

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: May 29, 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 (April 17, 2014)
5. Continued Public Hearings

*Note: The full ZBA packet is now available  
on-line at: [www.co.champaign.il.us](http://www.co.champaign.il.us).*

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

- Case 769-AT-13**      Petitioner: **Zoning Administrator**  
Request: **Amend the Champaign County Zoning Ordinance by amending the Champaign County Stormwater Management Policy by changing the name to Storm Water Management and Erosion Control Ordinance and amending the reference in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control Ordinance as described in the legal advertisement which can be summarized as follows:**
- I. Revise existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to have authority to prevent pollution of any stream or body of water. (Part A of the legal advertisement)
  - II. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be new Section 2 and add purpose statements related to preventing soil erosion and preventing water pollution and fulfilling the applicable requirements of the National Pollutant Discharge System (NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement)
  - III. Add new Section 3 titled Definitions to include definitions related to fulfilling the applicable requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of the legal advertisement)

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Case 769-AT-13 cont:

- IV. **Revise existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11, 12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance activities including a requirement for a Land Disturbance Erosion Control Permit including Minor and Major classes of Permits that are required within the Champaign County MS4 Jurisdictional Area; add a requirement that land disturbance of one acre or more in a common plan of development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit requirements; add fees and time limits for each class of Permit; add requirements for administration and enforcement Permits; and add new Appendices with new standards and requirements for both Minor and Major Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement)**
- V. **Revise existing Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation onto adjacent properties and add minimum erosion and water quality requirements that are required for all construction or land disturbance.**
- VI. **Revise existing Section 5 to be new Section 8 and add a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement)**
- VII. **Revise and reformat existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18. (Parts G, I, J, P, Q, R, S and W of the legal advertisement)**

6. New Public Hearings

Case 773-AT-14 Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Storm Water Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by adding the following:**

- A. **Add a requirement for a Grading and Demolition Permit for any grading or demolition that disturbs one acre or more of land or for any grading or demolition that is part of a larger common plan of development in which one acre or more of land disturbance will occur, and that is not related to any proposed construction.**
- B. **Add fees for Grading and Demolition Permits.**
- C. **Add required information to be provided in the application for a Grading and Demolition Permit.**
- D. **Add a requirement that any grading or demolition pursuant to a Grading or Demolition Permit shall comply with the Illinois Environmental Protection Agency's ILR 10 General Storm Water Permit for Construction.**
- E. **Add a requirement that any demolition pursuant to a Demolition Permit shall comply with the Illinois Environmental Protection Agency's regulations enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos.**
- F. **Add prohibitions against changing the flow of water and blocking the flow of water.**
- G. **Add other requirements related to Grading and Demolition Permits**

\* Case 776-S-14 Petitioner: **Windsor Road Christian Church and Administrative Minister Mike Simmons**

Request: **Authorize the expansion and use of an existing, nonconforming church in the AG-2 Agriculture Zoning District.**

Location: **A 10 acre tract in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 27 of Champaign Township and commonly known as the Windsor Road Christian Church located at 2501 West Windsor Road, Champaign.**

7. Staff Report

8. Other Business

A. Review of Docket

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

10. Adjournment

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

2 **MINUTES OF REGULAR MEETING**

3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

4 1776 E. Washington Street

5 Urbana, IL 61801

7 **DATE:** April 17, 2014

**PLACE:** Lyle Shield's Meeting Room  
1776 East Washington Street

10 **TIME:** 7:00 p.m.

Urbana, IL 61802

11 **MEMBERS PRESENT:** Catherine Capel, Debra Griest, Marilyn Lee, Jim Randol, Eric Thorsland

13 **MEMBERS ABSENT :** Brad Passalacqua, Roger Miller

15 **STAFF PRESENT :** Connie Berry, John Hall

17 **OTHERS PRESENT :** Randy Hopkins, Sue Hopkins

20 **1. Call to Order**

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

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

26 The roll was called and a quorum declared present with two members absent.

28 Mr. Thorsland read an e-mail that Mr. Passalacqua sent staff indicating that he would be absent from the  
29 meeting tonight.

31 **3. Correspondence**

33 None

**DRAFT**

35 **4. Approval of Minutes (March 13, 2014)**

37 Mr. Thorsland entertained a motion to approve the March 13, 2014, minutes as submitted.

39 **Ms. Griest moved, seconded by Mr. Randol to approved the March 13, 2014, minutes as submitted.**

41 Ms. Lee noted that she had previously sent staff a minor correction on page 14, Line 32. She said that she  
42 asked Mr. Reifsteck if he paid for the eight inch tile and Mr. Reifsteck indicated that the tile was only a six  
43 inch tile.

45 Ms. Lee said that the site plan for the subject property indicated an eight inch tile therefore this is a  
46 significant correction because there is a big difference between a six inch tile and an eight inch tile.

48 Mr. Thorsland read the corrected version as follows: Ms. Lee asked Mr. Reifsteck if he paid for the eight

1 inch tile that was installed. Mr. Reifsteck stated that the tile is only a six inch tile and yes he paid for the tile.

2  
3 Ms. Lee agreed with the corrected version.

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5 **The motion carried by voice vote.**

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7 **5. Continued Public Hearing**

8  
9 None

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11 **6. New Public Hearings**

12  
13 **Case 771-AM-13 Petitioner: Randy and Sue Hopkins, d.b.a. Atlantic Services, Inc. Request to amend**  
14 **the Zoning Map to change the zoning district designation from the B-3 Highway Business Zoning**  
15 **District to the B-4 General Business Zoning District in order to authorize the proposed Special Use in**  
16 **Related zoning Case 772-S-13. Location: A five acre tract of land in the North Half of the Northwest**  
17 **Quarter of the Northeast Quarter of Section 24 of Hensley Township and commonly known as the**  
18 **plant nursery and self-storage warehouse located at 31 East Hensley Road, Champaign.**

19  
20 **Case 772-S-13 Petitioner: Randy and Sue Hopkins, d.b.a. Atlantic Services, Inc. Request the following**  
21 **as a Special Use in the B-4 General Business Zoning District: Part A. Authorize multiple principal**  
22 **buildings on the same lot consisting of the following: (1) Self-Storage Warehouses providing heat and**  
23 **utilities to individual units, as a special use that was previously authorized in Case 101-S-97; and (2) a**  
24 **Landscaping and Maintenance Contractor’s Facility with outdoor storage as proposed in Part B.**  
25 **Part B. Authorize the construction and use of a Landscaping and Maintenance Contractor Facility.**  
26 **Location: A five acre tract of land in the North Half of the Northwest Quarter of the Northeast**  
27 **Quarter of Section 24 of Hensley Township and commonly known as the plant nursery and self-**  
28 **storage warehouse located at 31 East Hensley Road, Champaign.**

29  
30 Mr. Thorsland informed the audience that Case 772-S-13 is an Administrative Case and as such the County  
31 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a  
32 show of hands for those who would like to cross examine and each person will be called upon. He requested  
33 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said  
34 that those who desire to cross examine are not required to sign the witness register but are requested to  
35 clearly state their name before asking any questions. He noted that no new testimony is to be given during  
36 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are  
37 exempt from cross examination.

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

1  
2 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.  
3  
4 Mr. Randy Hopkins, who resides at 101 West South Street, Mansfield, stated that he and his wife own  
5 Atlantic Services, Inc. He said that he and his wife purchased a five acre parcel in 2013 from Tom Courson  
6 which included storage buildings. Mr. Hopkins stated that they would like to construct a 100' x 150' metal  
7 building with a small 30' x 40' office building attached to it. He said that they would like to sell landscape  
8 supplies which will include mulch, rock, pavers, etc.  
9  
10 Mr. Thorsland asked the Board if there were any questions for Mr. Hopkins.  
11  
12 Ms. Lee stated that material that was included in the mailing indicated that drainage flowed to the South and  
13 traveled under I-57. She asked Mr. Hopkins if he has addressed any of the issues regarding the drainage  
14 flowing onto farmland that is South of I-57.  
15  
16 Mr. Hopkins stated no. He said that currently the plan is in the preliminary stages. He said that MSA  
17 Professional Services printed the plan indicating a retention pond in case one was required.  
18  
19 Ms. Lee stated that the LRMP states that uses should not negatively impact the operation of agricultural  
20 drainage systems. She said that there is agricultural land to the south therefore this is an issue which must be  
21 addressed.  
22  
23 Mr. Thorsland asked the Board if there were additional questions for Mr. Hopkins.  
24  
25 Ms. Griest stated that Mr. Hopkins indicated in his testimony that he would like to sell a few items on site.  
26 She asked Mr. Hopkins if the site will be a retail sale facility.  
27  
28 Mr. Hopkins stated that he can perceive customers coming in with a truck to purchase river rock or mulch  
29 although he does not believe that there would be a high volume of sales because most of their landscaping  
30 work is done on site.  
31  
32 Mr. Thorsland asked Mr. Hopkins if the pile of dirt will remain on the property.  
33  
34 Mr. Hopkins stated that the dirt was present when they purchased the property. He said that Mr. Courson,  
35 the previous owner, had a screen which sifted out the rocks and other debris therefore making the dirt nice  
36 and fluffy and then sold for top soil. He said that he does plan to relocate the pile of dirt.  
37  
38 Mr. Thorsland stated that the site plan should indicate the new location for the pile of dirt. He asked Mr.  
39 Hopkins if the new location for the dirt pile is intended to be between the detention basin and the building.  
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41 Mr. Hopkins stated yes.

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Mr. Thorsland stated that the new location could affect drainage on the property. He said that it may also be helpful if Mr. Hopkins would estimate the percentage of the overall operation that will be retail sales.

Mr. Hopkins stated that the percentage will be very minimal and he only anticipates 5 to 10 customers per week. He said that during the winter months he does not anticipate any customers.

Mr. Thorsland asked Mr. Hopkins if the office will be located inside the building or will it be an addition to the building.

Mr. Hopkins stated that the office will be an addition to the building and centered on the north side.

Mr. Thorsland stated that there was discussion during the previous case for the subject property regarding the 5 ton load limit on the road. He asked Mr. Hopkins if he had spoken with the Hensley Township Highway Commissioner regarding the proposed use.

Mr. Hopkins stated that he has not spoken with the Hensley Township Highway Commissioner.

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

Mr. Randol asked Mr. Hopkins if he will be conducting a business which is similar to the landscape business located at the interchange of US 150 and Prairieview Road. He said that most of the supplies on the subject property are used for the landscape business but people can come in and buy mulch, etc.

Mr. Hopkins stated that his business will be similar. He said that he expects to have a few different styles of mulch and river rock. He said that he would like to keep all of his equipment inside the building.

Mr. Randol stated that he assumes that the existing detention basin will be filled with the dirt from the new detention basin.

Mr. Hopkins stated that he does intend to swap out the dirt.

Ms. Lee asked Mr. Hopkins to indicate the depth of the new detention basin.

Mr. Hopkins stated that he does not know the depth of the new detention basin and he assumes that MSA Engineering will determine the appropriate depth.

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

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

1 Mr. John Hall, Zoning Administrator, asked Mr. Hopkins if he has spoken with Hensley Township.  
2

3 Mr. Hopkins stated that he has not spoken with Hensley Township. He said that two weeks ago he sent a  
4 letter to Hensley Township but has not received any response to date.  
5

6 Mr. Hall stated that the Draft Finding of Fact for Case 772-S-13 includes comments that were received from  
7 Hensley Township during previous Case 576-S-07. He said that the concerns voiced by Hensley Township  
8 were mainly related to heavy traffic on the road. He said that Case 772-S-13 is for Mr. Hopkins'  
9 contractor's facility, and depending upon the weight of the delivery vehicles for the supplies, he does not  
10 anticipate a lot of heavy traffic in and out of the property. He said that Mr. Hopkins is requesting that the  
11 property be rezoned to B-4 and one of the uses that could happen by-right is a truck terminal therefore it may  
12 be that Hensley Township no longer has the same concerns and there has been a change in leadership for the  
13 township. He said that he is eager to see what comments Hensley Township may have regarding the  
14 proposed rezoning and special use. He noted that he also did not receive any phone calls or comments from  
15 the township after the notices were mailed.  
16

17 Mr. Hall asked Mr. Hopkins if he intends to keep the self-storage activities.  
18

19 Mr. Hopkins stated that if he can keep all of his equipment in the one shed then it would be a possibility that  
20 he will continue the self-storage activities.  
21

22 Mr. Hall stated that one reason why we are having this special use hearing is because two principal use  
23 buildings on one property do require a special use permit. He said that as long as there is intent to do self-  
24 storage in one of the buildings that exists separate from the building where Mr. Hopkins is proposing to do  
25 the new contractor's facility, a special use permit is required. He said that the reason why staff advertised  
26 the special use permit in the B-4 district is because a contractor's facility where all of the outdoor storage is  
27 located in the rear yard, which is to say behind the building, is actually by-right in B-4 but if there is going to  
28 be outdoor storage anywhere else, other than the rear yard, then that is a special use permit. He said that to  
29 be clear, two principal buildings on one lot require a special use permit and outdoor storage other than the  
30 rear yard requires a special use permit. He said that the site plan does not really talk about outdoor storage  
31 other than the pile of dirt therefore he would hope that the Board will receive more detail as to where Mr.  
32 Hopkins is imagining he will have his bins for mulch, rock, etc. He said that if all of the bins are south of  
33 the building they will be located in the rear yard which would mean that the contractor's facility component  
34 is by-right and would not be part of the special use permit. He said that the contractor's facility located on  
35 the same property as the self-storage building will still require a special use permit so it would have been  
36 good if staff would have discussed all of this with Mr. Hopkins before tonight but it sounds like Mr. Hopkins  
37 is working through some of these issues anyway.  
38

39 Mr. Hall stated that Ms. Lee asked Mr. Hopkins how the drainage from the subject property will affect  
40 downstream property owners. He said that one of the difficulties about the property is that it is unknown  
41 how the drainage from this property will get to the outlet on the other side of the interchange which is

1 maintained by the Beaver Lake Drainage District. He said that he believes that the Board should request Mr.  
2 Hopkins' engineer to identify where the water goes once it leaves the basin and does any special care need to  
3 be taken at that point. He said that as far as he knows there is no surface drainage under the interstate and he  
4 does not know if there is an existing large tile that can be tapped in to but the ditch on the other side is  
5 maintained by the drainage district. He said that if there was going to be an outlet going into a ditch  
6 maintained by the drainage district then we would want to make sure that it is reviewed by the drainage  
7 district but at this point he does not know how the drainage from the subject property is going to get to the  
8 other side of the interchange.

9  
10 Mr. Hopkins stated that there is a detention pond by the campground and the ditch follows it.

11  
12 Mr. Hall stated that the detention pond by the campground is located on the other side of the road and he  
13 does not know how the drainage from Mr. Hopkins' property gets to that drainage.

14  
15 Ms. Lee stated that information in the mailing material indicates that it drains to the south and goes  
16 underneath I-57.

17  
18 Mr. Hall stated that we know that it drains to the southeast in general but the specifics of how it does and  
19 does it create any need for any special condition is not clear. He said that the previous use had proposed a  
20 detention basin but the amount of impervious area was such that it was not required. He said that with the  
21 newly proposed use a new basin is proposed with a much larger storage requirement and even though it will  
22 not release a huge amount of water it is unknown where it will go.

23  
24 Mr. Hopkins stated that he will have the engineer review the drainage and submit their findings.

