 states, “**Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.**”

The proposed rezoning will **{WILL/ WILL NOT} HELP ACHIEVE** Objective 7.1 because of the following:

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

Evidence to be added.

- B. The proposed amendment **WILL NOT IMPEDE** the achievement of Objective 7.2 and Policies 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, and 7.2.6.

17. 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 **NOT IMPEDE** the achievement of Goal 8.

18. 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.

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

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

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

GENERALLY REGARDING THE LaSalle Factors

20. 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.**

Evidence to be added.

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 the subject property, the requested map amendment may have some positive effect or else the landowner would not have submitted the petition for the rezoning.

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.**

(1) There has been no evidence submitted regarding property values.

(2) The proposed rezoning should not have a negative effect on the public health, safety, and welfare and therefore, denying the request to rezone the property will not promote public health, safety, or welfare.

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

Evidence to be added.

- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
- (1) The subject property is suitable for the current zoned purposes.
 - (2) Based on the discussion of suitability under Items 14.C. and 15 above, the subject property **{IS / IS NOT} SUITABLE** for the proposed zoned purpose which is a self-storage warehouses and a contractor facility with outdoor storage.
- 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.**
- (1) The subject property is not vacant and the current Special Use was authorized in Case 576-S-07.
- G. **Sinclair factor: The need and demand for the use.**
Evidence to be added.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
Evidence to be added.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

21. The proposed amendment **{WILL/ WILL NOT} 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.
- Evidence to be added.*

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- 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.
- (1) The proposed construction on the subject property will trigger the need for stormwater management. The petitioner will need to submit a complete stormwater management plan that is in compliance with the *Stormwater Management Policy* before a Zoning Use Permit can be issued for the proposed construction.

- 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.

- (1) The proposed amendment is directly related to this purpose because the proposed contractor facility with outdoor storage and multiple principal buildings on the same lot are not authorized in the current B-3 District. The proposed B-4 District allows self-storage warehouse, contractor facility with outdoor storage, and multiple principal uses on the same lot to be authorized as Special Uses.

- (2) Harmony with this purpose requires that the special conditions of approval in the related Special Use Permit sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate noncompliant conditions.

- 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.
 - (1) Harmony with this purpose requires that the special conditions of approval in the related Special Use Permit sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate noncompliant conditions.

- 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.
 - (1) Harmony with this purpose requires that the special conditions of approval in the related Special Use Permit sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate noncompliant conditions.

- 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.
 - (1) Harmony with this purpose requires that the special conditions of approval in the related Special Use Permit sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate noncompliant conditions.

- 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 not directly related to this purpose.

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

Evidence to be added.

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- 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.

Evidence to be added.

- 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

22. Regarding proposed special conditions of approval:

Evidence to be added.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 17, 2014**, the Zoning Board of Appeals of Champaign County finds that:

1. Regarding the effect of the proposed amendment on the Land Resource Management Plan (LRMP):
 - A. **Regarding Goal 3:**
 - B. **Regarding Goal 4:**
 - It *{WILL/ WILL NOT} HELP ACHIEVE* Objective 4.3 requiring any discretionary development to be on a suitable site because it will *{WILL/ WILL NOT} HELP ACHIEVE* the following:
 - 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 (see Item 14.C.(4)).
 - Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(3)).
 - Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(2)).
 - Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 14.C.(1)).
 - It *{WILL/ WILL NOT} HELP ACHIEVE* Objective 4.2 requiring discretionary development to not interfere with agriculture because it *{WILL/ WILL NOT} HELP ACHIEVE* the following:
 - 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 4.2.1 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)).
 - It *{WILL/ WILL NOT} 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/ WILL NOT} HELP ACHIEVE* the following:
 - 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.(1)).
 - Based on achievement of the above Objectives and Policies, the proposed map amendment *{WILL/ WILL NOT} HELP ACHIEVE* Goal 4 Agriculture.

C. **Regarding Goal 5:**

- It *{WILL/ WILL NOT} HELP ACHIEVE* Objective 5.3 requiring County opposition to new urban development unless adequate infrastructure and public services are provided because it will *{WILL/ WILL NOT} HELP ACHIEVE* the following:
 - Policy 5.3.2 require that new urban development be adequately served by public infrastructure without undue public expense (Item 15.B.(2)).
 - Policy 5.3.1 require that new urban development be adequately served by public services without undue public expense (Item 15.B.(1)).
- It *{WILL/ WILL NOT} HELP ACHIEVE* Objective 5.1 ensure that the population growth and economic development is accommodated by new urban development in or adjacent to existing population centers because it *{WILL/ WILL NOT} HELP ACHIEVE* the following:
 - Policy 5.1.3 consider municipal ETJ areas that are served or that are planned to be served by sanitary sewer as contiguous urban growth areas (Item 15.A.(1)).
- Based on achievement of the above Objectives and Policies, the proposed map amendment *{WILL/ WILL NOT} HELP ACHIEVE* Goal 5 Urban Land Use.

D. **Regarding Goal 6:**

- Objective 6.1 ensuring that development does not endanger public health or safety because it will *{WILL/ WILL NOT} HELP ACHIEVE* the following:
 - Policy 6.1.3 preventing nuisances created by light and glare to limit excessive night lighting.
- Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment *{WILL/ WILL NOT} HELP ACHIEVE* Goal 6 Public Health and Public Safety (see Item 16.A.(1)).

E. **Regarding Goal 7:**

- Objective 7.1 consider traffic impact in land use decisions because it *{WILL/ WILL NOT} HELP ACHIEVE* the following:
 - Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation.
- Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment *{WILL/ WILL NOT} HELP ACHIEVE* Goal 7 Transportation (see Item 17.A.(1)).

F. **Regarding Goal 9:**

- It *{WILL/ WILL NOT} HELP ACHIEVE* Objective 9.1 promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases because it *{WILL/ WILL NOT} HELP ACHIEVE* the following:

- **policy 9.1.1 promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.**
- Based on achievement of the above Objective and Policy and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment **{WILL/ WILL NOT} HELP ACHIEVE Goal 9 Energy Conservation (see Item 19.A.(1)).**

G. 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 8 Natural Resources**
- **Goal 10 Cultural Amenities**

H. Overall, the proposed map amendment **{WILL/ WILL NOT} HELP ACHIEVE** the Land Resource Management Plan.

2. The proposed Zoning Ordinance map amendment **{ IS/ IS NOT}** consistent with the *LaSalle* and *Sinclair* factors because of the following:
3. The proposed Zoning Ordinance map amendment **{WILL/ WILL NOT} HELP ACHIEVE the purpose of the Zoning Ordinance** because:
4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:

DOCUMENTS OF RECORD

1. Application for Map Amendment received December 31, 2013, with attachments:
 - A Aerial photograph of subject property received 12/31/13
 - B Warranty Deed
 - C Site Plan
2. Special Use Permit application received December 31, 2013, with attachments:
 - A Aerial photograph of subject property received 12/31/13
 - B Warranty Deed
 - C Site Plan
3. Zoning Case 576-S-07 case file
4. On-Site Evaluation for Septic Filter Field by Roger D. Windholm received February 11, 2014
5. Isometric drawing of proposed building received February 11, 2014
6. Revised Site Plan received February 14, 2014
7. Preliminary Memorandum for Cases 771-AM-13 and 772-S-13 dated April 11, 2014, with attachments:
 - A Case Maps from Case 576-S-07 (Location, Land Use, Zoning)
 - B Pages from Atlantic Services Inc. website (www.atlanticsvcs.com)
 - C Approved Site Plan from Case 576-S-07 (seven sheets total) consisting of the following:
 1. Grading and Utility Sheet received 3/15/07
 2. Specifications and Details received 3/15/07
 3. Hensley Storage Security Notes received 3/09/07
 4. Elevation of typical overhead door received 3/09/07
 5. South bay floor plan received 5/15/07
 6. Revised building elevations received 5/15/07
 7. Gate & Fence detail site plan received 3/09/07
 - D Excerpt of Draft minutes of 5/17/07 ZBA Public Hearing for Case 576-S-07 with As-Approved Finding of Fact, Special Conditions, and Final Determination
 - E Aerial photograph of subject property received 12/31/13
 - F Revised Proposed Site Plan received February 14, 2014 (Reduced to 8½x 11; Board members also received 11 x 17 copy)
 - G Isometric drawing of proposed building received February 11, 2014
 - H On-Site Evaluation for Septic Filter Field by Roger D. Windholm received February 11, 2014
 - I LRMP Land Use Goals, Objectives, and Policies & Appendix (included separately)
 - J LRMP Land Use Management Areas Map (included separately)

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 771-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

PRELIMINARY DRAFT

772-S-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: *{date of final determination}*

Petitioners: Randy and Sue Hopkins d.b.a. Atlantic Services, Inc.

Request: Authorize the following as a Special Use in the B-4 General Business Zoning District:

Part A. Authorize multiple principal buildings on the same lot consisting of the following:

- (1) Self-Storage Warehouses providing heat and utilities to individual units, as a special use that was previously authorized in Case 101-S-97; and
- (2) a Landscaping and Maintenance Contractor's Facility with outdoor storage as proposed in Part B.

Part B. Authorize the construction and use of a Landscaping and Maintenance Contractor Facility with outdoor storage.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 17, 2014**, the Zoning Board of Appeals of Champaign County finds that:

- *1. The petitioners Randy and Sue Hopkins d.b.a. Atlantic Services, Inc., own the subject property.
- *2. The subject property is a five acre tract of land in the North Half of the Northwest Quarter of the Northeast Quarter of Section 24 of Hensley Township and commonly known as the plant nursery and self storage warehouse located at 31 East Hensley Road, Champaign.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - (1) The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality. The nearest municipality is the City of Champaign but the City is located more than 1½ miles from the subject property.
 - (2) The subject property is located within Hensley Township which has a Planning Commission. Regarding Hensley Township Planning jurisdiction:
 - a. The Township has protest rights on the proposed Map Amendment. A Township protest must be signed and acknowledged by the Township Board and filed with the Champaign County Clerk within 30 days after the close of the public hearing at the Zoning Board of Appeals. In the event of a Township protest, a three-fourths majority of the County Board will be required to grant the Map Amendment request instead of a simple majority.
 - b. No comments have yet been received from Hensley Township.
 - c. In the previous zoning case 576-S-07 on this property Hensley Township provided the following comments in a letter received on March 1, 2007, from Brian Schurter, attorney for Hensley Township, stating that the township was opposed to granting the proposed Special Use Permit because of the following:
 - (a) The subject property is currently served by a township road that has certain weight restrictions. The township anticipates the proposed Special Use would lead to a significant increase in oversized traffic. The township already has difficulty maintaining the street due to the existing level of oversized traffic.
 - (b) There is a property in close proximity to the subject property that accommodates heavy machinery, however, that property is located on a County Highway that is equipped to carry such loads.

*Identical to evidence in related Case 771-AM-13.

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 a 5 acre tract and is currently zoned B-3 Highway Business but is proposed to be rezoned to B-4 General Business in related Case 771-AM-13. The subject property was previously used to operate a plant nursery and a self storage warehouse with heat and utilities as authorized in Case 576-S-07.
 - 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 B-3 Highway Business and is an interchange for Interstate 57.
 - (3) Land west of the subject property is zoned B-3 Highway Business and is used for a tire distribution warehouse for Tire Central stores.
 - (4) Land east of the subject property is zoned B-3 Highway Business 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 revised site plan received February 14, 2014, indicates the following existing and proposed improvements:
 - (1) The existing self-storage warehouse and the building used for the previous plant nursery are at the north end of the subject property and as documented in Case 576-S-07 include the following:
 - a. The revised Site Engineering Plans received on March 15, 2007 indicates the following:
 - (a) There are two buildings on the subject property. The 40 feet by 32 feet existing building in the northwest corner of the property is associated with the tree nursery.
 - (b) The proposed self-storage warehouse is located on the east edge of the developed portion of the subject property and is 100 feet by 48 feet.
 - (c) The separation distance between the two buildings is indicated as 64 feet.
 - (d) The area between the buildings has been paved to act as a parking lot and vehicle maneuvering space.

*Identical to evidence in related Case 771-AM-13.

PRELIMINARY DRAFT

- (e) The developed portion of the subject property is bordered by a fence that is six feet tall and made of decorative aluminum on the north edge of the property line, and is four feet tall and made of chain links on the east and west sides of the development.
 - (f) The two eastern pillars are indicated as being in the right-of-way.
 - (g) What is apparently the entrance gate is not noted and is indicated as being located adjacent to the street right-of-way and approximately 20 feet from the street pavement.
 - (h) There is a large mound of dirt and a berm indicated south of the developed portion of the property. The berm is located almost on top of the property line for the subject property.
 - (i) A wind powered electrical generator is proposed on the west side of the property.
- b. As indicated on excerpts of building drawings received January 10, 2007, the proposed self-storage warehouse will contain seven units. One of the self-storage bays will be 15 feet by 48 feet, and the rest will be 14 feet by 48 feet.
- c. The "Hensley Storage Security Notes" received on March 9, 2007 state the following:
- (a) Access to the site will be controlled by an electronic gate keypad with individual codes allowing only renters and owner into site.
 - (b) Color video surveillance cameras will be in place to record all activity between buildings and gate. Recording will be on a DVR and I hope to access the system from the internet.
 - (c) The site will be lit with 5-27 watt fluorescent lights between the 2 buildings.
 - (d) Inside the storage building units will be 2-13 watt compact fluorescent lights on a timer switch, with 1 hour maximum time, and a 1-15 amp outlet.
 - (e) Site is self-powered with solar and wind generators with battery backup.
 - (f) Renters will not have access to power breakers and in-floor heat controls.
 - (g) No water on site.
 - (h) Owner lives within 1 mile of site and will visit it often. No one will be employed at site.
 - (i) Site will be fenced with 5-foot tall chain link along sides and a 6-foot decorative fence on North side with a 6-foot tall gate.
 - (j) Each bay will have an overhead door 12 feet wide by 14 feet tall.
 - (k) There will be gutters and downspouts along the east wall.