25  
26 Mr. Hall stated that it would be good to know the percentage of retail sales for the facility. He said that Mr.  
27 Hopkins indicated that he predicts that the retail sales will be a small percentage although there is nothing  
28 that will prevent that percentage from getting bigger and bigger if it is successful. He said that at a certain  
29 point the Board will need to know what the major activity is so that the Board knows what they are  
30 approving. He said that the Board will be asked to approve a certain level of traffic, not just from big trucks  
31 but also from customer's vehicles going in and out of the property. He said that he cannot believe that the  
32 customer's vehicles going in and out of the property will be a big a significant issue but the Hensley  
33 Township Highway Commissioner must be aware of what is being proposed so that he can state clearly to  
34 the Board whether or not he has any concerns. He said that whether the Hensley Township Plan  
35 Commission has the same view as the Hensley Township Highway Commissioner is for Mr. Hopkins to find  
36 out. Mr. Hall stated that it is easy to talk to Bob Sherman, Hensley Township Highway Commissioner, but  
37 talking to the plan commission is a situation where Mr. Hopkins must know when they plan to discuss the  
38 case at their meeting so that Mr. Hopkins can be present to provide information or to at least identify what  
39 their concerns are regarding the proposed use. He said that sometimes it is hard to coordinate with township  
40 plan commissions and it isn't like they are not trying to include the petitioner but they do have a system set  
41 up that they normally follow and he does not believe that they are not required to send out notices of their

1 meetings. He said that coordination with the township plan commission is important so that Mr. Hopkins  
2 could answer any questions that they may have could prevent a protest.

3  
4 Mr. Thorsland stated that page 14, Item #8.E(9) indicates that during the previous case the Hensley  
5 Township Plan Commission was concerned that the dual swing gate appeared to be only 20 feet from the  
6 pavement of CR 2100N. They indicated that the distance was less than that required to allow a vehicle  
7 pulling a trailer to pull completely off the pavement of CR 2100N. Mr. Thorsland stated that he drove by the  
8 property today and noticed that the gates were open and that one of the gates was less straight than it used to  
9 be.

10  
11 Mr. Hopkins stated that he intends to leave the gate opened or closed. He said that the gate can be moved  
12 further back off the road if required.

13  
14 Mr. Thorsland stated that if no self-storage is proposed then the gate may be removed.

15  
16 Mr. Hopkins stated that at this point and time he would indicate that they will have some self-storage.

17  
18 Mr. Thorsland stated that the Board needs to know definitively whether or not self-storage will be a use on  
19 the property. He said that the Board is going to have a lot of questions therefore a good site plan which  
20 indicates everything that the petitioner wants to do now or in the future should be indicated. He said that if  
21 any changes are made and are not proposed during the initial public hearing then the petitioner will have to  
22 come back before the Board. He said that the Board needs to know what the percentage of retail sales is  
23 proposed to be and where the retail sales will occur. He said that he would like to see more information  
24 regarding the drainage and a depth indicated for the detention pond.

25  
26 Mr. Thorsland asked the Board if there were any other items which the Board or staff required.

27  
28 Mr. Hall stated that staff included a special condition regarding the State of Illinois newly adopted building  
29 codes. He said that once the petitioner is ready to occupy the building a signed statement from a qualified  
30 inspector is required and the way the building codes function is that there will not be a signed statement from  
31 someone if they do not have a chance to inspect the building while it is being constructed. He said that he is  
32 sorry to say that there has been one building built without any inspection in regards to the building code and  
33 this was when the applicant was made painfully aware that the person must inspect the building during  
34 construction and under state law he is not supposed to allow occupancy until he receives that statement. He  
35 said that when Mr. Hopkins receives a Zoning Use Permit there will be notes about what has to be done but  
36 when he builds the building it must be inspected by someone so that they can provide a certification at the  
37 end of the project. He said that the building has to be built to the codes that the State of Illinois has adopted  
38 and someone has to inspect it during construction to verify that it is meeting those codes and they have to  
39 provide a written certification at the end. He asked Mr. Hopkins if he understood the requirement.

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41 Mr. Hopkins stated that he understood the requirement.

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Mr. Hall stated that it may appear that he is going overboard but he was amazed recently when he found out that staff had this problem with a building when the requirements were discussed at the public hearing for the ZBA and still no one inspected it.

Ms. Griest asked Mr. Hall who typically does the inspection. She asked if the builder has the licensing and certification or is there a special office within the County or State that performs those inspections.

Mr. Hall stated that it is the building owner's responsibility and every building like that has to have plans drawn by an Illinois Licensed Architect but that Illinois Licensed Architect might be working out of Missouri, Minnesota or Washington. He said that they are licensed in the State of Illinois but you can't pay them enough to come and inspect the building therefore the owner could hire a building inspector qualified in commercial buildings or the owner could hire a local architect to do it. He said that frankly in his mind nothing beats hiring a local architect to design it and hiring the same architect to inspect it during construction on behalf of the owner but that is an old fashioned way of doing things and it hardly ever happens. He said that it is not only architects who can perform the inspection but they must be scheduled early so you know what they need and staff does not have a list of qualified inspectors and the Capital Development Board is the state agency to refer questions and he is sure that they do not have a list of qualified inspectors either.

Ms. Griest asked Mr. Hall if the sign-off that staff is looking for comes from the architect or what does he accept.

Mr. Hall stated that he will accept any statement by a licensed architect or certified building inspector.

Mr. Thorsland stated that a lot of information is being thrown at the petitioner tonight but any questions can be answered by calling staff at the office.

Mr. Hall stated that a lot of the information is included in the Finding of Fact and no permit will be issued without this detail.

Mr. Randol asked Mr. Hall if the petitioner decides to keep the existing self-storage does he have to have it inspected as well.

Mr. Hall stated that our records indicate approval of the construction of the building although it was built as a different use before it was authorized for self-storage and staff has no record of it being converted to self-storage. He said that it is fine that it was converted because it was approved by the ZBA as a special use permit. He said that if Mr. Hopkins wants to keep the self-storage warehouse then he may want to change the security rules that Mr. Courson, previous owner, had approved and change the understanding about the gate. He said that Mr. Hopkins can call staff at any time to work through any questions that he may have so that it is no more demanding than it needs to be and Mr. Hopkins ends up with what he really wants rather

1 than something that he didn't want and it just got real complicated.

2

3 Mr. Thorsland stated that the Board will not finish this case tonight.

4

5 Mr. Hopkins stated that his main goal is to build a building that he can use to store his equipment. He said  
6 that if it is deal breaker with the storage units then that is fine and he can just use the building himself.

7

8 Mr. Thorsland stated that using the building for his own storage would change the case because there are  
9 elements which would require to be changed or waived. He said that because the case currently indicates  
10 self-storage there are conditions which would not apply if there is no self-storage.

11

12 Mr. Hall stated that his biggest concern for this case is exactly what he discussed with Mr. Hopkins on the  
13 telephone about three weeks ago. He said that we have a record of Hensley Township being concerned about  
14 just the simple things that the previous owner was doing and now we have a proposed rezoning to B-4 which  
15 is really only for Atlantic Services but it raises this realm of other activities that could happen in the event  
16 that Atlantic Services ever closes or decided to relocate. He said that the subject property will remain B-4  
17 and someone could agree to pay a lot of money for the property therefore he can understand why a business  
18 man would rather have B-4 zoning because it has more options even though Mr. Hopkins is only wanting to  
19 do a contractor's facility right now. He said that he spent today trying to revise the Finding of Fact for the  
20 rezoning case to make it clear that B-1 is a zoning district which would allow a self-storage warehouse and a  
21 contractor's facility and wouldn't raise the concerns that B-4 raises. He said that as the County Planner his  
22 only real concern about B-4 is how the township might respond to it. He said that in his view the property is  
23 700 feet away from a County Highway and the property is already zoned B-3 and B-4 should not be that big  
24 of a problem. He said that he has learned upon many occasions that he thinks much differently than the folks  
25 in Hensley Township and he does not know what opinion the Board may have about being so close to a  
26 County Highway and the property already being zoned B-3. He said that B-3 does not allow a contractor's  
27 facility so the petitioner could down zone to B-1 or up zone to B-4 and when you up zone to B-4 there are all  
28 of these other things that could happen. He said that the property is only 700 feet away from the County  
29 Highway therefore, is it really that big of a problem but the Board is going to have its own opinion about that  
30 and so is Hensley Township.

31

32 Mr. Thorsland suggested that Mr. Hopkins drive past Hensley Township's Town Hall and read the bulletin  
33 board to determine when their next meeting will be held or to obtain a contact number to find out if they  
34 received his letter and the County's letter. He said that Mr. Hopkins will want to attend the township's next  
35 meeting to address all of their concerns and questions and hopefully this process will prevent a protest. He  
36 said that it would be wonderful if the township would like to send a letter to staff indicating their concern or  
37 lack of concern regarding the petitioner's request or they could attend the next meeting to address the Board.

38

39 Mr. Randol asked Mr. Hopkins why he is requesting to rezone to B-4 when B-1 would accommodate his  
40 intended use.

41

1 Mr. Hopkins stated that when he went to the Department of Planning and Zoning to inquire about building  
2 the proposed building he was told that B-4 zoning would allow his intended use as a contractor's facility and  
3 was not informed about B-1 zoning.  
4

5 Mr. Hall stated that there was a recent change to the Zoning Ordinance but it is never too late to change the  
6 request to B-1 zoning. He said that he discussed the difference between B-1 and B-4 zoning with Mr.  
7 Hopkins on the telephone and Mr. Hopkins indicated that he still wanted to pursue B-4 zoning.  
8

9 Mr. Hopkins stated that he might as well shoot for B-4 and see what happens.  
10

11 Mr. Thorsland stated that thus far the following items need to be determined or completed prior to the next  
12 meeting: 1. Do the petitioners want to continue with self-storage on the subject property; and 2. a complete  
13 drainage plan is required; and 3. a complete and detailed site plan indicating current and future use; and 4. a  
14 percentage of retail sales proposed for the property; and 5. indicate the number of employees and how many  
15 daily trips are anticipated in and out of the property; and 6. how many daily/weekly deliveries are anticipated  
16 to the property; and 7. is additional land available for purchase and if so the land needs to be included in the  
17 rezoning case as well; and 8. information regarding signage, lighting (full-cutoff), and hours of operation.  
18

19 Mr. Thorsland stated that there were nine items which concerned Hensley Township during the previous  
20 case for the subject property and eight of those nine items were regarding the road and traffic. He said that  
21 Mr. Hall indicated that an entirely different membership is on the Hensley Township Board at this time but it  
22 would be necessary to determine if any of the previous issues are still a concern with the new owner. He  
23 said that staff is always available to answer questions that the petitioners may have and he encouraged the  
24 petitioners to clarify any concerns or questions that they may have prior to the next hearing.  
25

26 Ms. Griest asked Mr. Hall if the retail sales will be a component to this use, should handicap parking be  
27 indicated on the complete site plan.  
28

29 Mr. Thorsland stated that four handicap parking spots are indicated on the current site plan.  
30

31 Mr. Hall stated that there is an accessible space on the north side indicated by the crossbar.  
32

33 Ms. Griest asked where the retail sales will be located and shouldn't the handicap parking and the paved area  
34 be located near the retail sales area.  
35

36 Mr. Hall stated that the parking for the retail sales, employee parking (current and future), etc, should be  
37 indicated on the complete site plan. He noted that the property has sufficient area for parking but it should  
38 be indicated on the site plan so that we know that everything has been considered.  
39

40 Mr. Thorsland stated that he does not believe that the Board has any issue with the reuse of a lot that is  
41 already in use. He said that screening is another possible requirement that should be considered therefore if

1 services will be available that require screening the screening and type of screening should be indicated on  
2 the site plan. He said that staff should be consulted regarding these requests prior to the next meeting so that  
3 everything has been covered prior to the next meeting.  
4

5 Mr. Thorsland requested a continuance date.  
6

7 Mr. Hall stated that he does not believe that one month is adequate time to get many of the issues resolved  
8 therefore June 12<sup>th</sup> would be the soonest opening on the docket for a continued case such as this.  
9

10 Mr. Hopkins stated that he will be out of the country on June 9<sup>th</sup> through July 14<sup>th</sup>. He said that perhaps a  
11 representative could attend the meeting.  
12

13 Mr. Hall stated the Board could continue the cases as late as July 17<sup>th</sup> with no problem and they could even  
14 go beyond that if required.  
15

16 Mr. Thorsland stated that nothing would preclude Mr. Hopkins from getting the required material to staff  
17 prior to the meeting for review. He said that the Board prefers not receiving documentation for review on  
18 the night of the public hearing.  
19

20 Mr. Hopkins stated that he will start working on this tomorrow. He asked if it would be possible to continue  
21 the cases to a meeting in May.  
22

23 Mr. Thorsland stated that there is an issue with the May 15<sup>th</sup> meeting and there is a concern that Mr. Hopkins  
24 will not be able to submit the required information in time for the mailing for the meeting.  
25

26 Mr. Thorsland entertained a motion to continue Cases 771-AM-13 and 772-AM-13.  
27

28 Ms. Griest asked Mr. Hopkins if the July 31<sup>st</sup> meeting would be better for him since he will just be getting  
29 back home on July 14<sup>th</sup>.  
30

31 Mr. Hopkins indicated that July 31<sup>st</sup> would be more desirable.  
32

33 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Hopkins and there was no one.  
34

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

38 Mr. Thorsland entertained a motion to suspend the 100 day rule for continuance of Cases 771-AM-13 and  
39 772-S-13 to the July 31<sup>st</sup> meeting.  
40

41 **Mr. Randol moved, seconded by Ms. Griest to suspend the 100-day rule for continuance of Cases 771-**

1 **AM-13 and 772-S-13 to the July 31<sup>st</sup> meeting. The motion carried by voice vote.**

2

3 Mr. Hall noted that all materials should be submitted to staff no later than two weeks prior to the meeting.  
4 He said that if Mr. Hopkins has any questions he should contact staff.

5

6 Mr. Hopkins stated that he will get the information to staff as soon as possible.

7

8 Ms. Lee asked Mr. Hall if he could indicate where the drainage district is located on the other side of I-57.

9

10 Mr. Hall stated that by using the land use map attached to the Preliminary Memorandum he would indicate  
11 that the drainage ditch is located on the south side of the Central Illinois Trucks' property.

12

13 Ms. Lee asked Mr. Hall if farmland is south of the Central Illinois Trucks' property.

14

15 Mr. Hall stated yes, and there is no road access.

16

17 **7. Staff Report**

18

19 Mr. Hall informed the Board that on May 19th the Department of Planning and Zoning will have an intern  
20 although the intern's hours will be limited for a while.

21

22 Ms. Griest requested the intern's name.

23

24 Mr. Hall stated that the intern's name is Jessica Gal.

25

26 Ms. Lee asked Mr. Hall if he could provide the comments provided by the Champaign County Engineer  
27 regarding Case 769-AT-13 prior to the May 29<sup>th</sup> meeting so that the Board can fully review them rather than  
28 receiving the comments one week prior to the meeting.

29

30 Mr. Hall stated that if the Board wants the comments then they can be provided but frankly staff has been  
31 trying to recover from the startling statement by Don Wauthier and the implications of that statement. Mr.  
32 Hall said that if it is the EPA's position that every house on one acre of land is a land disturbance that needs  
33 an ILR10 permit then there are changes which are required to the amendment to eliminate that. He said that  
34 staff has been focusing on other things but if the comments are the Board's immediate pressing concern and  
35 the Board wants to review those comments then staff can get those comments to the Board.

36

37 Ms. Lee asked Mr. Hall if she could come to the office to review the comments.

38

39 Mr. Hall stated that he is uncomfortable with Ms. Lee coming to the office to review documentation that the  
40 other ZBA members have not had a chance to review.