*Identical to evidence in related Case 771-AM-13.

- (l) Walls are insulated fiberglass with a vapor barrier type of insulations.
- d. The Gate and Fence detailed site plan received on March 9, 2007 indicates the following additional relevant information:
 - (a) Four stone pillars will support a 6-foot tall fence and gate along the Hensley Road right-of-way.
 - (b) A dual swing gate that is 32 feet wide will limit access to the property.
 - (c) A 5-foot tall chain link fence is proposed to extend an unspecified distance south of Hensley Road on each side.
 - (d) A 4-foot tall berm with evergreen windbreak will be constructed along the west property line.
- e. The South bay floor plan and revised building elevations received on May 15, 2007, indicate the following:
 - (a) The southern most bay in the building will be handicapped accessible from a door in the south wall of the building and will have an electric opener on the overhead door.
 - (b) There will be a handicapped reserved parking sign on the overhead door for that bay for the parking space in front of that bay.
 - (c) The door in the south wall of the building will be ADA compliant. There will be a 5 foot by 7 foot concrete pad in front of the door,
 - (d) The electric opener button and light switch will be located on the wall next to the door.
 - (e) This bay will be 16 feet wide but only 40 feet deep because the east 8 feet will be used as a mechanical room where the controls for the heating and electrical systems for the whole building will be located.
 - (f) The mechanical room will have a separate entrance from the south bay that will be located in the south wall. This door will also be ADA compliant and have a concrete pad identical to the one outside the bay entrance door, but will only be openable by the management.
- (2) The existing detention basin is proposed to be relocated to the south.
- (3) A proposed new building consisting of a 100' by 150' warehouse portion and an approximately (not dimensioned on the plan) 30' by 40' office portion. The new building is surrounded by a proposed new drive. Parking spaces are indicated east and west of the office portion including one accessible parking space.

*Identical to evidence in related Case 771-AM-13.

PRELIMINARY DRAFT

- B. Previous Zoning Use Permits on the subject property are as follows:
- (1) Zoning Use Permit # 112-05-02 approved on 4/22/05 authorized construction of a storage building that was 40 feet by 32 feet in dimension (1,280 square feet in area) to house equipment for a tree farm. A fee was charged but was later refunded because a tree farm is considered to be agriculture.
 - (2) Zoning Use Permit # 272-06-02 approved on 10/17/06 authorized construction of a storage building that was 48 feet by 100 feet in dimension (4,800 square feet in area).

*Identical to evidence in related Case 771-AM-13.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for multiple principal uses on one lot and contractors facilities in the B-4 General Business Zoning DISTRICT in the *Zoning Ordinance*:
- A. Section 4.2.1F.1 requires the following:
- (1) It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT having more than one existing PRINCIPAL STRUCTURE or BUILDING constructed prior to the adoption of this Ordinance in the following zoning DISTRICTS except as provided in Section 4.2.1D unless a SPECIAL USE permit has been obtained from the BOARD:
 - R-4, Multiple Family Residence
 - B-1, Rural Trade Center
 - B-2, Neighborhood Business
 - B-3, Highway Business
 - B-4, General Business
 - B-5, Central Business
 - I-1, Light Industrial
 - I-2, Heavy Industrial
- B. Section 4.2.1F.2. requires the following:
- (1) Such SPECIAL USE permit shall be issued only if the following criteria have been met:
 - (a) The requirements of Section 9.1.11, SPECIAL USES, shall be met.
 - (b) The USES are permitted either by right or as a SPECIAL USE in the DISTRICT in which the LOT or parcel of land is located.
 - (c) The regulations and standards for the DISTRICT in which the LOT is located shall be met.
 - (d) A LOT may be occupied by two or more MAIN or PRINCIPAL STRUCTURES or BUILDINGS as authorized by a SPECIAL USE under this section, when adequate OPEN SPACE is provided between all

STRUCTURES or BUILDINGS in accordance with the following standards:

- i.* For STRUCTURES in the Business or Industrial DISTRICTS the required minimum depth of OPEN SPACE shall be determined by doubling the required SIDE YARD in the DISTRICT in which the LOT or parcel of land is located.
- ii.* The minimum depth of such OPEN SPACE, for the purpose of these standards, shall be measured at the closest point between BUILDINGS including any projecting eave, balcony, canopy, awning, or other similar projection.
- iii.* Single Family, Two Family, Multiple Family or institutional BUILDINGS shall be located on the LOT in conformance to the provisions of Section 4.2.2C.
- iv.* In the case of the B-4 General Business Zoning DISTRICT the required amount of open space is 20 feet.

C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:

- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - (a) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.

PRELIMINARY DRAFT

- (2) Subsection 6.1.3 establishes the following standard conditions for Contractors Facilities with or without Outdoor STORAGE and/or Outdoor OPERATIONS:
 - (a) In all DISTRICTS other than the B-5 DISTRICT, outdoor STORAGE and/or outdoor OPERATIONS are allowed as an ACCESSORY USE subject to subsection 7.6.
 - (b) In the B-5 DISTRICT, Outdoor STORAGE and/or outdoor OPERATIONS are allowed as an ACCESSORY USE provided as follows:
 - i. No outdoor STORAGE and/or outdoor OPERATIONS shall be visible from any second floor DWELLING UNIT.
 - ii. Outdoor STORAGE and/or outdoor OPERATIONS may be located at the property line but shall be screened by a Type D SCREEN consistent with 4.3.3H.1.
- D. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (2) “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.
 - (3) “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.
 - (4) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
 - (5) “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.

- (6) "OPEN SPACE" is the unoccupied space open to the sky on the same LOT with a STRUCTURE.
 - (7) "OPERATIONS" are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
 - (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) "STORAGE" is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
 - (12) "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.
 - (13) "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.
 - (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.
- E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare 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.

PRELIMINARY DRAFT

- (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.
- F. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - (a) that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - (b) that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - (a) Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - (b) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - (c) The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.

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

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“Location close to interstate to better serve clients ie public”**
- B. The following evidence is from the previous zoning case on the subject property, Case 576-S-07 (‡ indicates same lettering as in Case 576-S-07):
- ‡C. The subject property is located adjacent to an interchange with Interstate 57, and approximately 720 feet off of County Highway 20.
- ‡D. The subject property has room to allow these uses to be established with more than the required open space between them.
- ‡E. Part A is a request for a seven unit self-storage warehouse which is such a small number of storage units it is assumed there is a demand.
- *C. Regarding whether the proposed use is better provided in a rural area:
- (1) The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination much be made in each zoning case.
- (2) The B-4 District is intended to accommodate a range of commercial uses and is intended for application only adjacent to the urbanized areas of the County.
- (3) The existing Special Use Permit has existed since 5/17/07.
- (4) The existing Self-Storage Warehouse is a USE that has been deemed appropriate for the rural area provided that a Special Use Permit is authorized.
- (5) The proposed contractor facility could be authorized in the AG-1 District if a Special Use Permit is granted.
- *Identical to evidence in related Case 771-AM-13.
- D. The evidence in related Case 771-AM-13 established that the proposed Special Use *{IS / IS NOT}* a service better provided in a rural area that in an urban area.

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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, **“location is next to a tire wholesaler, no dwelling within ½ mile. Property will be clean, well maintained, and professional. Would like to sell some landscaping materials/ mulch, river rock, etc. from property. Equipment will be stored in proposed building”**
 - B. The petitioner did not discuss retail sales with Department staff. Retail sales of materials are not specifically authorized at contractor facilities and if it occurs it must be insignificant in terms of both traffic and dollar volume.
 - C. There was no Section 22 Natural Resource Report for the subject property during the public hearing for Case 576-S-07 because the property already had business zoning and there is none at this time.
 - D. Regarding surface drainage, the following evidence is from the previous zoning case on the subject property, Case 576-S-07 (‡ indicates same lettering as in Case 576-S-07):
 - ‡(1) There is a berm on the west property line that could be a *de facto* violation of the Illinois drainage law. The berm is close to being on top of the property line and could block drainage for the neighboring property.
 - ‡(2) There is a detention pond on the subject property that the Petitioner intends to use for irrigation.
 - ‡(3) Drainage from the rest of the subject property travels south overland and eventually below I-57.
 - E. Regarding traffic, the following evidence is from the previous zoning case on the subject property, Case 576-S-07 (‡ indicates same lettering as in Case 576-S-07):
 - ‡D. The subject property fronts the south side of CR 2100N. Regarding the general traffic conditions on CR 2100N at this location and the level of existing traffic and the likely increase from the proposed Special Use:
 - ‡(1) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2001 in the vicinity of the subject property. There is no ADT given on 2100N, but County Highway 10 has an ADT of 1000 near the subject property.

- ‡(2) The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* are general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The *Manual* indicates the following pavement widths for the following traffic volumes measured in Average Daily Traffic (ADT):
 - ‡(a) A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
 - ‡(b) A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.
 - ‡(c) A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.
- ‡(3) The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines also recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. Local roads with greater ADT have progressively greater required minimum shoulder widths.
- ‡(4) The pavement surface of CR 2100N in the vicinity of the subject property is oil and chip. The pavement width (measured by staff) is 18 feet which would equate to a maximum recommended traffic volume of no more than 250 ADT.
- ‡(5) The Township Highway Commissioner has been notified of this case, but no comments have been received yet.
- ‡(6) In a letter from Brian T. Schurter, Hensley Township attorney, received on March 1, 2007 it was indicated that the township was opposed to the proposed Special Use because of the following:
 - ‡(a) The subject property is currently served by a township road that has certain weight restrictions.
 - ‡(b) The township anticipates that the proposed Special Use would result in a significant increase in oversized traffic.
 - ‡(c) The township already has difficulties maintaining these roads due to heavily weighted traffic that uses the road.
 - ‡(d) The proposed Special Use would only increase that burden without providing a corresponding benefit.
 - ‡(e) There is a property in close proximity to the subject property that accommodates heavy equipment however that property is located on a section of state highway that is equipped to carry such loads.

PRELIMINARY DRAFT

- ‡(7) At this time staff has not tried to estimate the increase in traffic that would result from the proposed Special Use, but the increase should be small.
 - ‡(8) Dave Atchley, engineer for the Petitioner, testified at the March 1, 2007 ZBA meeting that he would estimate that the traffic impact would be one trip per week per unit.
 - ‡(9) As appears to be indicated on the Site Engineering Plans received on March 15, 2007, the dual swing gate appears to be only 20 feet from the pavement of CR 2100N. This distance is less than that required to allow a vehicle pulling a trailer to pull completely off the pavement of the CR 2100N.
- G. Regarding fire protection on the subject property, the subject property is located within the Thomasboro Fire Protection District. The FPD Chief has been notified of this case but no comments have been received. No comments were received from the Thomasboro FPD in Case 576-S-07.
- H. No part of the subject property is located within the mapped floodplain.
- I. Regarding outdoor lighting on the subject property, the following evidence is from the previous zoning case on the subject property, Case 576-S-07 (‡ indicates same lettering as in Case 576-S-07):
- ‡ (1) The only outdoor lighting shown on the revised Site Engineering Plans received March 15, 2007 is four proposed light poles outside the self-storage warehouse.
 - ‡(2) The Hensley Storage Security Notes received on March 9, 2007 indicate that the outdoor lights will be mounted on the self-storage warehouse.
 - ‡(3) There is no indication of whether the lights are full, partial, or no cutoff.
 - ‡(4) Tom Courson, the Petitioner, testified at the May 17, 2007 ZBA meeting that there would be one light fixture on the south side of the self-storage warehouse.
- J. Regarding wastewater treatment and disposal on the subject property:
- (1) There were no employees proposed to be onsite in Case 576-S-07 and there was no onsite wastewater treatment and disposal system proposed.
 - (2) A report titled *On-Site Evaluation for Septic Filter Field* by Roger D. Windholm was received on February 11, 2014, and can be summarized as follows:
Evidence to be added
- K. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:

- (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
- (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
- (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
- (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
- (e) Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
- (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
- (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.

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- (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
- (a) The 2006 or later editions of the following codes developed by the International Code Council:
 - i.* International Building Code;
 - ii.* International Existing Building Code; and
 - iii.* International Property Maintenance Code
 - (b) The 2008 or later edition of the National Electrical Code NFPA 70.
 - (c) A special condition has been proposed to ensure compliance.

L. Generally regarding security measures at the proposed self-storage warehouses:
Evidence to be added

- *M. Generally regarding interference with agricultural operations:
- (1) The existing Special Use Permit has existed since 5/17/07.
 - (2) The existing Self-Storage Warehouse is a USE that has been deemed appropriate for the rural area provided that a Special Use Permit is authorized.
 - (3) The proposed contractor facility could be authorized in the AG-1 District if a Special Use Permit is granted.
 - (4) The traffic produced by the proposed use will be an increase in traffic but there is no Traffic Impact Assessment.

*Identical to evidence in related Case 758-AM-13

- N. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because the evidence in related Case 771-AM-13 established that the proposed Special Use *{WILL / WILL NOT}* interfere with agricultural operations and the subject site *{IS / IS NOT}* suitable for the proposed Special Use.
- O. 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, see Case 771-AM-13”
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.
 - (2) Self-storage Warehouses, providing heat and utilities to individual units are authorized as a Special Use in the B-1, B-3, and B-5 Zoning DISTRICTS and by right in the B-4 DISTRICT.
 - (3) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-1, I-1, and I-2 Zoning DISTRICTS and by right in the B-4 DISTRICT provided that all Outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN.
 - (4) Regarding compliance with Subsection 4.2.1F.2.:
 - (a) The minimum required depth of the OPEN SPACE between the various uses on the subject property is 20 feet, and while the open space is not dimensioned on the site plan it appears to be about 85 feet.
 - (5) All existing and proposed structures meet setback and front, side and rear yard requirements.
 - (6) Regarding parking on the subject property:

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- (a) Paragraph 7.4.1 C.1.e. requires ESTABLISHMENTS other than specified above: one such PARKING SPACE for every 200 square feet of floor area or portion thereof.
- (b) 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.