41

1 Ms. Lee stated that she is primarily interested in viewing the recommendations that Mr. Wauthier gave staff.

2  
3 Mr. Hall stated that staff can mail the ZBA copies of what Mr. Wauthier gave staff. He said that as soon as  
4 staff gets that documentation together we will send it to the ZBA for review.  
5

6 Ms. Griest asked Mr. Hall if it is likely that on May 29<sup>th</sup> the Board will not be ready to move forward  
7 therefore continuing Case 769-AT-13 to a later date because staff will not have had enough time to respond  
8 to all of the information that staff receives and have it in a format that will be ready for public discussion.  
9

10 Mr. Hall stated that he can't say that it won't happen on May 29<sup>th</sup> because staff is still trying to get it done  
11 within that time and he knows that if staff does not push itself 150% these things will not get done. He said  
12 that the problem with pushing yourself 150% is that sometimes things just don't work out but at least you are  
13 closer than you would have been otherwise.  
14

15 **8. Other Business**

16 **A. Review of Docket**  
17

18 Mr. Thorsland stated that the Lyle Shields Meeting Room is not available for use by the Zoning Board of  
19 Appeals in May 15<sup>th</sup> due to a rescheduled County Board Committee of the Whole Meeting. He said that  
20 Case 776-S-14, Windsor Road Christian Church, is scheduled for the May 15<sup>th</sup> meeting and a large audience  
21 is anticipated therefore the John Dimit Room would not be sufficient to accommodate that audience. He  
22 said that the ZBA does not want to give the audience the impression that they are attempting to shut people  
23 out of the meeting by not having adequate room for accommodation. He said that he wants to assure the  
24 public that the ZBA will make sure that there is public room for them to be heard.  
25

26 Mr. Hall stated that there is a little bit of doubt as to whether the Lyle Shields Meeting Room will be large  
27 enough but perhaps the public turnout will not be that great for Case 776-S-14 but there is a huge chance that  
28 the John Dimit Room could not accommodate a very large public attendance.  
29

30 Mr. Thorsland stated that the acoustics in the John Dimit Room are also very limited for meetings.  
31

32 Ms. Griest asked Mr. Hall if he is proposing to move Case 776-S-14 to the May 29<sup>th</sup> meeting even though  
33 there are already three cases on the docket for that meeting night. She said that she is concerned about  
34 accommodations for all of the cases.  
35

36 Mr. Hall stated that the Windsor Road Christian Church felt that staff was being very unreasonable when  
37 they were docketed for the May 15<sup>th</sup> meeting. He said that he would rather not get enough done on Case  
38 769-AT-13 so that Case 776-S-14 could move forward as soon as possible. He said that if the Board prefers  
39 he could inform the Windsor Road Christian Church that the ZBA cannot hear their case until June 12<sup>th</sup>.  
40

41 Ms. Griest stated that she isn't proposing that Case 776-S-14 be moved to the June 12<sup>th</sup> meeting but perhaps

- 1 making other alterations to the docket or scheduling a special meeting on a different night when the Lyle  
2 Shields Meeting Room is available.  
3
- 4 Ms. Capel suggested that Cases 776-AM-13 and 767-S-13, Eric Sebens, be moved to the June 12<sup>th</sup> meeting  
5 so that Cases 769-AT-13 and 776-S-14 can be heard on May 29<sup>th</sup>.  
6
- 7 Mr. Hall stated that the Board could revise the docket to indicate those changes.  
8
- 9 Ms. Griest stated that, as a courtesy, perhaps staff should notify Mr. Sebens that his case has been  
10 rescheduled to the June 12<sup>th</sup> meeting.  
11
- 12 Mr. Thorsland entertained a motion to reschedule the docket and move Cases 766-AM-13 and 767-S-13 to  
13 the June 12<sup>th</sup> meeting.  
14
- 15 **Ms. Capel moved, seconded by Mr. Randol reschedule the docket and move Cases 766-AM-13 and**  
16 **767-S-13 to the June 12<sup>th</sup> meeting. The motion carried by voice vote.**  
17
- 18 Mr. Thorsland entertained a motion to cancel the May 15<sup>th</sup> meeting and reschedule the docket and move  
19 Case 776-S-14 to the May 29<sup>th</sup> meeting.  
20
- 21 **Ms. Griest moved, seconded by Mr. Randol to cancel the May 15<sup>th</sup> meeting and reschedule the docket**  
22 **and move Case 776-S-14 to the May 29<sup>th</sup> meeting. The motion carried by voice vote.**  
23
- 24 Ms. Capel asked if Case 685-AT-11 should be docketed for the May 29<sup>th</sup> meeting as well since it was  
25 indicated on the May 15<sup>th</sup> meeting on the docket.  
26
- 27 Mr. Hall stated that as far as he is concerned Case 685-AT-11 can be moved to the May 29<sup>th</sup> meeting so that  
28 it may be continued to a later date.  
29
- 30 Mr. Thorsland entertained a motion to reschedule the docket and move Case 685-AT-11 to the May 29<sup>th</sup>  
31 meeting.  
32
- 33 **Ms. Griest moved, seconded by Ms. Capel to reschedule the docket and move Case 685-AT-11 to the**  
34 **May 29<sup>th</sup> meeting. The motion carried by voice vote.**  
35
- 36 Ms. Capel asked Mr. Hall if any complaints or comments have been made by the public for Case 778-S-14.  
37
- 38 Mr. Hall stated that he is happy to report that no complaints have been filed during the five years that River  
39 Bend Wild Game & Sausage has been in operation.  
40
- 41 Mr. Hall reported that Case 732-AT-12 was approved by the County Board at their March 20<sup>th</sup> meeting.

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**B. February 2014 Monthly Report**

Mr. Hall stated that the Board has been provided copies of the February 2014 Monthly Report which can be reviewed at the Board's leisure.

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

None

**10. Adjournment**

Mr. Thorsland entertained a motion to adjourn the meeting.

**Ms. Griest moved, seconded by Ms. Capel to adjourn the meeting. The motion carried.**

The meeting adjourned at 8:10 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

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

(217) 384-3708  
zoningdept@co.champaign.il.us  
www.co.champaign.il.us/zoning

## CASE NO. 769-AT-13

### SUPPLEMENTAL MEMORANDUM

May 23, 2014

Petitioner: **Zoning Administrator** Prepared by: **John Hall**, Zoning Administrator  
**Andrew Levy**, RPC Planner

#### Request:

Amend the Champaign County Zoning Ordinance by amending the Champaign County Stormwater Management Policy by changing the name to Storm Water Management and Erosion Control Ordinance and amending the reference in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control Ordinance as described in the legal advertisement (see attached) which can be summarized as follows:

- I. Revise existing Section 1 by adding a reference to 55 ILCS 5/5-15015 that authorizes the County Board to have authority to prevent pollution of any stream or body of water. (Part A of the legal advertisement)
- II. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be new Section 2 and add purpose statements related to preventing soil erosion and preventing water pollution and fulfilling the applicable requirements of the National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement)
- III. Add new Section 3 titled Definitions to include definitions related to fulfilling the applicable requirements of the National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of the legal advertisement)
- V. Revise existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11, 12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance activities including a requirement for a Land Disturbance Erosion Control Permit including Minor and Major classes of Permits that are required within the Champaign County MS4 Jurisdictional Area; add a requirement that land disturbance of one acre or more in a common plan of development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit requirements; add fees and time limits for each class of Permit; add requirements for administration and enforcement of Permits; and add new Appendices with new standards and requirements for both Minor and Major Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement)
- IV. Revise existing Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation onto adjacent properties and add minimum erosion control and water quality requirements that are required for all construction or land disturbance. (Part F of the legal advertisement)
- VI. Revise existing Section 5 to be new Section 8 and add a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement)
- VII. Revise and reformat existing Sections 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18. (Parts G, I, J, P, Q, R, S and W of the legal advertisement)

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#### **STATUS**

This case is continued from the 3/13/14 public hearing. The approved Minutes from that public hearing are included separately.

A revised table of Requirements for Typical Land Disturbance Under Proposed Ordinance is attached that reflects the new related Case 773-AT-14.

A revised Draft SWMEC Ordinance will be handed out at the meeting.

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**ATTACHMENTS** (\* = Attachments lettered consecutively from the Preliminary Memorandum)

- A Case Description from Legal Advertisement
- \*BB Minutes of 3/13/14 public hearing for Case 769-AT-13 (included separately)
- \*CC Proposed Requirements for Typical Land Disturbance Under Proposed Ordinance in Addition to Existing Requirements <sup>1</sup> *REVISED* 5/23/14

**Attachment A. Case Description from Legal Advertisement**

Case 769-AT-13  
FEBRUARY 6, 2014

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Amend the Champaign County Zoning Ordinance by amending the Champaign County Stormwater Management Policy by changing the name to Storm Water Management and Erosion Control Ordinance and amending the reference in Zoning Ordinance Section 4.3.10; and amending the Storm Water Management and Erosion Control Ordinance as follows:

Part A. Revise Section 1 Authority by adding a reference to 55 ILCS 5/5-15015 that authorizes the County Board to have authority to prevent pollution of any stream or body of water.

Part B. Revise Section 2 as follows:

1. Merge existing Intent and Requirements (Sections 3.1) and General Requirements (Section 3.2) with existing Purpose (Section 2).
2. Add purpose statements related to preventing soil erosion and preventing water pollution and fulfilling the applicable requirements of the National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Permit.

Part C. Add new Section 3 titled Definitions and add definitions related to fulfilling the applicable requirements of the National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Permit.

Part D. Change the title of existing Section 4 to Scope and make the following changes:

1. Add a requirement that Land Disturbance have requirements identified in the Ordinance.
2. Add a requirement that all sections of the Ordinance are applicable to land disturbance activities in the Champaign County MS4 Jurisdictional Area.
3. Add a requirement that land disturbance of one acre or more in a common plan of development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit requirements.
4. Add a requirement that all Sections except those related to the Land Disturbance Erosion Control Permit (Sections 12, 13, 14, and 15) are only applicable when a land subdivision requires approval of the Champaign County Board and when construction occurs that requires a Zoning Use Permit.
5. Add a requirement that Protect Existing Drainage and Water Resource (Section 6) and Easement (Section 7) are applicable to all subdivisions, zoning use permits and land disturbances regardless of the amount of area involved or percent impervious surface.
6. Add a requirement that Land Disturbance and Erosion Control Requirements (Section 11) are applicable with any Storm Water Drainage Plan or necessary enforcement action.
7. Add a requirement for erosion and sedimentation controls when there is more than 10,000 square feet of land disturbance in total, after the Effective Date.
8. Add exemptions to Land Disturbance Erosion Control Permits.

Part E. Add a new Section 5 titled Authorizations and Project Termination and make the following changes:

1. Relocate existing Reviewing Authorities (existing Section 4.1) and remove Special Use Approvals
2. Relocate existing Authorization to Construct (existing Section 3.3) and add authorizations for Land Disturbance Erosion Control Permits.
3. Relocate existing Requirements for Final Approvals (existing Section 3.4) and rename to Project Termination, and add requirements for Land Disturbance Erosion Control Permits.

**Attachment A. Case Description from Legal Advertisement**  
Case 769-AT-13  
FEBRUARY 6, 2014

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- Part F. Renumber existing Section 7 to new Section 6 titled Protect Existing Drainage and Water Resource and make the following changes:
1. Add new requirement to prohibit erosion or sedimentation onto adjacent properties.
  2. Add new requirements for discharges from sump pumps.
  3. Add new minimum erosion control and water quality requirements including a minimum requirement for proper disposal of construction waste; minimum requirement for location and control of soil stockpiles; and a requirement to cleanup sediment that enters onto public areas and adjacent properties.
- Part G. Renumber existing Section 9 to new Section 7.
- Part H. Change existing Section 5 to new Section 8 titled Storm Water Drainage System and add a Preferred Hierarchy of Best Management Practices.
- Part I. Change existing Section 6 to new Section 9 titled Storm Water Drainage Plan and merge with existing Section 12.
- Part J. Renumber existing Section 8 to new Section 10.
- Part K. Add new Section 11 titled Land Disturbance and Erosion Control and include the following:
1. Add general requirements for erosion and sediment control operations.
  2. Add list of practices that should be applied to minimize soil erosion.
  3. Add list of practices that should be applied to minimize sediment.
  4. Add requirements for filtering dewatering practices at construction sites.
  5. Add requirements for soil stockpiles.
  6. Add requirements for maintenance of erosion and sediment control measures.
- Part L. Add new Section 12 titled Land Disturbance and Erosion Control Permits and include the following:
1. Add a requirement for Land Disturbance Erosion Control Permits.
  2. Add a requirement that the class of permit Land Disturbance Erosion Control Permit – Minor is required for any land disturbance of less than one acre that is part of a common plan of development or sale of record that is not otherwise exempt.
  3. Add a requirement that the class of permit Land Disturbance Erosion Control Permit – Major is required for any land disturbance of one acre or more that is not otherwise exempt.
  4. Add required forms and procedure requirements for each permit class.
  5. Add that the class of permit Land Disturbance Erosion Control Permit – Major shall comply with current ILR10 requirements.
  6. Add a fee schedule with fees for each class of permit.
  7. Add a requirement that an issued permit authorizes only those activities shown on approved plans.
  8. Add time limitations for Land Disturbance Erosion Control Permits.
  9. Add responsibilities of the holder of the Land Disturbance Erosion Control Permit.
  10. Add requirements for maintenance of erosion control facilities and other drainage structures during and after construction.

**Attachment A. Case Description from Legal Advertisement**  
Case 769-AT-13  
FEBRUARY 6, 2014

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- Part M. Add new Section 13 titled Administration of Land Disturbance and Erosion Control Permits and include the following:
1. Add duties of the Zoning Administrator as established in the Champaign County Zoning Ordinance.
  2. Add conditions of Land Disturbance and Erosion Control Permit approval to prevent the creation of a nuisance or unreasonable hazard to persons or to public or private property including specific erosion and sediment controls, safety structures, grading improvements, adequate dust controls, and acceptance of discharges on others property.
  3. Add conditions to which a Land Disturbance Erosion Control Permit might be denied if the Erosion and Sediment Control Plan does not meet the requirements of the ordinance and restrictions if the permit is denied.
  4. Add conditions to Land Disturbance Erosion Control Permit and plans to ensure that no work occurs without prior written approval, that any changes to plans must be submitted prior to work being conducted, and methods for changing an approved document.
  5. Add requirement of site inspections during specific phases of the work to ensure compliance with the conditions of the Ordinance.
- Part N. Add new Section 14 titled Liability Related to Land Disturbance and Erosion Control Permits and include a requirement that all responsibilities and liabilities are held by the permit holder and no liability is held by Champaign County.
- Part O. Add new Section 15 titled Enforcement of Land Disturbance and Erosion Control Permits and include the following:
1. Add a requirement that work shall be done in accordance with the approved plans, the approved permit, and the Ordinance.
  2. Add a classification of deficient sites and the related enforcement activities.
  3. Add a classification of Non-Compliance on a sites-and the related enforcement activities.
  4. Add a classification of Notice of Violation on a sites and the related enforcement activities.
  5. Add that the Zoning Administrator may require activities that shall be undertaken in order to prevent imminent hazards, dangers and adverse effects.
  6. Add conditions and procedures that allow the Zoning Administrator to issue a stop-work order and that all work must stop immediately.
  7. Add conditions and procedures for initiating legal proceedings.
  8. Add penalties for violation of the ordinance at not less than one hundred dollars (\$100.00) per day and not more than five hundred dollars (\$500.00) per day.
- Part P. Renumber existing Section 10 to new Section 16.
- Part Q. Change existing Section 11 Waivers to new Section 17 titled Appeal, Waiver or Variance and include the following:
1. Add designation that the reviewing authority may issue a waiver or variance to the ordinance except for ILR10 requirements.
  2. Add procedure for appealing a decision made by a reviewing authority.
- Part R. Add new Effective Date (Section 18).

**Attachment A. Case Description from Legal Advertisement**  
Case 769-AT-13  
FEBRUARY 6, 2014

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- Part S. Re-letter existing Appendix B to be new Appendix A and re-letter existing Appendix A to be new Appendix B.
- Part T. Add new Appendix C titled Champaign County MS4 Jurisdictional Area to include a map of the Champaign County MS4 Jurisdictional Area.
- Part U. Add new Appendix D titled Technical Manual Minor Land Disturbance Erosion Control Permit Standards and Standard Details and include application templates, erosion control plan examples, and standard construction drawings.
- Part V. Add new Appendix E titled Technical Manual Major Land Disturbance Erosion Control Permit Standards and Standard Details and include application templates, erosion control plan examples, and standard construction drawings.
- Part W. Revise and reformat the text, and update all references to new and renumbered Sections.

**Attachment CC. Proposed Requirements for Typical Land Disturbance Under Proposed Ordinance  
in Addition to Existing Requirements<sup>1</sup> REVISED 5/23/14**

Type of proposed land disturbance	Amount of land disturbance	Existing Ordinance Requirements	Proposed Ordinance Requirements	
			Outside the MS4 Area <sup>2</sup>	Inside the MS4 Area <sup>2</sup>
<b><i>Agriculture Example:</i></b> Agriculture <sup>3</sup>	STATUTORILY EXEMPT	STATUTORILY EXEMPT	STATUTORILY EXEMPT	STATUTORILY EXEMPT
<b><i>Grading Example:</i></b> Mass grading <sup>4</sup> not related to other construction	Less than 10,000 SF	NO ZONING USE PERMIT REQUIRED IF NOT IN SPECIAL FLOOD HAZARD AREA (FLOODPLAIN)	NO ZONING USE PERMIT REQUIRED <b>BUT</b> OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY	NO ZONING USE PERMIT REQUIRED <b>BUT</b> OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY
	10,000 SF or more but less than 1 AC and not part of a larger common plan of dev.		NO ZONING USE PERMIT REQUIRED <b>BUT</b> OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY	NO ZONING USE PERMIT REQUIRED <b>BUT</b> OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY
	* 10,000 SF or more but less than 1 AC and part of a larger common plan of development likely to disturb 1 AC or more		NO ZONING USE PERMIT REQUIRED <b>BUT</b> OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY <b>AND</b> OPTIONAL: SEC. 4 & 5 REQUIRE ILR10 COMPLIANCE <b>AND</b> OPTIONAL: SEC. 6.6 GRADING PERMIT REQUIRED (Case 773-AT-14)	NO ZONING USE PERMIT REQUIRED <b>BUT</b> OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY <b>AND</b> SEC. 12.1 MINOR LDEC PERMIT REQUIRED <sup>6</sup>
* 1 AC or more			NO ZONING USE PERMIT REQUIRED <b>BUT</b> OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY <b>AND</b> OPTIONAL: SEC. 4 & 5 REQUIRE ILR10 COMPLIANCE <b>AND</b> OPTIONAL: SEC. 6.6 GRADING PERMIT REQUIRED (Case 773-AT-14)	NO ZONING USE PERMIT REQUIRED <b>BUT</b> SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY <b>AND</b> SEC. 12.2 MAJOR LDEC PERMIT REQUIRED
* ILR10 COMPLIANCE REQUIRED BY IEPA				

**Attachment CC. Proposed Requirements for Typical Land Disturbance Under Proposed Ordinance  
in Addition to Existing Requirements<sup>1</sup> REVISED 5/23/14**

Type of proposed development or land disturbance	Amount of land disturbance	Existing Ordinance Requirements	Proposed Ordinance Requirements	
			Outside the MS4 Area <sup>2</sup>	Inside the MS4 Area <sup>2</sup>
<p><b>Construction Example A:</b></p> <p>Construction of a new home in the rural districts on a "by-right" lot created by any of the following means:                      (1) a written legal description conforming to the Illinois Plat Act; or                      (2) a one lot Plat of Subdivision; or                      (3) a one lot Plat of Survey.</p> <p>(**NOTE: USEPA requires that agricultural land (ie, row crop) be vegetated with an appropriate protective land cover prior to conversion to non-agricultural use or the land shall be considered to be in a state of land disturbance. Thus, the basic one acre lot split off of farmland will be considered to be in a state of land disturbance if grass is not established prior to application for a Zoning Use Permit.)</p>	Less than 10,000 SF	ZONING USE PERMIT REQUIRED	ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY	ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY
	10,000 SF or more but less than 1 AC		ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY	ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY
	* 1 AC (SEE NOTE**) or more		ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY	ZONING USE PERMIT REQUIRED AND SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY AND SEC. 12.2 MAJOR LDEC PERMIT REQUIRED
* ILR10 COMPLIANCE REQUIRED BY IEPA			<u>OPTIONAL: SEC.4 &amp; 5 REQUIRE ILR10 COMPLIANCE</u>	

**Attachment CC. Proposed Requirements for Typical Land Disturbance Under Proposed Ordinance  
in Addition to Existing Requirements<sup>1</sup> REVISED 5/23/14**

Type of proposed development or land disturbance	Amount of land disturbance	Existing Ordinance Requirements	Proposed Ordinance Requirements	
			Outside the MS4 Area <sup>2</sup>	Inside the MS4 Area <sup>2</sup>
<p><b>Construction Example B:</b></p> <p>Construction of a new home in the rural districts on a "by-right" lot created by any of the following means:</p> <p>(1) a Plat of Subdivision of two lots; or</p> <p>(2) a Plat of Survey of two lots; or</p> <p>(3) any Plat of Survey or written legal description pursuant to a land auction diagram that illustrated two lots</p> <p>(NOTE: A THREE LOT SUBDIVISION WILL DISTURB MORE THAN ONE ACRE OF LAND AND SHALL BE REQUIRED TO COMPLY WITH ILR10)</p>	Less than 10,000 SF	ZONING USE PERMIT REQUIRED	ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY	ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY
	10,000 SF or more but less than 1 AC (TOTAL LAND DISTURBANCE AT ONE TIME ON ONE OR BOTH LOTS)		ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY	ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY
	* 1 AC or more (TOTAL LAND DISTURBANCE AT ONE TIME ON ONE OR BOTH LOTS; THIS MUCH DISTURBANCE ON TWO LOTS IS VERY UNLIKELY UNLESS THERE IS AN EXTRAORDINARY AMOUNT OF GRADING )		ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY AND <u>OPTIONAL: SEC. 4 &amp; 5 REQUIRE ILR10 COMPLIANCE</u>	ZONING USE PERMIT REQUIRED AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY AND SEC. 12.2 MAJOR LDEC PERMIT REQUIRED
* ILR10 COMPLIANCE REQUIRED BY IEPA				

**Attachment CC. Proposed Requirements for Typical Land Disturbance Under Proposed Ordinance  
in Addition to Existing Requirements<sup>1</sup> REVISED 5/23/14**

Type of proposed land disturbance	Amount of land disturbance	Existing Ordinance Requirements	Proposed Ordinance Requirements	
			Outside the MS4 Area <sup>2</sup>	Inside the MS4 Area <sup>2</sup>
<b>Construction Example C:</b> Construct new dwelling in rural district with establishment of RRO District <sup>8</sup> in subdivision with new street	Less than 10,000 SF		ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY	ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY
	* 10,000 SF or more but less than 1 AC  (TOTAL LAND DISTURBANCE AT ONE TIME ON ONE OR ALL LOTS)	ZONING USE PERMIT REQUIRED	ZONING USE PERMIT REQUIRED AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY AND <u>OPTIONAL: REQUIRE ILR10 COMPLIANCE</u>	ZONING USE PERMIT REQUIRED AND SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY AND SEC. 12.1 MINOR LDEC PERMIT REQUIRED <sup>5</sup>
	* 1 AC or more  (TOTAL LAND DISTURBANCE AT ONE TIME ON ONE OR ALL LOTS)		ZONING USE PERMIT REQUIRED AND <u>OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS<sup>5</sup> APPLY AND <u>OPTIONAL: REQUIRE ILR10 COMPLIANCE</u></u>	ZONING USE PERMIT REQUIRED AND SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY AND SEC. 12.2 MAJOR LDEC PERMIT REQUIRED
(NOTE: ILR10 COMPLIANCE REQUIRED FOR CONSTRUCTION OF STREET AND ANY DWELLING CONSTRUCTION STARTED PRIOR TO "FINAL STABILIZATION" OF STREET)	* ILR10 COMPLIANCE REQUIRED BY IEPA FOR STREET CONSTRUCTION AND ALL DWELLINGS			

**Attachment CC. Proposed Requirements for Typical Land Disturbance Under Proposed Ordinance  
in Addition to Existing Requirements<sup>1</sup> REVISED 5/23/14**

Type of proposed land disturbance	Amount of land disturbance	Existing Ordinance Requirements	Proposed Ordinance Requirements	
			Outside the MS4 Area <sup>2</sup>	Inside the MS4 Area <sup>2</sup>
<b>Construction Example D:</b> Construct new building in Residential District <sup>9</sup> , or Business <sup>9</sup> or Industrial District <sup>9</sup>	Less than 10,000 SF	ZONING USE PERMIT REQUIRED	ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY	ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY
			ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY	ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY
	10,000 SF or more but less than 1 AC and not part of a larger common plan of development		ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY	ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY
	* 10,000 SF or more but less than 1 AC and part of a larger common plan of development likely to disturb 1 AC or more		ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY <u>REQUIRE ILR10 COMPLIANCE</u>	ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY AND SEC. 12.1 MINOR LDEC PERMIT REQUIRED <sup>6</sup>
* 1 AC or more	* 1 AC or more	ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY AND <u>REQUIRE ILR10 COMPLIANCE</u>	ZONING USE PERMIT REQUIRED INCLUDING TOTAL AREA OF LAND DISTURBANCE AND OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY AND SEC. 12.2 MAJOR LDEC PERMIT REQUIRED	
* ILR10 COMPLIANCE REQUIRED BY IEPA	* ILR10 COMPLIANCE REQUIRED BY IEPA			

**Attachment CC. Proposed Requirements for Typical Land Disturbance Under Proposed Ordinance  
in Addition to Existing Requirements<sup>1</sup> REVISED 5/23/14**

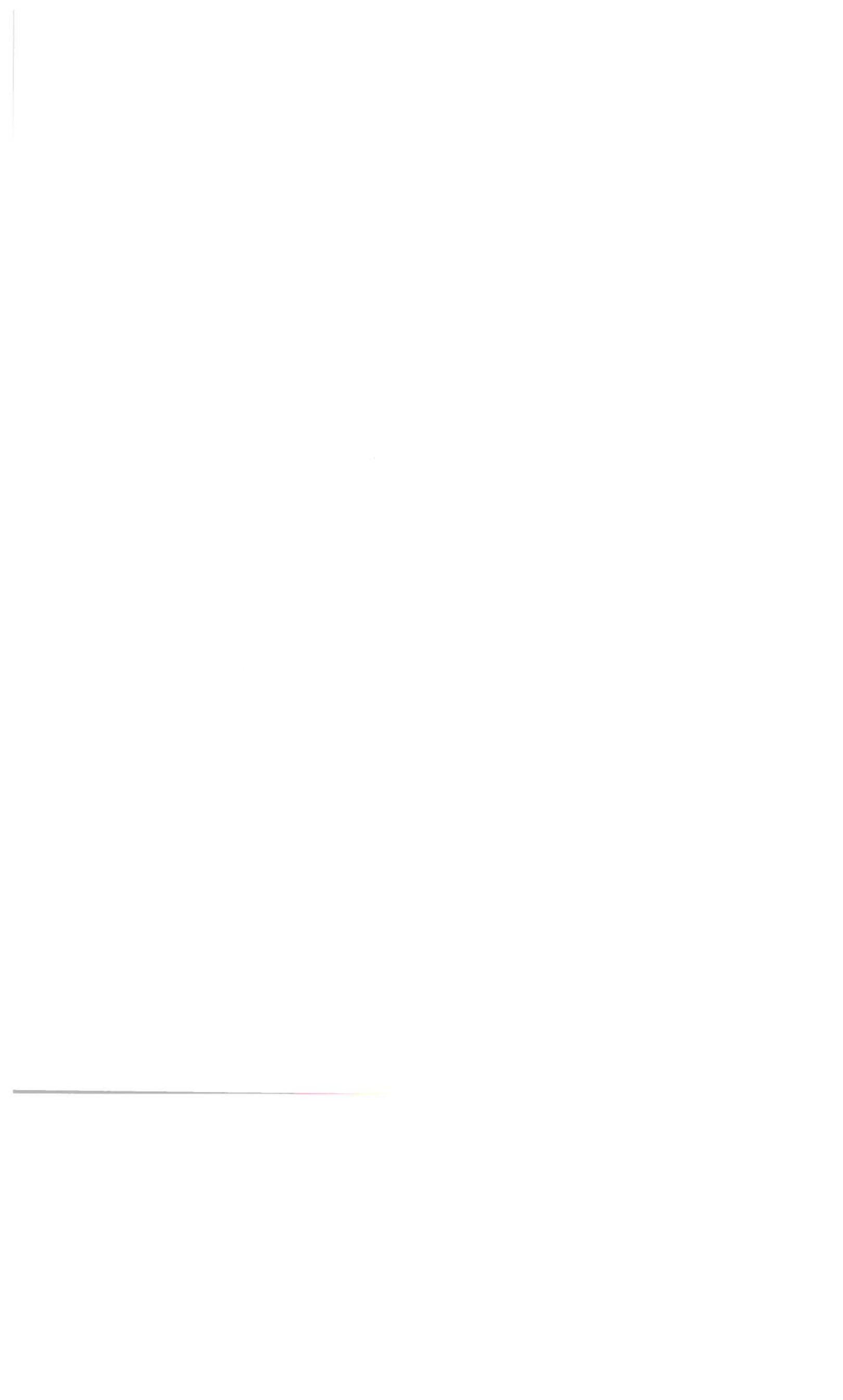
Type of proposed land disturbance	Amount of land disturbance	Existing Ordinance Requirements	Proposed Ordinance Requirements	
			Outside the MS4 Area <sup>2</sup>	Inside the MS4 Area <sup>2</sup>
<p><b><i>Demolition Example:</i></b> Demolition<sup>7</sup> of existing building</p>	Less than 10,000 SF		NO ZONING USE PERMIT REQUIRED <b>BUT</b> OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY	NO ZONING USE PERMIT REQUIRED <b>BUT</b> OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY
<p>(NOTE: ILR10 REQUIREMENTS APPLY AT LOWER AMOUNTS OF DISTURBANCE IF PART OF A LARGER COMMON PLAN OF DEVELOPMENT)</p>	10,000 SF or more but less than 1 AC	NO ZONING USE PERMIT REQUIRED	NO ZONING USE PERMIT REQUIRED <b>BUT</b> OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY	NO ZONING USE PERMIT REQUIRED <b>BUT</b> OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY
	<p>* 1 AC or more</p> <p>* ILR10 COMPLIANCE REQUIRED BY IEPA</p>		NO ZONING USE PERMIT REQUIRED <b>BUT</b> OPTIONAL: SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY  <u>OPTIONAL: SEC. 4 &amp; 5 REQUIRE ILR10 COMPLIANCE</u> <b>AND</b> <u>OPTIONAL: SEC 6.6 DEMOLITION PERMIT REQUIRED</u> <u>(Case 773-AT-14)</u>	NO ZONING USE PERMIT REQUIRED <b>BUT</b> SEC. 6.4 MINIMUM REQUIREMENTS <sup>5</sup> APPLY <b>AND</b> SEC. 12.2 MAJOR LDEC PERMIT REQUIRED

**Attachment CC. Proposed Requirements for Typical Land Disturbance Under Proposed Ordinance  
in Addition to Existing Requirements <sup>1</sup> REVISED 5/23/14**

Type of proposed land disturbance	Amount of land disturbance	Existing Ordinance Requirements	Proposed Ordinance Requirements	
			Outside the MS4 Area <sup>2</sup>	Inside the MS4 Area <sup>2</sup>

**NOTES**

1. This table does not indicate when a Storm Water Drainage Plan is required, nor does it include information for any rezoning approval, Special Use Permit approval, or subdivision plat approval that may be required. Also does not include approvals related to the Special Flood Hazard Area. Storm Water Drainage Plan requirements are unchanged in the proposed Ordinance.
2. The MS4 Jurisdictional Area is that portion of Champaign County in which Champaign County has responsibility for a Municipal Separate Storm Sewer System (MS4) under the National Pollutant Discharge Elimination System (NPDES) administered by the Illinois Environmental Protection Agency (IEPA). See the attached map. Except for the "Optional Minimum Requirements" in Section 6 of the Ordinance that are proposed to be required throughout the unincorporated area, the proposed Ordinance is the minimum requirement in the MS4 Jurisdictional Area for compliance with IEPA MS4.
3. Agriculture as defined in the Champaign County Zoning Ordinance. No change is proposed.
4. Mass grading is not regulated by the Zoning Ordinance and no Zoning Use Permit is required for mass grading.
5. Section 6 of the proposed Ordinance includes General and Minimum Erosion Controls proposed to be required for any land disturbance in the unincorporated area. Requiring the Minimum Erosion Controls in the entire unincorporated area is optional for the County Board but consistent with the Land Resource Management Plan. If the County Board approves the proposed Minimum Erosion Controls those Controls will be required for all future land use permitting.  
  