Evidence yet to be added regarding minimum required parking.

- (7) Regarding loading berths on the subject property, paragraph 7.4.2 C.5. requires two loading berths of minimum 10' × 40' dimensions for commercial and industrial establishments of 10,000 to 24,999 square feet of floor area. There is adequate area to accommodate these loading berths as the site is developed.
- (8) Regarding screening of outdoor storage for Contractors Facilities:
 - a. OUTDOOR STORAGE as an ACCESSORY USE is allowed by right when all OUTDOOR STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN meeting the provisions of Section 7.6.3.
 - b. A Type D SCREEN is a landscaped berm, or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of eight feet as measured from the highest adjacent grade.
 - c. A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for OUTDOOR STORAGE and/or OUTDOOR OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
 - i. Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or
 - ii. Any designated urban arterial street or MAJOR STREET.
 - d. The Revised Site Plan received February 14, 2014, does not indicate any outdoor STORAGE although the stockpile of earth on the property is considered outdoor STORAGE.

- C. Regarding compliance with the *Stormwater Management Policy*:
- (1) The petitioner must comply with the *Stormwater Management Policy* because the amount of impervious area exceeds the minimum threshold.
 - (2) Before a Zoning Use Permit Application can be approved the petitioner must submit a stormwater management plan that is in compliance with the *Stormwater Management Policy*. A special condition has been proposed to ensure compliance.
- 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 the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the B-4 General Business Zoning DISTRICT:
- (1) More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.
 - (2) Self-storage Warehouses, providing heat and utilities to individual units are authorized as a Special Use in the B-1, B-3, and B-5 Zoning DISTRICTS.
 - (3) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-4, Zoning DISTRICT provided that all Outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN.
 - (4) The proposed use will not hinder agricultural production on adjacent properties.
 - (5) The visual character of the subject property will change due to the size of the proposed contract facility building but it will be in harmony with other existing non-agricultural uses in the immediate vicinity.
 - (6) The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.
 - (7) There will be no significant drainage impacts because the proposed Special Use will comply with the *Stormwater Management Policy*.
 - (8) There will be no significant impact on public health and safety because the proposed buildings will comply with the International Building Code as required by Public Act 96-704.

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- G. Currently, the subject property is zoned B-3 Highway Business and the Petitioners have requested to rezone the property to B-4 General Business Zoning District in related Case 771-AM-13. Regarding whether or not the proposed Special Use will preserve the essential Character of the surrounding B-3 District:
- (1) As reviewed in Case 771-AM-13 the types of uses authorized by right in the B-3 DISTRICT are different from the by-right uses in the B-4 DISTRICT. Any proposed Special Use on the subject property should be evaluated for compatibility with the adjacent B-3 uses.
 - (2) Compatibility of the proposed Special Use with surrounding agriculture is evaluated in related Case 771-AM-13 under review of Land Resource Management Plan Objective 4.2 regarding interference with agricultural operations and the Zoning Board of Appeals found the proposed Special Use *{WILL / WILL NOT}* interfere with agricultural operations.
 - (3) The proposed Special Use will have no significant impact on traffic, drainage, public health or safety, or visual character of the surrounding B-3 District.
 - (4) The subject property is located on East Hensley Road (CR2100N) and immediately adjacent to I-57. Land use and zoning in the immediate neighborhood area of the subject property are as follows:
 - a. Land on the north is zoned AG-1 Agriculture, and is in agricultural production.
 - b. Land on the south is zoned B-3 Highway Business and is an interchange for Interstate 57.
 - c. Land west of the subject property is zoned B-3 Highway Business and is used for a tire distribution warehouse for Tire Central stores.
 - d. Land east of the subject property is zoned B-3 Highway Business and is in agricultural production.
- H. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

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. More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.
- (2) Self-storage Warehouses, providing heat and utilities to individual units are authorized as a Special Use in the B-1, B-3, and B-5 Zoning DISTRICTS and by right in the B-4 DISTRICT.
 - (3) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-1, I-1, and I-2 Zoning DISTRICTS and by right in the B-4 DISTRICT provided that all Outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN.
- D. 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 B-1 District and states as follows (capitalized words are defined in the Ordinance):

The B-4, General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.
 - (2) The types of uses authorized in the B-4 District are in fact the types of uses that have been determined to be acceptable in the B-4 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- E. 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) The requested Special Use Permit should not decrease the value of nearby properties.

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- (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) The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.
- (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) The proposed construction on the subject property will trigger the need for stormwater management. The petitioner will need to submit a complete stormwater management plan that is in compliance with the *Stormwater Management Policy* before a Zoning Use Permit can be issued from the proposed construction.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
 - (a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - (b) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.
 - (a) 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.

- (a) 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 any problematic conditions.
- (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 Special Use will not be remodeling or altering existing structures.

- (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.
 - (a) The property has had business zoning for a long time.
 - (b) The proposed use will take any land out of production.
- (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.
 - (a) The property has had business zoning for a long time.
 - (b) The proposed use will take any land out of production.

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- (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 will not hinder the development of renewable energy sources.

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: N/A
 - B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
- 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 I 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 following special conditions were imposed in Case 576-S-07:
 - (1) Access to the subject property should be controlled but may be problematic for large vehicles or vehicles pulling trailers if it is restricted by a driveway gate. The following conditions make it clear that access should be restricted but should not create a traffic hazard on CR 2100N:
 - a. **Access to the subject property should be restricted for security but no vehicles or trailers should sit or stand on CR 2100N while the gate is being unlocked and opened.**
 - b. **Access may be restricted by keypad access operable by customers only if the gate is relocated to provide a minimum 35 foot queuing space between the gate and CR 2100N or access may be restricted by a remote operable gate for which each customer would be given a remote control .**

The above conditions are required to ensure the following:

Access by customers should not create a traffic safety problem on CR2100N while waiting for the gate to be opened.

- (2) Heat and utilities provided to the individual self-storage units should be limited so that improper use cannot be made of those services. The following conditions will ensure that heat and utilities are provided as necessary but not to the extent that the services can be used for improper or illegal activities:
- a. **Heating in the individual storage units shall not be controllable by the individual storage unit renters and shall be controlled by the management as described in the Hensley Storage Security Notes submitted by the petitioner.**
 - b. **No plumbing shall be provided within the individual self-storage units nor within the immediate vicinity of the self-storage units as described in the Hensley Storage Security Notes submitted by the petitioner.**
 - c. **Electrical power within the individual self-storage units shall be limited to one 15 amp outlet as described in the Hensley Storage Security Notes submitted by the petitioner.**

The above conditions are required to ensure the following:

Heat and utilities are provided as necessary but not to the extent that the services can be used for improper or illegal activities.

- (3) Security is a particular concern at a rural self-storage warehouse with heat and utilities provided to individual units. The following condition should provide adequate security:

Activities outside the self-storage units shall be recorded by video surveillance as described in the Hensley Storage Security Notes submitted by the petitioner.