The Minimum Erosion Controls are necessary for the MS4 Area and if the Minimum Erosion Controls are not included in Section 6 of the final Ordinance they will have to be added to Section 11 as requirements for LDEC Permits in the MS4 Area.
6. The Minimum Erosion Requirements of Section 6 apply when no LDEC Permit is required.
7. Demolition is not regulated by the Zoning Ordinance and no Zoning Use Permit is required for demolition.
8. The only location in the MS4 Jurisdictional Area where a municipal comprehensive plan provides for "rural residential development" is northeast of Urbana.
9. A new building must connect to a sanitary sewer if feasible and in the MS4 Jurisdictional Area connection to a sewer generally requires annexation or an annexation agreement with a municipality, either which would remove the construction from the County permitting jurisdiction.



1 The Board resumed at 8:40 p.m.  
2

3 Case 769-AT-13 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning  
4 Ordinance by amending the Champaign County Stormwater Management Policy by changing the  
5 name to the Storm Water Management and Erosion Control Ordinance and amending the reference  
6 in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control  
7 Ordinance as described in the legal advertisement which can be summarized as follows: I. Revise  
8 existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to  
9 have authority to prevent pollution of any stream or body of water. (Part A of the legal  
10 advertisement); and II. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be  
11 new Section 2 and add purpose statements related to preventing soil erosion and preventing water  
12 pollution and fulfilling the applicable requirements of the National Pollution Discharge System  
13 (NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement); and III. Add new Section  
14 3 titled Definitions to include definitions related to fulfilling the applicable requirements of the  
15 National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of  
16 the legal advertisement); and IV. Revised existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11,  
17 12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance  
18 activities including a including a requirement for a Land Disturbance Erosion Control Permit  
19 including Minor and Major classes of Permits that are required within the Champaign County MS4  
20 Jurisdictional Area; add a requirement that land disturbance of one acre or more in a common plan  
21 of development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit  
22 requirements; add fees and time limits for each class of Permit; add requirements for administration  
23 and enforcement Permits; and add new Appendices with new standards and requirements for both  
24 Minor and Major Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement); and V.  
25 Revise existing Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation  
26 onto adjacent properties and add minimum erosion and water quality requirements that are required  
27 for all construction or land disturbance; and VI. Revise existing Section 5 to be new Section 8 and add  
28 a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement); and VII.  
29 Revise and reformat existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18.  
30 (Parts G, I, J, P, Q, R, S and W of the legal advertisement).  
31

32 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must  
33 sign the witness register for that public hearing. She reminded the audience that when they sign the  
34 witness register they are signing an oath.  
35

36 Ms. Capel asked the petitioner if he desired to make a statement outlining the nature of his request.  
37

38 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated March 13, 2014,  
39 for the Board's review. He said that the new memorandum includes the legal description of the case and has  
40 an attachment "Y" for the Board's notebook regarding this case. He said that Attachment Y is an expansion  
41 of Attachment C which was included with the ELUC memorandum dated October 29, 2013. He said that  
42 Attachment C attempted to indicate what kinds of new permits would be required and the last comments that

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

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

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

1 that if someone is doing less than 10,000 square feet in grading the Section 6.4 Optional Minimum  
2 Requirements still apply and they still have to be careful in not letting erosion and sedimentation happen on  
3 their neighbor's property and if they have a stock pile of soil they need to locate it properly and if it is more  
4 than 100 cubic yards they have to actually put in some controls. He said that at less than 10,000 square feet  
5 the County is not requiring a permit. Mr. Hall stated that no Zoning Use Permit is required if it is over  
6 10,000 square feet provided that it is less than one acre but in order to be able to catch whenever it is one  
7 acre or more he believes that we need to start requiring a permit at more than 10,000 square feet. He said  
8 that the draft language for the Grading Permit has not been distributed but it has been written. He said that a  
9 nominal fee of \$50 is being proposed and a site plan must be submitted indicating how much land is being  
10 disturbed and if it is more than one acre a copy of the Notice of Intent that was submitted to the EPA has to  
11 be submitted with the Grading Permit. He said that if it is less than one acre and is not part of a common  
12 plan of development a Notice of Intent does not have to be submitted because it wasn't required in the first  
13 place but a Grading Permit is required.

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

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

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

23  
24 Mr. Hall stated that staff will work on the definition.

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

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

1 what has happened at that point.

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

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

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

38  
39 Mr. Hall stated that Construction Example B is more complicated because it is for construction of a new  
40 home in the rural districts on a "by-right" lot created by either a Plat of Subdivision of two lots; or a Plat of  
41 Survey of two lots; or any Plat of Survey or written legal description pursuant to a land auction diagram that  
42 illustrated two lots. He said that it is not limited to a land auction diagram but also any printed material such

1 as a sign advertising two lots. He said that the advertising sign makes the two lots a common plan of  
2 development and the one acre threshold applies in total but if each lot is developed separately so that one lot  
3 is built, disturbed and stabilized and then the other lot is built, disturbed and stabilized then the one acre  
4 standard will apply in each instance which is a much better situation. He said that if both houses are under  
5 construction at the same time ILR10 applies and again someone can disturb as much land as desired but they  
6 have to put in the Erosion and Sedimentation Controls which costs approximately \$5,000 per lot. He said  
7 that starting off with less than 10,000 square foot of disturbance the applicant indicates how much land will  
8 be disturbed with the Zoning Use Permit and the Optional Minimum Requirements apply. He said that with  
9 more than 10,000 square foot of disturbance the applicant will indicate how much land will be disturbed  
10 with the Zoning Use Permit and the Optional Minimum Requirements apply. He said that a typical home  
11 should not disturb more than 15,000 square feet and it is conceivable that both homes could be under  
12 construction and would never disturb one acre of land and that is what is encouraged. He said that for  
13 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  
14 threshold whether or not you are inside the MS4 area or outside the MS4 area makes no difference.  
15

16 Ms. Lee stated that Construction Example B indicates that for one acre or more of land disturbance an ILR10  
17 is required outside of the MS4 area but not inside the MS4 area. She asked why the ILR10 is not required  
18 inside the MS4 area.  
19

20 Mr. Hall stated that the second column of the example includes a general note indicating the following:  
21 ILR10 Compliance required by IEPA for street construction and all dwellings. He said that this note applies  
22 when there is one acre or more of land disturbance. He said that the two columns on the right of the table  
23 indicate proposed Ordinance requirements for outside of the MS4 area and inside the MS4 area. He said that  
24 if there is one acre or more of land disturbance inside the MS4 area the Major LDEC Permit is required. He  
25 said that if there is one acre or more of land disturbance outside of the MS4 area documentation of  
26 compliance with ILR10 is required. He said that documentation of compliance with ILR10 consists of  
27 sending staff a copy of what was sent to the IEPA and implementing the costs of the erosion controls.  
28

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

1 make things easier for people but for right now we know that all of the landowners would have to file an  
2 ILR10. He said that with the larger municipal subdivisions we know that the way those things operate is that  
3 the original developer gets the ILR10 and then the individual homes on the small lots file for a permit with  
4 Champaign or Urbana and they never have to contact the IEPA which is easier for those homeowners. He  
5 said that the same standards apply in regards to installing the same controls and doing maintenance on those  
6 controls and the homeowners will still end up spending the same amount for protecting the land although  
7 they will not have to file the paperwork.  
8

9 Mr. Hall stated that what Construction Example C illustrates is that in an RRO with less than 10,000 square  
10 feet of disturbance, which is very unlikely, whether it is inside or outside the MS4, the landowner would  
11 have to apply for the Zoning Use Permit and indicate how much they plan to disturb and abide by the  
12 optional minimum requirements. He said that there was a street constructed therefore we know there was an  
13 ILR10 compliance at that time. He said that for an RRO with 10,000 square feet or more but less than one  
14 acre, because we know that this is part of a larger common planned development at that second level of land  
15 disturbance (10,000 square feet or more but less than one acre), if you are outside of the MS4 area  
16 documentation of ILR10 compliance must be submitted and if you are inside of the MS4 area a Minor Land  
17 Disturbance Erosion Control Permit is required. He said that if one acre is being disturbed on each lot  
18 someone will still need to document the ILR10 compliance but inside the MS4 they would need to apply for  
19 a Major Land Disturbance Erosion Control Permit.  
20

21 Mr. Hall stated that an RRO with one acre or more of disturbance is a complicated situation because there  
22 may be different contractors on site and each may have their own ILR10 compliance. He said that the  
23 erosion controls will still need to be put up for both the street and the lots and this would be a really big  
24 problem for our department because it requires a lot of inspections. He said that the last subdivision with a  
25 street was a really big problem for our department and at that time we weren't even concerned about erosion  
26 controls which is a good thing because there were a lot of problems created during the development of that  
27 subdivision. He said he is sure that the neighbors to that property will be happy to see that the County will  
28 do a better job with erosion controls in the future. He said that the bad erosion controls on that subdivision's  
29 property ended up costing that developer a lot more than it should have because they did not monitor their  
30 erosion and sedimentation controls and it was not a good situation. He said that he is happy to say that the  
31 street was finally built in the subdivision and it was accepted therefore it is no longer an issue for our  
32 department.  
33

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

1 development ILR10 can apply earlier. He said that we always get a permit for construction of a new building  
2 therefore that is how staff will track this because the applicant will need to indicate the area of proposed land  
3 disturbance on the site plan.

4  
5 Ms. Lee stated that at times people do not apply for a permit before they build.

6  
7 Mr. Hall stated that people can always call staff when they see construction occurring.

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

15  
16 Mr. Passalacqua asked Mr. Hall if these requirements will cause more trips to the site for staff.

17  
18 Mr. Hall stated yes, but only inside the MS4 area.

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

22  
23 Mr. Hall stated that he suspects that to be one result.

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

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

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

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

41  
42 Mr. Levy stated that when it becomes a plat and it is not stabilized he believes that it will become part of the

1 disturbed area. He said that if it is done prior to a plat and it is graded level for development then he could  
2 see a different situation because it would have some sort of surface cover for soil stabilization and only the  
3 part that is considered in the site plan would be indicated as disturbance.

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

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

10  
11 Ms. Griest stated that is exactly what she was trying to get at.

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

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

23 He said that currently the example shows the County requiring a demolition permit below one acre of  
24 disturbance because we want to be there when they define the one acre of disturbance so that it is realistic.

25 He said that depending on how complicated this permit will be there may be good reason to minimize this  
26 permit as much as possible. He said that if we can help people to do things the right way then that is why we  
27 are here. He said that hopefully a handout will be available for the public regarding the rules and hopefully  
28 this will be easier than grading because it will be generally be for an individual site.

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

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

1 distribution when this is finally adopted.

2

3 Ms. Griest asked Mr. Hall if there are multiple homes proposed to be under construction in an RRO situation  
4 how will the landowners know that they could be in a more expensive category if they build later in lieu of  
5 building immediately.

6

7 Mr. Hall stated that the landowner should be able to find this information out before they purchase the lot  
8 and the handout will also explain the process. He said that they are going to know that they are building in  
9 an RRO with a street and vacant lots. He said that it is entirely possible, if the economy stays as it is  
10 currently, we may never see an RRO but if we do perhaps the construction will be so slow that each lot will  
11 be stabilized individually but he finds that hard to imagine.

12

13 Ms. Griest stated that a perfect example is the subdivision on Airport Road because the road was built and  
14 only one house has been constructed with many vacant lots remaining.

15

16 Mr. Hall stated that if someone went out there and purchased a lot and started construction right away the  
17 EPA would still require E & S controls and since the lots are not even one acre therefore one lot cannot  
18 disturb more than one acre and everything else is stabilized.

19

20 Ms. Griest asked Mr. Hall what would happen if three landowners decided to construct within this RRO at  
21 the same time. She asked Mr. Hall if his office will be the bearer of the bad news or will there be some other  
22 way to inform the public.

23

24 Mr. Hall stated that the handouts will be prepared to inform the public. He said that people need to look at  
25 how many other lots may be under construction during the same time that their lot is and if the two are more  
26 than one acre they should be prepared to spend \$5,000 per lot for E & S controls and complete the  
27 paperwork necessary for compliance.

28

29 Mr. Passalacqua stated that because they are part of the larger development it doesn't matter what else is  
30 going on the rest of the area and whether or not it is stabilized.

31

32 Mr. Hall stated that if there is no more than one acre disturbed he believes that the EPA would still want the  
33 E & S controls up and the subdivision that was mentioned is within the MS4 area. He said that outside of  
34 the MS4 area it will be whatever the EPA is going to require on the lot and staff will not be policing it.

35

36 Mr. Passalacqua stated that he obviously misunderstood because he thought that once it became a parcel of a  
37 larger common plan of development that it didn't matter.

38

39 Mr. Hall stated that outside of the MS4 we only want to know that the notice was sent to the EPA and that is  
40 it, but inside the MS4 area we want to know that the notice was sent to the EPA and we will notify the  
41 landowner that we will be out tomorrow before they start construction to make sure they have everything in  
42 place.

- 1  
2 Mr. Randol asked Mr. Hall if the developer or the individual builder will be responsible for this compliance.  
3  
4 Mr. Hall stated both and they already are responsible.  
5  
6 Ms. Lee stated that when we first started discussing this Mr. Hall indicated that we are doing it just inside the  
7 MS4 area but now it appears that there are rules outside of the MS4 area. She asked if the *Clean Water Act*  
8 only requires the County to enforce this inside the MS4 area why are we trying to enforce it outside of the  
9 MS4 area as well.  
10  
11 Mr. Hall stated that the legal advertisement made it very clear that the County will be policing for ILR10  
12 compliance and that is a requirement. He said that people will have to prove to the County that they sent in  
13 their notice if they are outside of the MS4 area but the extra inspections that are completed inside the MS4  
14 area will not be required outside of the MS4 area. He said that outside the MS4 area this Ordinance does not  
15 require E & S Controls to be in place so if someone submits the EPA notification then they will put up the  
16 controls but the County is not policing it and is not requiring it outside of the MS4 area and all the County  
17 wants to know will be whether or not they complied with the EPA.  
18  
19 Mr. Levy stated that the concern is that the County will be held liable if we don't take some action to assure  
20 that a landowner or developer has submitted their ILR10 Notice of Intent and we will be complacent in that  
21 and that is where this extension comes in and the County doesn't want to hold that burden. He said that we  
22 need to comply with the ILR10 with the IEPA and this is the closest that we can get to that without undue  
23 burden.  
24  
25 Ms. Lee stated that in other words we are going to be controlling it outside of the MS4 area to the extent that  
26 we are going to require compliance with ILR10.  
27  
28 Mr. Hall stated that if someone is supposed to be in compliance with ILR10 and they come to the County for  
29 a permit and indicate that they are not going to comply with ILR10 until the IEPA contacts them the County  
30 will not issue them a permit. He said that if we continue to permit without verifying compliance with ILR10  
31 the County will have problems of its own. He said that there are a few people in this meeting room that  
32 know a lot more about this than he does and if he is wrong he hopes someone will speak up because there is  
33 only so much to find out by cruising the handouts and reading the material on the EPA website and they  
34 require the same thing regardless of where you are and they do not make this distinction of inside or outside  
35 the MS4 area. He said that the EPA is making sure that the controls are installed regardless of where you are  
36 but that is not feasible for our County therefore we are trying to do it this way.  
37  
38  
39 Ms. Capel asked the Board if there were any additional questions for Mr. Hall and there were none.  
40  
41 Ms. Capel stated that no one has signed the witness register for this case. She asked the audience if anyone  
42 would like to sign the witness register at this time to present testimony regarding Case 769-AT-13.