This condition is required to ensure the following:

Outside activities are monitored to help ensure public safety.

- C. **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.**

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The special conditions stated above are required to ensure the following:

New buildings shall be in conformance with Public Act 96-704.

- D. **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 .

- E. **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.

- F. **The only two principal uses authorized by Case 772-S-13 are a Contractors Facility with outdoor storage and/or outdoor operations and self-storage warehouses providing heat and utilities to individual units.**

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

That the petitioner and future landowners understand the requirements of the Zoning Ordinance.

DOCUMENTS OF RECORD

1. Application for Map Amendment received December 31, 2013, with attachments:
 - A Aerial photograph of subject property received 12/31/13
 - B Warranty Deed
 - C Site Plan
2. Special Use Permit application received December 31, 2013, with attachments:
 - A Aerial photograph of subject property received 12/31/13
 - B Warranty Deed
 - C Site Plan
3. Zoning Case 576-S-07 case file
4. On-Site Evaluation for Septic Filter Field by Roger D. Windholm received February 11, 2014
5. Isometric drawing of proposed building received February 11, 2014
6. Revised Site Plan received February 14, 2014
7. Preliminary Memorandum for Cases 771-AM-13 and 772-S-13 dated April 11, 2014, with attachments:
 - A Case Maps from Case 576-S-07 (Location, Land Use, Zoning)
 - B Pages from Atlantic Services Inc. website (www.atlanticsvcs.com)
 - C Approved Site Plan from Case 576-S-07 (seven sheets total) consisting of the following:
 1. Grading and Utility Sheet received 3/15/07
 2. Specifications and Details received 3/15/07
 3. Hensley Storage Security Notes received 3/09/07
 4. Elevation of typical overhead door received 3/09/07
 5. South bay floor plan received 5/15/07
 6. Revised building elevations received 5/15/07
 7. Gate & Fence detail site plan received 3/09/07
 - D Excerpt of Draft minutes of 5/17/07 ZBA Public Hearing for Case 576-S-07 with As-Approved Finding of Fact, Special Conditions, and Final Determination
 - E Aerial photograph of subject property received 12/31/13
 - F Revised Proposed Site Plan received February 14, 2014 (Reduced to 8½x 11; Board members also received 11 x 17 copy)
 - G Isometric drawing of proposed building received February 11, 2014
 - H On-Site Evaluation for Septic Filter Field by Roger D. Windholm received February 11, 2014
 - I LRMP Land Use Goals, Objectives, and Policies & Appendix (included separately)
 - J LRMP Land Use Management Areas Map (included separately)

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 772-S-13 held on **April 17, 2014**, 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*}*:

(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 and the requested Special Use Permit ***{WILL/ WILL NOT}*** make the existing use more compatible with its surroundings ***{because: *}***
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}***

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

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 772-S-13 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED }* to the applicants **Randy and Sue Hopkins d.b.a. Atlantic Services, Inc.**, to authorize **the following as a Special Use in the B-4 District:**

Part A. Authorize multiple principal buildings on the same lot consisting of the following:

- (1) Self-Storage Warehouses providing heat and utilities to individual units, as a special use that was previously authorized in Case 101-S-97; and
- (2) a Landscaping and Maintenance Contractor's Facility with outdoor storage as proposed in Part B.

Part B. Authorize the construction and use of a Landscaping and Maintenance Contractor Facility with outdoor storage.

{ 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



GOALS, OBJECTIVES AND POLICIES

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

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

Background

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

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

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

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

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

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

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

LRMP Goals

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

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

Goal 1 Planning and Public Involvement

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

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

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

Objective 1.2 Updating Officials

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

Objective 1.3 Incremental Updates

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

Objective 1.4 Comprehensive Updates

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

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

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

Objective 1.2 Updating Officials

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

Policy 1.2.1

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

Objective 1.3 Incremental Updates

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

Policy 1.3.1

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

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

Objective 1.4 Comprehensive Updates

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

Policy 1.4.1

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

Policy 1.4.2

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

Goal 2 Governmental Coordination

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

Goal 2 Objectives

Objective 2.1 Local and Regional Coordination

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

Objective 2.2 Information Sharing

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

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

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

Policy 2.1.1

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

Policy 2.1.2

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

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

Policy 2.1.3

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

Objective 2.2 Information Sharing

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

Goal 3 Prosperity

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

Goal 3 Objectives

Objective 3.1 Business Climate

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

Objective 3.2 Efficient County Administration

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

Objective 3.3 County Economic Development Policy

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

Goal 4 Agriculture

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

Goal 4 Objectives

Objective 4.1 Agricultural Land Fragmentation and Conservation

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

Objective 4.2 Development Conflicts with Agricultural Operations

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

continued

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

Objective 4.3 Site Suitability for Discretionary Review Development

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

Objective 4.4 Regulations for Rural Residential Discretionary Review

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

Objective 4.5 LESA Site Assessment Review and Updates

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

Objective 4.6 Protecting Productive Farmland

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

Objective 4.7 Right to Farm Resolution

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

Objective 4.8 Locally Grown Foods

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

Objective 4.9 Landscape Character

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

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation

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

Policy 4.1.1

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

Policy 4.1.2

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

Policy 4.1.3

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

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

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

Policy 4.1.5

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

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

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

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

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

then,

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

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

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

Policy 4.1.7

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

Policy 4.1.8

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

Policy 4.1.9

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

Objective 4.2 Development Conflicts with Agricultural Operations

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

Policy 4.2.1

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

Policy 4.2.2

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

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

Policy 4.2.3

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

Policy 4.2.4

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

Objective 4.3 Site Suitability for Discretionary Review Development

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

Policy 4.3.1

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

Policy 4.3.2

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

Policy 4.3.3

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

Policy 4.3.4

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

Policy 4.3.5

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

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

Objective 4.4 Regulations for Rural Residential *Discretionary Review*

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

Objective 4.5 LESA Site Assessment Review and Updates

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

Objective 4.6 Protecting Productive Farmland

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

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

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

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

Objective 4.7 Right to Farm Resolution

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

Objective 4.8 Locally Grown Foods

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

Objective 4.9 Landscape Character

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

Policy 4.9.1

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

Goal 5 Urban Land Use

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

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

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

Objective 5.2 Natural Resources Stewardship

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

Objective 5.3 Adequate Public Infrastructure and Services

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

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

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

Policy 5.1.1

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

Policy 5.1.2

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

Policy 5.1.3

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

Policy 5.1.4

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

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

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

Policy 5.1.5

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

Policy 5.1.6

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

Policy 5.1.7

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

Policy 5.1.8

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

Policy 5.1.9

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

Objective 5.2 Natural Resources Stewardship

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

Policy 5.2.1

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

Policy 5.2.2

The County will:

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

Policy 5.2.3

The County will:

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

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

Objective 5.3 Adequate Public Infrastructure and Services

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

Policy 5.3.1

The County will:

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

Policy 5.3.2

The County will:

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

Policy 5.3.3

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

Goal 6 Public Health and Public Safety

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

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

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

Objective 6.2 Public Assembly Land Uses

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

Objective 6.3 Development Standards

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

Objective 6.4 Countywide Waste Management Plan

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

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

Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

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

Policy 6.1.1

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

Policy 6.1.2

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

Policy 6.1.3

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

Policy 6.1.4

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

Objective 6.2 Public Assembly Land Uses

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

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

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

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

Objective 6.3 Development Standards

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

Objective 6.4 Countywide Waste Management Plan

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

Goal 7 Transportation

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

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

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

Objective 7.2 Countywide Transportation System

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

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

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

Policy 7.1.1

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

Objective 7.2 Countywide Transportation System

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

Policy 7.2.1

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

Policy 7.2.2

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

Policy 7.2.3

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

Policy 7.2.4

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

Policy 7.2.5

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

Policy 7.2.6

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

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

Goal 8 Natural Resources

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

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

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

Objective 8.2 Soil

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

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

Objective 8.4 Surface Water Protection

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

Objective 8.5 Aquatic and Riparian Ecosystems

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

Objective 8.6 Natural Areas and Habitat

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

Objective 8.7 Parks and Preserves

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

Objective 8.8 Air Pollutants

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

Objective 8.9 Natural Resources Assessment System

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

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

Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

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

Policy 8.1.1

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

Policy 8.1.2

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

Policy 8.1.3

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

Policy 8.1.4

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

Policy 8.1.5

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

Policy 8.1.6

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

Policy 8.1.7

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

Policy 8.1.8

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

Policy 8.1.9

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

Objective 8.2 Soil

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

Policy 8.2.1

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

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

Policy 8.3.1

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

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

Objective 8.4 Surface Water Protection

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

Policy 8.4.1

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

Policy 8.4.2

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

Policy 8.4.3

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

Policy 8.4.4

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

Policy 8.4.5

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

Policy 8.4.6

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

Objective 8.5 Aquatic and Riparian Ecosystems

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

Policy 8.5.1

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

Policy 8.5.2

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

Policy 8.5.3

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

Policy 8.5.4

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

Policy 8.5.5

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

Objective 8.6 Natural Areas and Habitat

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

Policy 8.6.1

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

Policy 8.6.2

- a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.
- b. With regard to *by-right development on good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

Policy 8.6.3

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

Policy 8.6.4

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

Policy 8.6.5

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

Policy 8.6.6

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

Objective 8.7 Parks and Preserves

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

Policy 8.7.1

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

Policy 8.7.2

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

Policy 8.7.3

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

Policy 8.7.4

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

Policy 8.7.5

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

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

Objective 8.8 Air Pollutants

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

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

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

Objective 8.9 Natural Resources Assessment System

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

Goal 9 Energy Conservation

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

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases

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

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

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

Objective 9.4 Reuse and Recycling

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

Objective 9.5 Renewable Energy Sources

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

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

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

Policy 9.1.1

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

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

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

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

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

Policy 9.2.1

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

Policy 9.2.2

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

Objective 9.3 Land Use and Transportation Policies

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

Objective 9.4 Reuse and Recycling

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

Objective 9.5 Renewable Energy Sources

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

Goal 10 Cultural Amenities

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

Goal 10 Objective

Objective 10.1 Cultural Amenities

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

Goal 10 Objectives and Policy

Objective 10.1 Cultural Amenities

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

Policy 10.1.1

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

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

APPENDIX

DEFINED TERMS

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

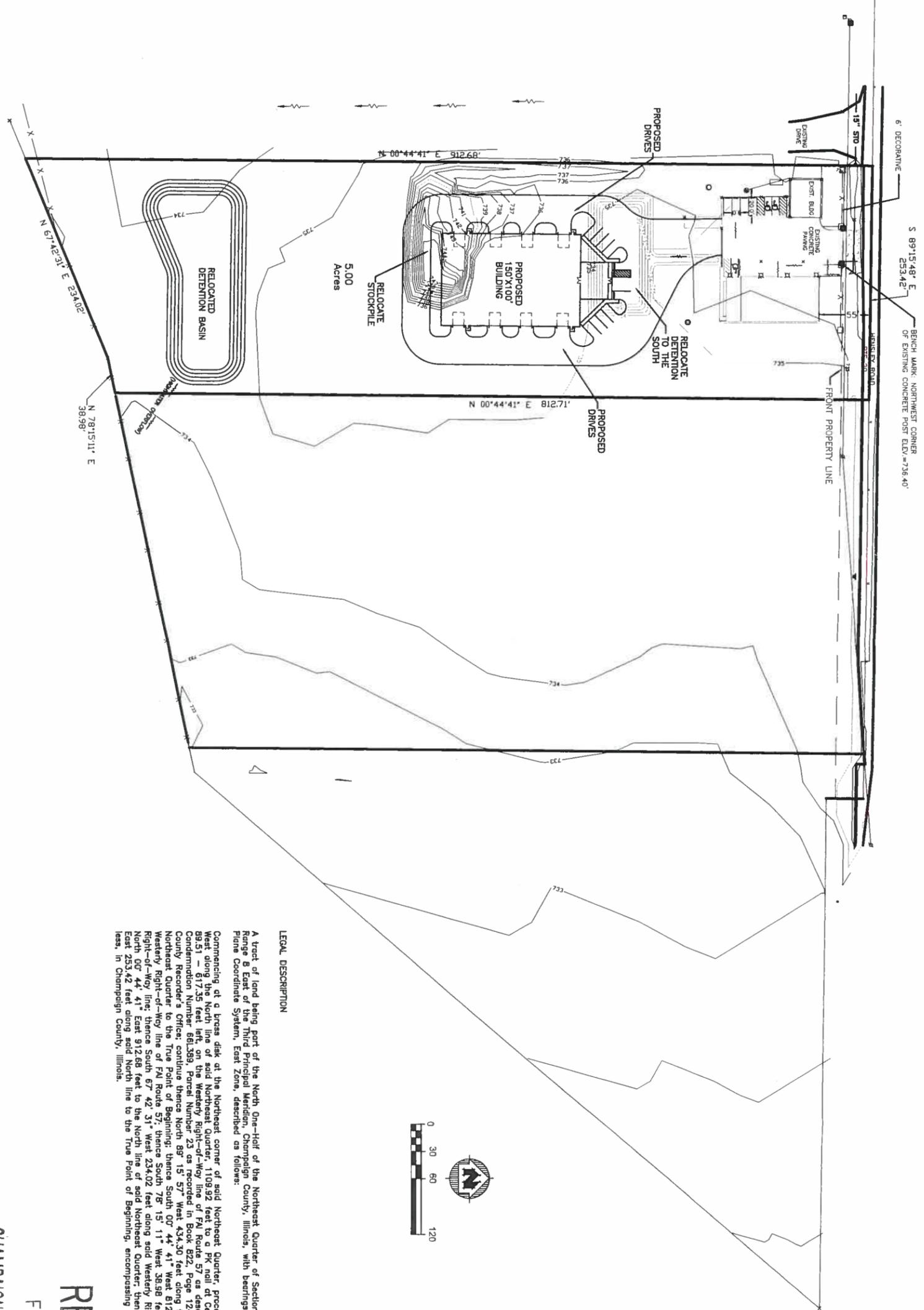
Generally, land use that is connected and served by a public sanitary sewer system.