1  
2 Ms. Capel called Herb Schildt to testify.  
3  
4 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet, asked Mr. Hall if the February 4, 2014, Draft  
5 Storm Water Management and Erosion Control Ordinance is the most current version under review.  
6  
7 Mr. Hall stated yes.  
8  
9 Mr. Schildt stated that Mr. Hall referred to the grading permit indicated in Section 6.5 although he does not  
10 see such indication in Section 6.5.  
11  
12 Mr. Hall stated that the text has been drafted and we know where it is going to be inserted but the draft  
13 version was not ready for tonight's meeting.  
14  
15 Mr. Schildt stated Mr. Hall referred to the ILR10 requirement in Section 5 although he does not see such an  
16 indication in Section 5.  
17  
18 Mr. Hall stated that his comments were in reference to another change that is part of the addition of the  
19 grading and demolition permit. He said that it will be inserted in Section 5 soon.  
20  
21 Mr. Schildt stated that the demolition permit is not included in the current draft ordinance.  
22  
23 Mr. Hall stated that Mr. Schildt is correct.  
24  
25 Mr. Schildt asked Mr. Hall to explain what other counties who do not have zoning are doing in regards to the  
26 *Clean Water Act*.  
27  
28 Mr. Hall stated that those counties are not subject to it. He said that Champaign County is subject to it  
29 because it is fortunate to have metropolitan area that met or exceeded the population threshold. He said that  
30 counties who do not have zoning generally do not have that much population but the ILR10 still applies  
31 although he is not aware whether compliance is enforced in those areas.  
32  
33 Mr. Schildt stated that he is not very excited about the grading permit.  
34  
35 Ms. Capel asked if staff had any questions for Mr. Schildt and there were none.  
36  
37 Ms. Capel asked the Board if there were any questions for Mr. Schildt.  
38  
39 Ms. Lee asked Mr. Schildt to explain why he disagreed with a grading permit requirement.  
40  
41 Mr. Schildt stated that he agrees with Ms. Griest's concern regarding the lack of a definition of grading. He  
42 said that he does not see roto-tilling for a grass bed as being a ground disturbance but more of a bedding

1 preparation as done in a gardening project. He said that he likes objective law and not subjective law.

2  
3 Mr. Hall stated that Mr. Schildt's reaction is completely expected and there are many people that staff  
4 reports to on a daily basis who will have a much stronger reaction.

5  
6 Mr. Schildt stated that he believes that in regards to the zoning department he believes that less is more and  
7 if it isn't something that has to be done then don't do it.

8  
9 Mr. Hall stated that the zoning department is technically five years late.

10  
11 Ms. Capel called Don Wauthier to testify.

12  
13 Mr. Don Wauthier, who resides at 1831 Tahoe Court, Champaign, stated that he is employed by Berns,  
14 Clancy and Associates Engineers and he was one of the instructors for the IEPA permit. He said that he can  
15 answer the question regarding a rural lot which is currently a cornfield and is worked and tilled for a bed for  
16 grass and it is considered land disturbance and an ILR10 is required. He said that if the lot is a cornfield  
17 today and the lot was subdivided and tilled for grass then that is considered land disturbance and the owner  
18 must obtain an ILR10 permit and that is information straight out of the USEPA and not just the IEPA. He  
19 said that the acre of disturbance is going to be a big issue.

20  
21 Ms. Lee asked Mr. Wauthier if a permit would be required if you just graded the lot and seeded it with grass  
22 with no intention of construction.

23  
24 Mr. Wauthier stated that if someone is planting grass and creating pasture then it is considered agriculture  
25 and no permit is required because agriculture is exempt. He said that if someone is planting grass to create a  
26 lot for a homestead then an ILR10 is required. He said that one way around it would be that before someone  
27 files a Plat of Survey they plant the entire area in grass and then file for an RRO.

28  
29 Mr. Hall asked Mr. Wauthier if someone left a portion of the minimum one acre lot in crop production then  
30 by definition they would not be disturbing an acre which would get around the requirement.

31  
32 Mr. Wauthier asked Mr. Hall if the 10,000 square feet is a magic number or is it just something that staff  
33 made up because one of the ways to help with the grading permit process might be to raise the threshold to  
34 20,000 square feet so that if mass grading was completed a permit would be required but it would get rid of  
35 some of the smaller sites.

36  
37 Mr. Hall stated that the 10,000 square feet is a magic number but the threshold for which the grading permit  
38 kicks in could be 20,000 square feet as long as we are confident that we are not missing anything for a  
39 common plan of development.

40  
41 Mr. Wauthier stated that he would recommend such to make things easier. He said that it is unfortunate that  
42 this is one of the problems that we run in to since we are a county with a MS4 and counties like Douglas do

1 not have to do this. He said that they are basing these requirements on the population of a particular county  
2 and their metro area.

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

7  
8 Ms. Capel called Rob Parker to testify.

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

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

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

27  
28 Mr. Hall stated that he cannot recommend 2200 cubic yards as the threshold.

29  
30 Mr. Parker stated that he would suggest that the County only do what the State requires and that's it. He said  
31 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  
32 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  
33 because they won't be able to do it let alone spend \$5,000 for a silt fence and engineering plans. He said that  
34 he believes that these requirements are too much.

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

1 recommend this and ELUC let the optional minimum requirements come to the public hearing but they made  
2 it very clear that they are going to look very closely at them. He said that he will pass the comments from  
3 Mr. Schildt, Mr. Wauthier, and Mr. Parker to ELUC and we will see what happens.  
4

5 Mr. Parker asked Mr. Hall if there is currently a mechanism in place if he has a stockpile of dirt and it runs  
6 off onto the neighbor's property and they complain.  
7

8 Mr. Hall stated that it isn't a violation of the County's Nuisance Ordinance currently therefore staff could not  
9 do one thing about it.  
10

11 Mr. Parker stated that he is not in favor in doing anymore than we have to do and it also appears that some of  
12 newer parts should be prepared in advance for review by the public.  
13

14 Mr. Hall stated that he will be placed on the mailing list and the information will be sent to him as soon as it  
15 is ready for review.  
16

17 Ms. Capel asked if staff had any questions for Mr. Parker and there were none.  
18

19 Ms. Capel asked the Board if there were any questions for Mr. Parker and there were none.  
20

21 Ms. Capel asked the audience if anyone else desired to sign the witness register at this time to present  
22 testimony regarding Case 769-AT-13.  
23

24 Mr. Hall noted that staff will do a separate legal advertising for the grading and demolition permits because  
25 it will be a separate case and the legal advertisement will not cost very much.  
26

27 Ms. Capel entertained a motion to continue the meeting to 10:15 p.m.  
28

29 **Ms. Griest moved, seconded by Ms. Lee to continue the meeting to 10:15 p.m. The motion carried by**  
30 **voice vote.**  
31

32 Ms. Capel called Mr. Steve Burdin to testify.  
33

34 Mr. Steve Burdin, who resides at 2527 CR 450 E, Mahomet, stated that Mr. Hall previously stated that the  
35 EPA would like this ordinance to be enacted throughout the entire county and other counties who have  
36 created an ordinance like this have done the same. He asked Mr. Hall if there is a chance that Champaign  
37 County will be pushed to enact this ordinance for the entire county in lieu of just the MS4 area.  
38

39 Mr. Hall stated that he does not know but he has asked the question.  
40

41 Ms. Capel entertained a motion to continue Case 769-AT-13 to a date certain.  
42

1 Mr. Hall recommended that Case 769-AT-13 be continued to the April 17<sup>th</sup> meeting. He said that he does  
2 not believe that staff will have a substantial amount of new information by then but it is essential that we get  
3 anything done that we can. He said that he is sorry that interested people are required to come to the  
4 meetings because they want to follow this case but at the same time we have a tremendous challenge at a  
5 staff level in trying to get this material completed. He said that he will be working on the map amendment  
6 and special use permit cases that are scheduled to be heard for the April 17<sup>th</sup> meeting and those petitioners  
7 have submitted completed applications to staff therefore he is going to try to have those cases ready for final  
8 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  
9 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  
10 case on the agenda even though there may not be much information available and in having it on the agenda  
11 it will help spur the progress of this case.

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

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

20  
21 Ms. Griest stated that the May 15<sup>th</sup> meeting could possibly be a large meeting therefore she is not inclined to  
22 continue this important case to May 15<sup>th</sup>.

23  
24 Mr. Hall stated that he would recommend that Case 769-AT-13 be continued to the May 29<sup>th</sup> meeting.

25  
26 **Ms. Griest moved, seconded by Mr. Passalacqua to continue Case 769-AT-13 to the May 29<sup>th</sup> meeting.**  
27 **The motion carried by voice vote.**

28  
29 **6. New Public Hearings**

30  
31 None

32  
33 **7. Staff Report**

34  
35 None

36  
37 **8. Other Business**

38 **A. Review of Docket**

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

42

## **CASE NO. 773-AT-14**

### **PRELIMINARY MEMORANDUM**

May 23, 2014

Petitioner: **Zoning Administrator** Prepared by: **John Hall**, Zoning Administrator  
**Andrew Levy**, RPC Planner

#### **Request:**

Amend the Champaign County Storm Water Management and Erosion Control Ordinance that is the subject of a separate Zoning Case 769-AT-13, by adding the following:

- A. Add a requirement for a Grading and Demolition Permit for any grading or demolition that disturbs one acre or more of land or for any grading or demolition that is part of a larger common plan of development in which one acre or more of land disturbance will occur, and that is not related to any proposed construction.
  - B. Add fees for Grading and Demolition Permits.
  - C. Add required information to be provided in the application for a Grading and Demolition Permit.
  - D. Add a requirement that any grading or demolition pursuant to a Grading or Demolition Permit shall comply with the Illinois Environmental Protection Agency's ILR10 General Storm Water Permit for Construction.
  - E. Add a requirement that any demolition pursuant to a Demolition Permit shall comply with the Illinois Environmental Protection Agency's regulations enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos.
  - F. Add prohibitions against changing the flow of water and blocking the flow of water.
  - G. Add other requirements related to Grading and Demolition Permits.
- 

## **BACKGROUND**

At the March 13, 2014, public hearing for Case 769-AT-13 staff believed that it was advisable that the County should require compliance with the NPDES Permit ILR10 for any construction activities that result in a land disturbance of greater than or equal to one acre and construction activities that disturb less than an acre if that construction activity is part of a larger common plan of development or sale that will disturb one acre or more outside of the MS4 Jurisdictional Area. That belief was primarily due to uncertainty about the meaning of Part IV. B.5.f. of ILR40.

Ensuring compliance with ILR10 necessitated a proposal to add a "Grading Permit" and a "Demolition Permit" for land disturbance caused by grading and/or demolition that is not related to other proposed construction. Grading and Demolition Permits were discussed at the 3/13/14 public hearing but at that time there was no actual text amendment proposing to add those Permits.

Since the 3/13/14 meeting staff has gained a better understanding of Part IV. B.5.f. of ILR40 and that understanding is that Champaign County is not obligated to enforce compliance with ILR10 outside of the MS4 Jurisdictional Area.

However, staff believes there are benefits to requiring Grading and Demolition Permits and requiring compliance with ILR10 outside of the MS4 Jurisdictional Area. These two things are not linked and the County Board can do either without doing both.

Complaints from neighbors about changes in surface drainage on adjacent property or complaints about mud that is tracked onto the public street or concerns about erosion and sedimentation on their own property are quite common and, given that the proposed amendment is adding to the Stormwater Management Policy exactly what is needed to enforce Grading and Demolition Permits, it makes sense for the County Board to consider requiring Grading and Demolition Permits. Requiring permits for Grading and Demolition will provide some recourse for neighbors who may experience some erosion or sedimentation or simply a significant change in surface drainage as a result of grading or demolition on adjacent properties. The benefit is slight but complaints about drainage changes are common enough that the County Board should consider requiring Grading and Demolition Permits even if it does not require ILR10 compliance outside of the MS4 Jurisdictional Area.

The primary benefits of requiring compliance with ILR10 outside of the MS4 Jurisdiction Area are ensuring consistency with state law and contributing to further prevention of water pollution.

Case 773-AT-14 has been initiated to provide the County Board with the ability to require a Grading Permit or a Demolition Permit for any grading or demolition that disturbs one acre or more of land or for any grading or demolition that is part of a larger common plan of development in which one acre or more of land disturbance will occur outside of the MS4 Jurisdictional Area, and that is not related to any proposed construction. Note that at the 3/13/14 public hearing there was discussion about requiring either the Grading Permit or the Demolition Permit at land disturbances less than an acre but that is not proposed here except in the case of grading or demolition that is part of a larger common plan of development.

Attachment A is the proposed amendment that if approved would add Section 6.6 to the proposed Storm Water Management and Erosion Control Ordinance that is the subject of related Case 769-AT-13.

Cases 769-AT-13 and 773-AT-14 should proceed together. The proposed amendment is based on ILR10 compliance being required in Case 769-AT-13, which is optional. If the County Board chooses to adopt the Grading and Demolition Permit requirement without adopting ILR10 compliance paragraphs 6.6 C.12. and 6.6 F. would not be required.

## **ATTACHMENTS**

### **A Proposed Amendment**

**Proposed Amendment (Annotated as noted)**

**1. Add the following to Sec. 3 Definitions:**

DEMOLITION PERMIT: A permit for DEMOLITION activities that are planned for areas outside of the MS4 JURISDICTIONAL AREA.

GRADING PERMIT: A permit for GRADING activities that are planned for areas outside of the MS4 JURISDICTIONAL AREA.

**2. Add the following to Sec. 4.:**

**4.4 GRADING and DEMOLITION PERMIT Exemptions**

All GRADING and DEMOLITION meeting the following conditions are exempt from the requirement for a GRADING PERMIT and/or a DEMOLITION PERMIT :

- A. AGRICULTURE
- B. GRADING or DEMOLITION that is not part of or related to other CONSTRUCTION and that will result in less than one acre of LAND DISTURBANCE and that is not part of a larger COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD.
- C. Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.
- D. GRADING or DEMOLITION on LOTS subject to annexation agreements.
- E. GRADING or DEMOLITION pursuant to a statewide or regional permit administered by the Illinois Department of Natural Resources Office of Water Resources (IDNR/OWR) and provided that information sufficient to document compliance with the relevant statewide or regional permit is submitted to the ZONING ADMINISTRATOR at least one week prior to the start of LAND DISTURBANCE. This exemption is only applicable to that portion of CONSTRUCTION or LAND DISTURBANCE that is eligible for the statewide or regional permit.
- F. Any CONSTRUCTION, GRADING, DEMOLITION, and/ or LAND DISTURBANCE occurring either in a public street right-of-way or a railroad right-of-way, that is done by or for either the unit of government that has maintenance authority of that street right-of-way or for any utility that is authorized to use any portion of the public street right-of-way or the railroad that has the use of that railroad right-of-way.

**3. Add the following to 5.2A.**

- 5. Approval of any required GRADING PERMIT or DEMOLITION PERMIT outside of the MS4 JURISDICTIONAL AREA.

4. Add the following to Sec. 6:

6.6 DEMOLITION PERMIT and GRADING PERMIT

- A. DEMOLITION or GRADING that will result in one acre or more of LAND DISTURBANCE or that is part of a larger COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD which will disturb one acre or more of land, and that is not part of or related to other CONSTRUCTION and that is not located in the Champaign County MS4 JURIDICTONAL AREA shall be subject to the requirement for either a DEMOLITION PERMIT or a GRADING PERMIT, whichever is applicable.
- B. GRADING that is related to DEMOLITION shall be authorized as part of a DEMOLITION PERMIT.
- C. Application for a DEMOLITION PERMIT or a GRADING PERMIT shall be filed in written form with the ZONING ADMINISTRATOR on such forms as the ZONING ADMINISTRATOR prescribes and shall include the following information:
1. Name and address of the OWNER, the APPLICANT, contractor, engineer and architect when applicable;
  2. Location, including township and section, street number, lot block and or tract comprising the legal description of the site;
  3. Permanent Index Number (PIN);
  4. LOT Area;
  5. ZONING DISTRICT;
  6. Special Flood Hazard Area, if applicable;
  7. USE of existing property and structures;
  8. Proposed USE and any proposed structures;
  9. Estimated cost of proposed construction, GRADING, and/or DEMOLITION;
  10. SITE PLAN indicating all existing and proposed USES and structures;
  11. Extent and nature of proposed LAND DISTURBANCE.
  12. A copy of the ILR10 NOTICE OF INTENT. *(Note: This sentence is not required if the County Board does not require compliance with ILR10 in Case 769-AT-13)*
- D. In addition to the application information required by paragraph 6.6 C. for a DEMOLITION PERMIT, each application for a DEMOLITION PERMIT and each application for DEMOLITION pursuant to a LDEC PERMIT shall provide a copy of the completed State of Illinois Demolition/Renovation/Asbestos Project Notification Form. All DEMOLITION authorized under a DEMOLITION PERMIT or pursuant to a LDEC PERMIT shall comply with the Illinois Environmental Protection Agency's regulations enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos.

**Case 773-AT-14**  
**Attachment A Proposed Amendment**  
**MAY 23, 2014**

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- E. At the time the application is filed for a DEMOLITION PERMIT or a GRADING PERMIT a fee of \$50 shall be paid.
  
- F. All GRADING or DEMOLITION pursuant to a GRADING PERMIT or DEMOLITION PERMIT shall comply at all times with the ILR10. *(Note: This paragraph is not required if the County Board does not require compliance with ILR10 in Case 769-AT-13)*



Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708

## **CASE NO. 776-S-14**

**PRELIMINARY MEMORANDUM**  
May 23, 2014

**Petitioners:** Windsor Road Christian Church

**Request:** Authorize the following as a Special Use in the AG-2 Agricultural Zoning District on the subject property below:

Authorize the expansion and use of an existing, non-conforming church in the AG-2 Agricultural Zoning District consisting of additional classrooms, worship areas and recreational space with no change in existing facility use.

**Location:** A 10 acre tract that is in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 27 of Champaign Township and commonly known as the Windsor Road Christian Church located at 2501 West Windsor Road, Champaign.

**Site Area:** 10 acres

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

**Prepared by:** Susan Chavarria  
Associate Planner

**John Hall**  
Zoning Administrator

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### **BACKGROUND**

Windsor Road Christian Church proposes to construct a 12,204 square foot addition to their existing facility. The addition will increase the building's floor area to approximately 44,736 square feet. The addition will include ten classrooms, a nursery, play space and worship space.

The original church was approved for construction in 1976 under Zoning Use Permit # 19-76-02. Zoning Use Permit # 146-84-01 authorized the addition of an educational wing. Zoning Use Permit # 336-99-01 authorized use of an accessory building to the church. Zoning Use Permit # 89-01-02 authorized another addition to the church. Zoning Use Permits 242-AV-00, 120-01-04, 285-AV-01, 101-03-02, and 305-10-01 all authorized the expansion of parking for the church.

### **EXTRATERRITORIAL JURISDICTION**

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign. The City has received notice of this case. Comments from the City are welcome on the Special Use, but the City does not have protest rights.

**EXISTING LAND USE AND ZONING**

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

Direction	Land Use	Zoning
Onsite	Church	AG-2 Agriculture
North	Residential	SF1 Single Family Residential (City of Champaign Zoning)
East	Agriculture	AG-2 Agriculture
West	Residential	R-1 Residential
South	Residential	R-1 Residential

**STORMWATER MANAGEMENT**

The petitioner must eventually comply with the *Stormwater Management Policy* because the amount of impervious area proposed for the self-storage warehouses is greater than 16% of the total area of the lot. However, the proposed addition would be constructed on land currently covered by the church’s parking lot, so there would be no increase in impervious area. The petitioner has submitted a Stormwater Pollution Prevention Plan received May 13, 2014.

**TRAFFIC IMPACT ASSESSMENT (TIA)**

The proposed addition is not anticipated to increase traffic volumes on Windsor Road. Part of the proposed project is to remove the eastern entrance to the church and replace it with a new entrance on the west end of the property. The petitioner’s engineer suggests that this could alleviate some traffic delay issues currently experienced by westbound travelers wanting to turn left into the subject property.

The Zoning Ordinance does not require a TIA, but the Board can request one. Staff has made the petitioner aware that a TIA may be requested and that all costs associated with the TIA are to be paid by the petitioner.

**PROPOSED SPECIAL CONDITIONS**

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 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. **Certification from the County Health Department that the septic system on the subject property has sufficient capacity for the existing building and proposed addition is a requirement for approval of the Zoning Use Permit.**

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

**That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.**

- C. **The design for the proposed new entrance to the property must be approved by the City of Champaign prior to approving the Zoning Use Permit. The entrance must also be approved as constructed by the City of Champaign in order to extending a Zoning Compliance Certificate.**

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

**That access and safety concerns for travel on Windsor Road are considered according to applicable City of Champaign engineering standards.**

- D. **A Landscaping Plan of the required Type A screen for the entire (existing and proposed) parking area must be received and approved or a variance must be applied for and approved by the Zoning Board of Appeals.**

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

**That the proposed parking facilities conform to the requirements of the Zoning Ordinance.**

- E. **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.**

- F. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed church 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.**

G. **The only principal use authorized by Case # 776-S-14 is a church.**

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

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

**ATTACHMENTS**

- A Case Maps: Location, Land Use, Zoning
- B Site Plan from the original church construction as authorized in ZUP # 19-76-02 approved on 2/17/76
- C Site Plan from ZUP # 146-84-01 approved on 5/29/1984 authorizing construction of a 9,375 square foot addition to serve as the church's education wing.
- D Site Plan from ZUP # 336-99-01 approved on 12/10/1999 authorizing placement of a portable office building on the subject property.
- E Site Plan from Administrative Variance # 242-AV-00 authorizing construction of an addition to an existing parking lot.
- F Site Plan from Administrative Variance # 285-AV-01 approved on 4/19/2001 authorizing the dimensions and maneuvering area specifications for a proposed parking lot addition.
- G Site Plan from ZUP # 120-01-04 approved on 5/3/2001 authorizing construction of an addition to an existing parking lot.
- H Site Plan from ZUP # 89-01-02 approved on 7/3/01 – the last building addition constructed under “by right” authorization
- I Site Plan from Zoning Use Permit # 101-03-02 approved on 4/16/2003 authorized construction of an addition to an existing parking lot as a non-significant expansion of a nonconforming use.
- J Phased Parking Lot Expansion, Phase 1 Plan Set from ZUP # 305-10-01 approved on 11/9/10
- K Landscaping Plan for the parking screen received 1/10/11 (a more recent landscaping plan has not been submitted)
- L Final Engineering Improvement Plans received May 21, 2014
- M Site Visit Photos – included separately
- N Draft Summary of Evidence dated May 23, 2014, with attachments – included separately

# Location Map

Case 776-S-14  
May 29, 2014



Champaign County  
Department of

PLANNING &  
ZONING



Legend



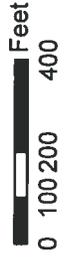
# Land Use Map

Case 776-S-14  
May 29, 2014



## Legend

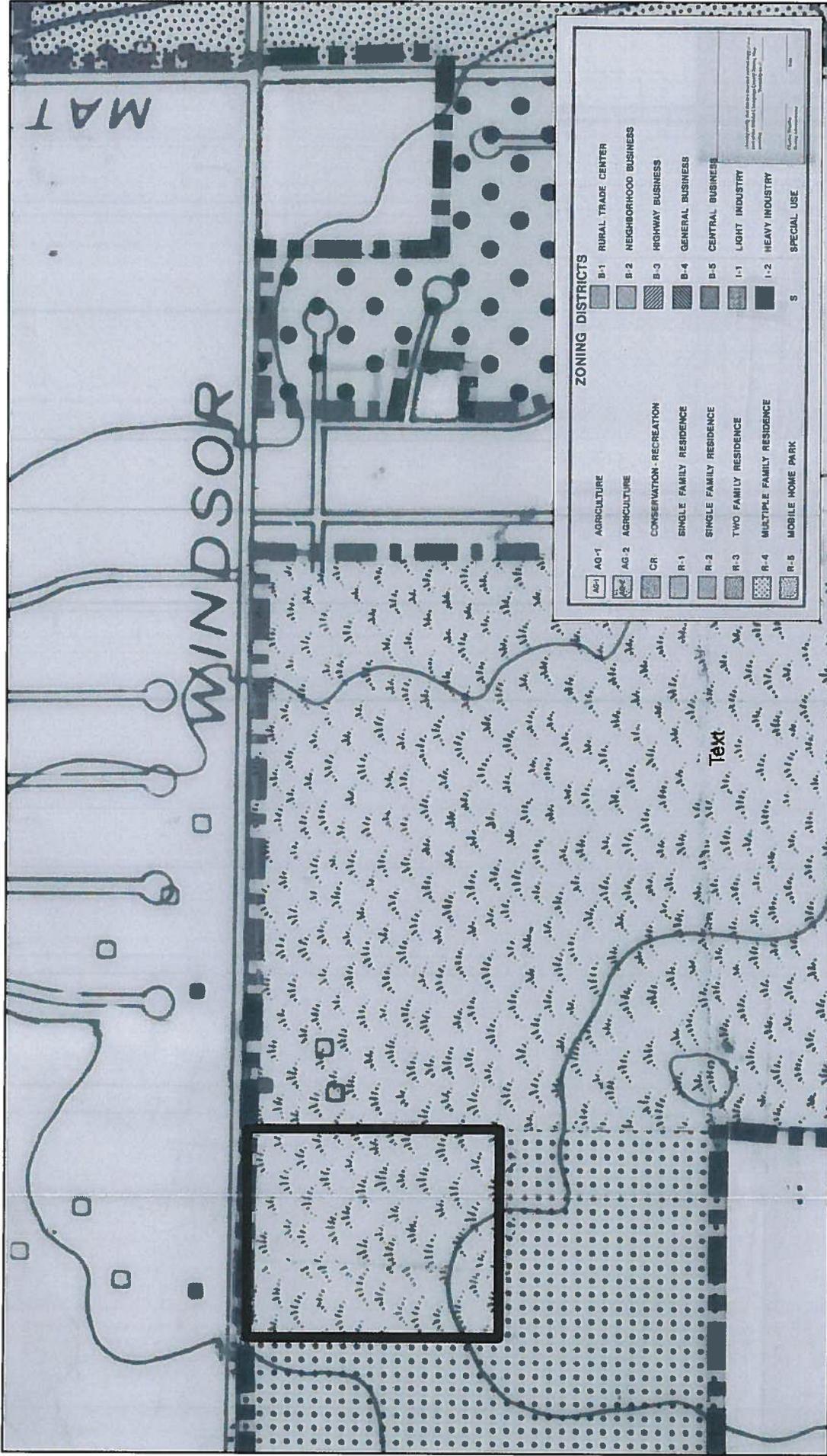
-  Church
-  Single Family Residential



Champaign County  
Department of  
PLANNING &  
ZONING

# Zoning Map

Case 776-S-14  
May 29, 2014



0 100 200 400 Feet

Legend  
Church

# Windsor Road Christian Church

Champaign, Illinois

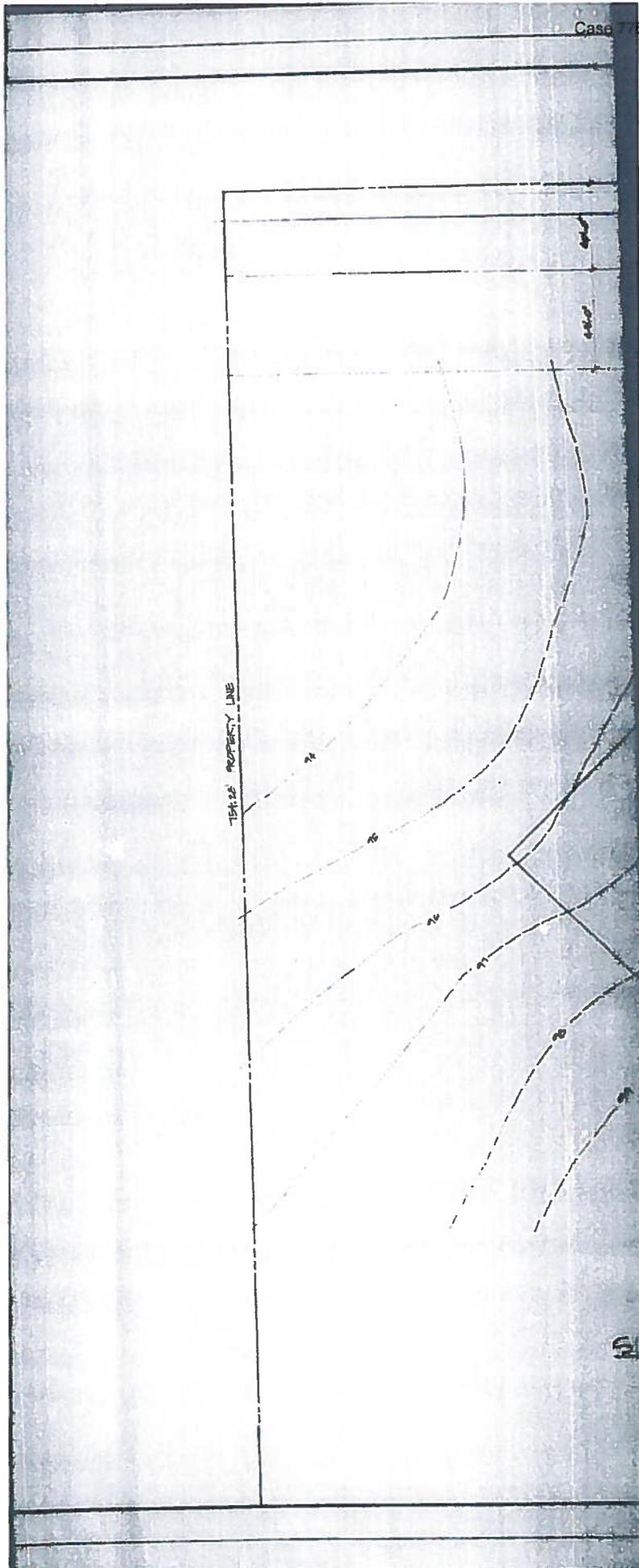
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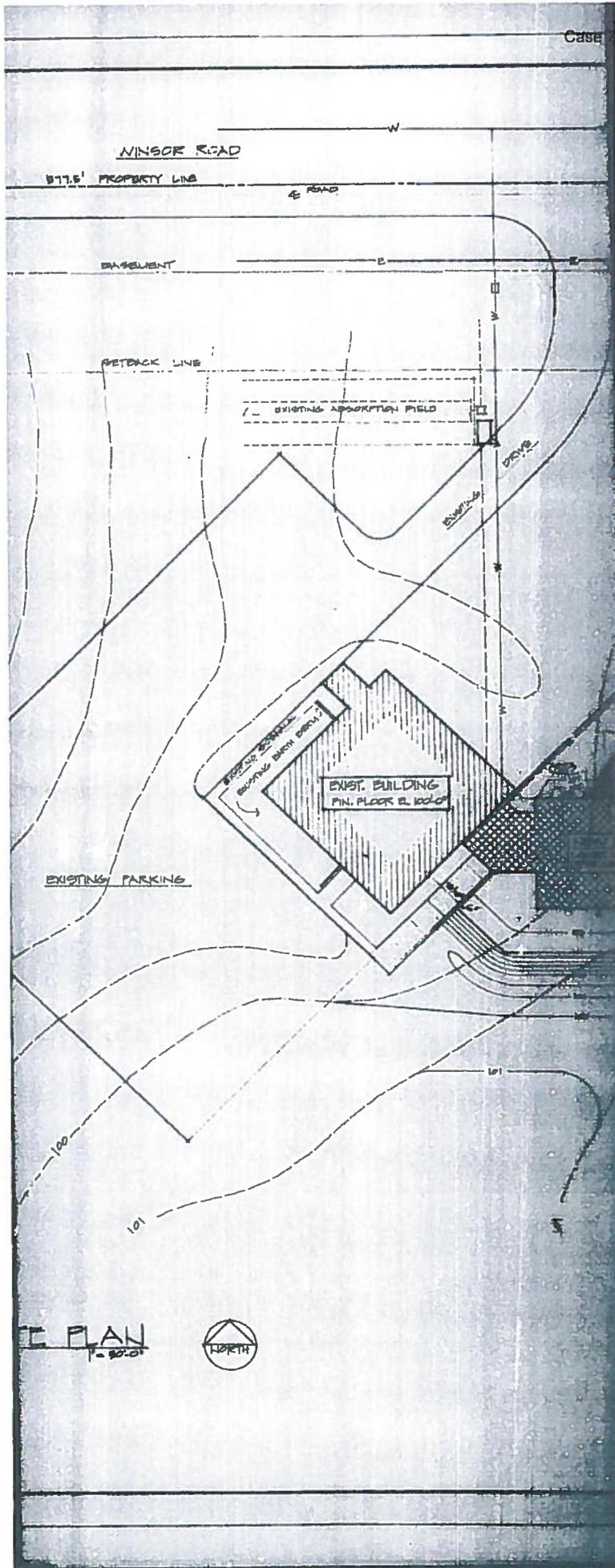
ARCHITECTURAL  
 A-1 Site Plan  
 A-2 Foundation Plan  
 A-3 Floor Plan  
 A-4 Roof Plan  
 A-5 Section  
 A-6 Utility Plans  
 A-7 Detail  
 A-8 Detail  
 A-9 Detail  
 A-10 Detail