PROJECT NO. : 15993000	SCALE : AS SHOWN	NO.	DATE
PROJECT DATE : 02/14/2014	DRAWN BY : MEI/MAJ		
	CHECKED BY : MEI		
PLOT DATE :			

MSA
 PROFESSIONAL SERVICES
 TRANSPORTATION • MUNICIPAL
 DEVELOPMENT • ENVIRONMENTAL
 201 W. Springfield Ave., Champaign, IL 61820
 215 W. Adams St., Champaign, IL 61820
 815.244.8888

Zoning Exhibit

Atlantic Services
 Champaign County

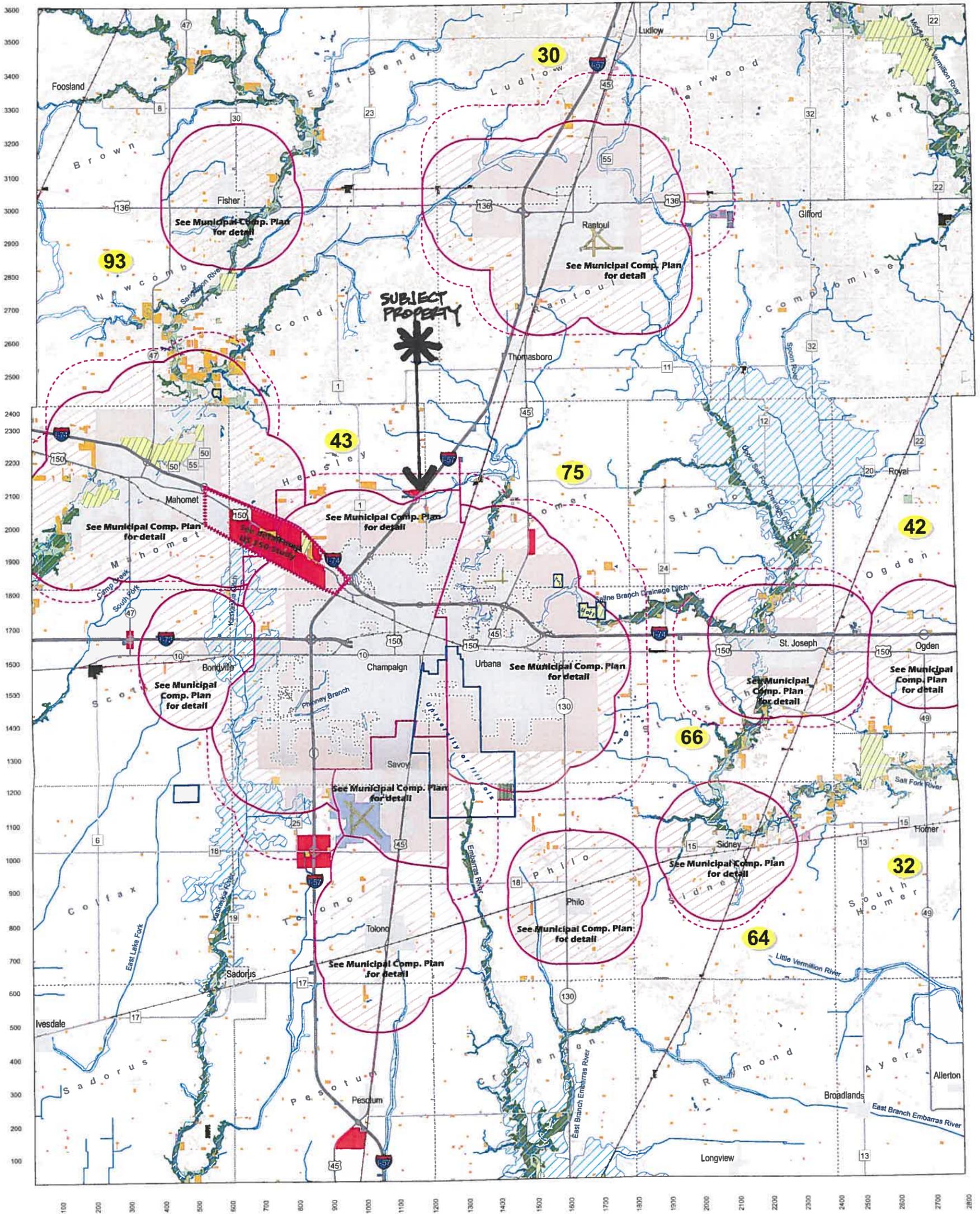


LEGAL DESCRIPTION

A tract of land being part of the North One-Half of the Northeast Quarter of Section 24, Township 20 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois, with bearings on the Illinois State Plane Coordinate System, East Zone, described as follows:

Commencing at a brass disk at the Northeast corner of said Northeast Quarter, proceed North 89° 15' 57" West along the North line of said Northeast Quarter, 1109.92 feet to a Pk. nail at Center Line Station 779 + 89.51 - 617.35 feet left, on the Westerly Right-of-Way line of FAI Route 57 as described in LIS Pendants Condemnation Number 681389, Parcel Number 23 as recorded in Book 8222, Page 124 in the Champaign County Recorder's Office; continue thence North 89° 15' 57" West 434.30 feet along the North line of said Northeast Quarter to the True Point of Beginning; thence South 00° 44' 41" West 812.71 feet to said Westerly Right-of-Way line of FAI Route 57; thence South 78° 15' 11" West 36.98 feet along said Westerly Right-of-Way line; thence South 67° 42' 31" West 234.02 feet along said Westerly Right-of-Way line; thence East 253.42 feet along said North line to the True Point of Beginning, encompassing 5.00 acres, more or less, in Champaign County, Illinois.

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Future Land Use - 2030

Champaign County

The Future Land Use map is the visual guide to future planning. This combines elements of the LRMP showing a desired future. The map is not a prediction.



Generalized Future Land Use

- Primarily Farmland - Best Prime
- Primarily Farmland - Non Best Prime
- Primarily Farmland (Woodland)
- Primarily Farmland (Riparian)
- Primarily Farmland (Municipal ETJ w/o sewer)
- Commercial / Industrial
- Rural Residential (infill)
- 43 Rural Residential (projected)
- Primarily Conservation
- Incorporated Area (Future)

Existing Land Use and Characteristics

- Rural Settlement
- Existing Parks and Preserves (2009)
- Incorporated Area (2009)
- 100-Year Flood Plain
- Airport
- Existing Residential (2009)
- Stream
- Lake
- Commercial / Industrial

Boundaries

- US 150 Study Area
- Township Boundary
- County
- Extraterritorial Jurisdiction (existing)
- Municipal Boundary Agreement (existing)
- Extraterritorial Jurisdiction (future2)
- University of Illinois Property (2009)

Roads

- Interstate
- Federal Hwy
- State Hwy
- County Hwy
- Railroad
- Street
- Airport



Map Produced April 2010