MECHANICAL & ELECTRICAL  
 M-1 Mechanical Plan  
 M-2 Electrical Plan  
 M-3 Detail  
 M-4 Detail  
 M-5 Detail  
 M-6 Detail  
 M-7 Detail  
 M-8 Detail  
 M-9 Detail  
 M-10 Detail

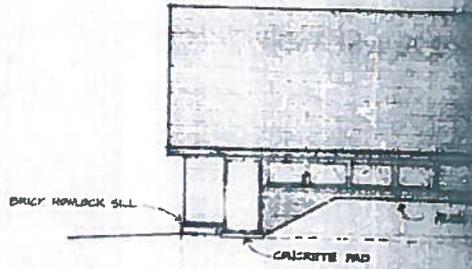
**LEGEND TO SYMBOLS**

1. 1/4" = 1'-0" Scale  
 2. 1/8" = 1'-0" Scale  
 3. 1/16" = 1'-0" Scale  
 4. 1/32" = 1'-0" Scale  
 5. 1/64" = 1'-0" Scale  
 6. 1/128" = 1'-0" Scale  
 7. 1/256" = 1'-0" Scale  
 8. 1/512" = 1'-0" Scale  
 9. 1/1024" = 1'-0" Scale  
 10. 1/2048" = 1'-0" Scale  
 11. 1/4096" = 1'-0" Scale  
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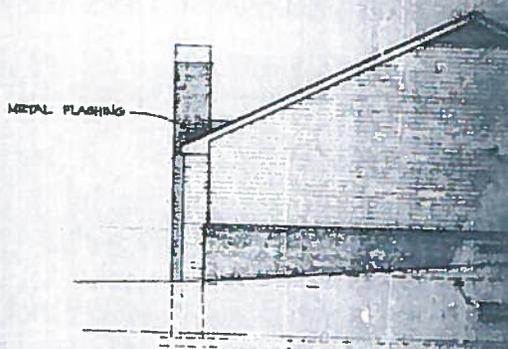




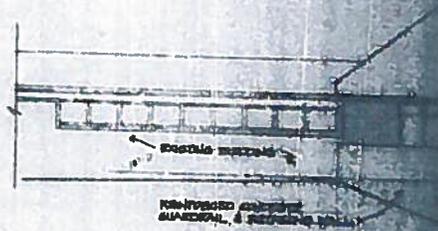




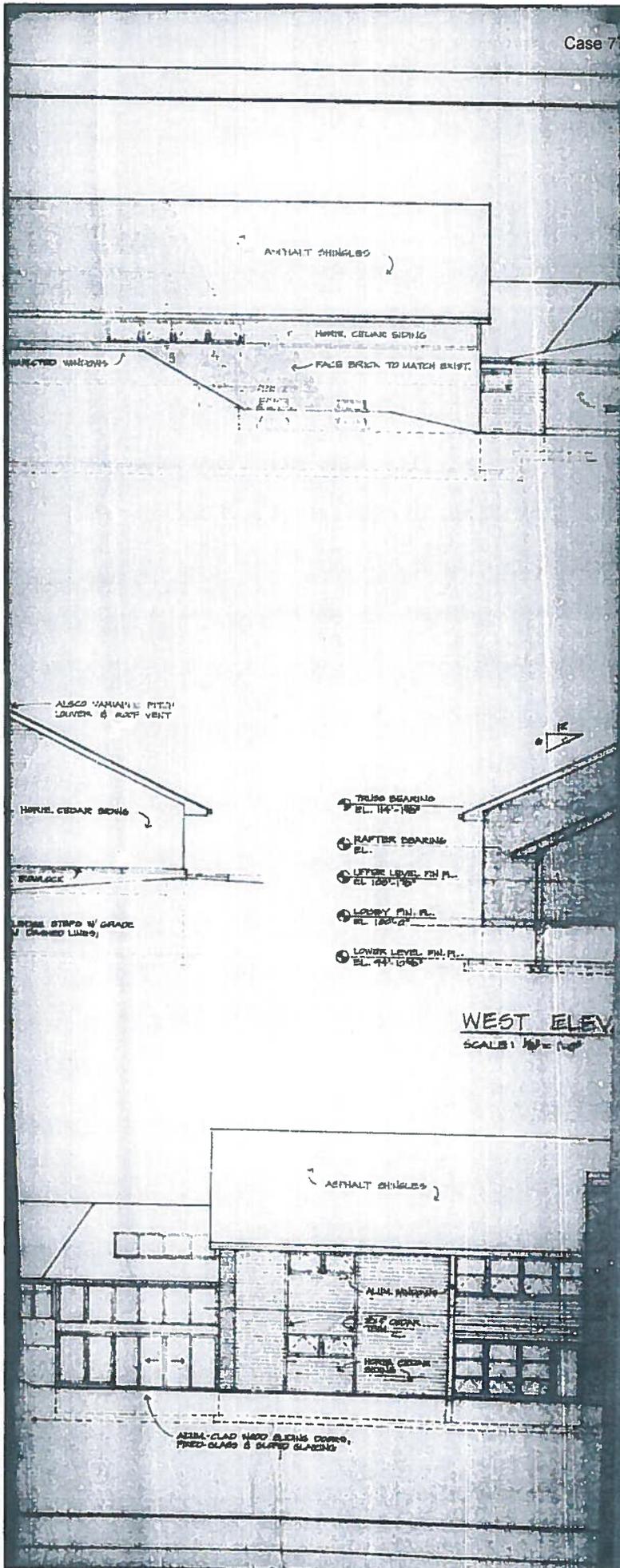
NORTH ELEVATION  
SCALE: 1/8" = 1'-0"

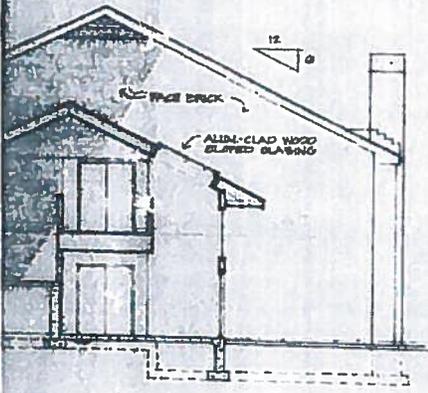


EAST ELEVATION  
SCALE: 1/8" = 1'-0"

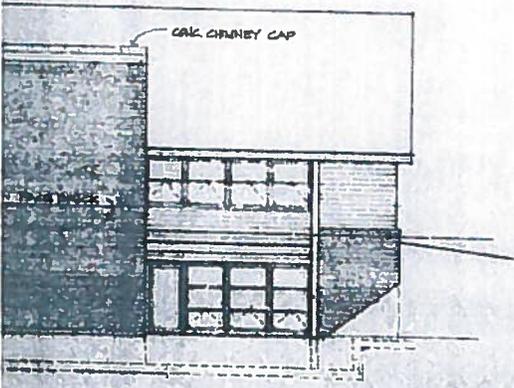


SOUTH ELEVATION  
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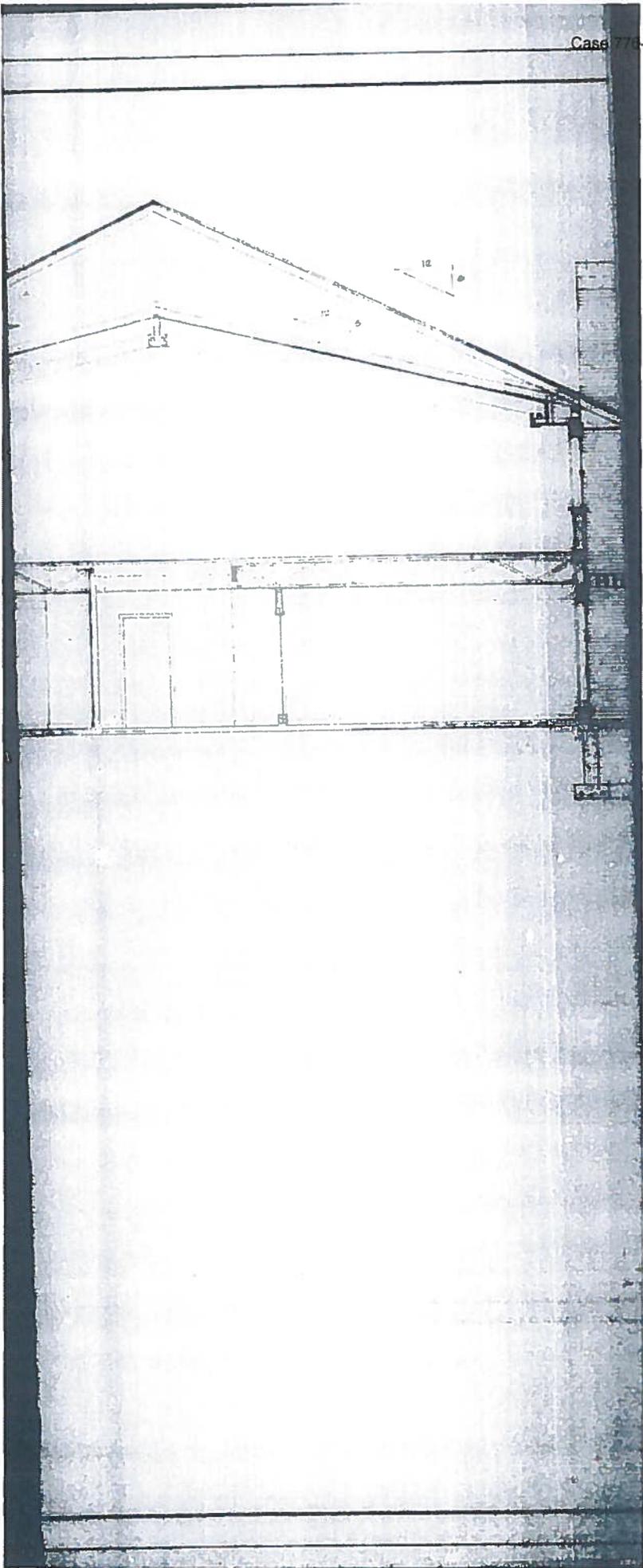




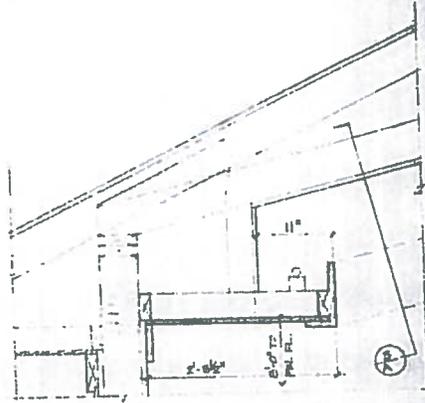
SECTION / SECTION





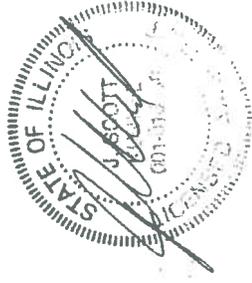
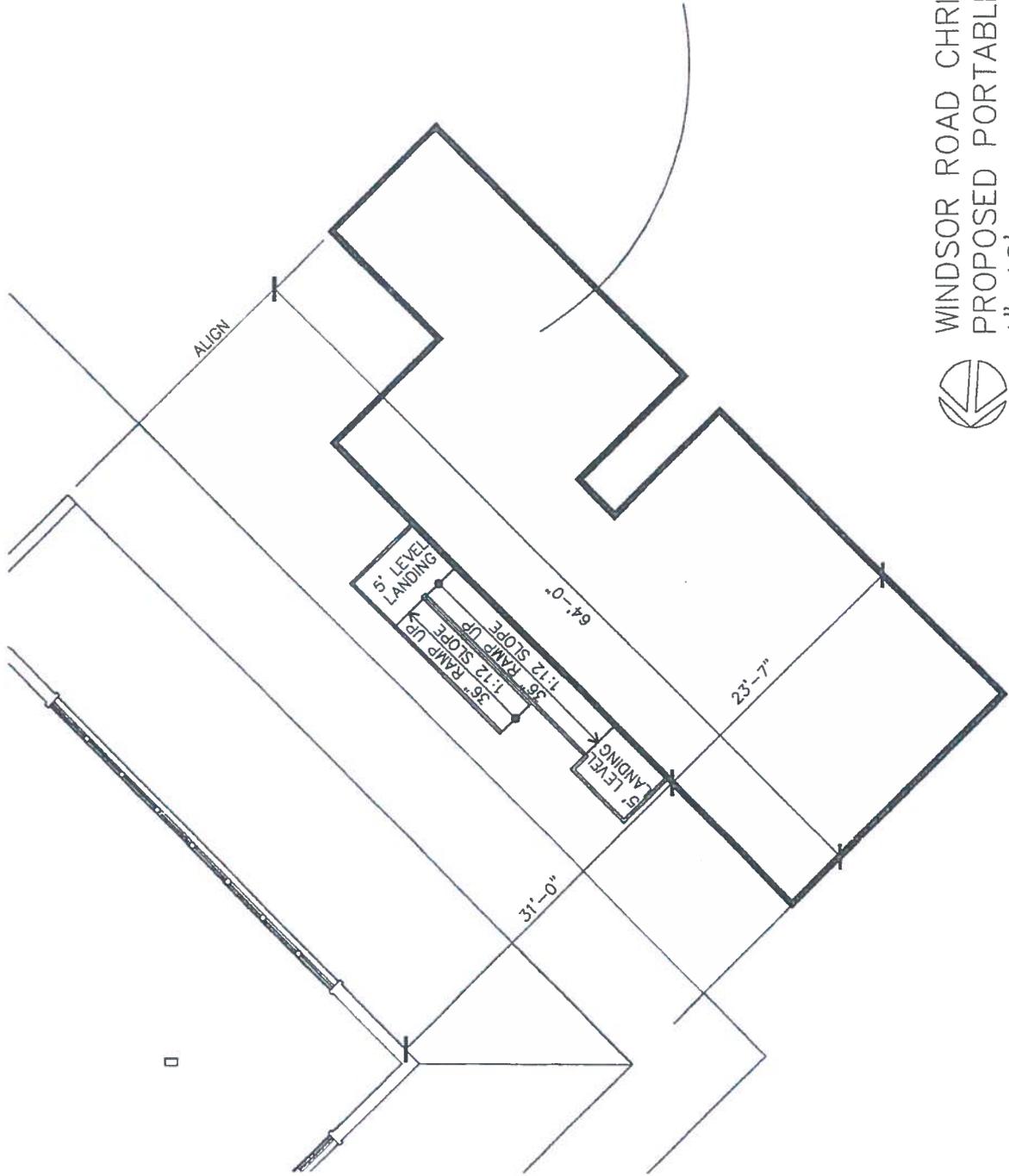






① DETAIL - LIGHT SOFFIT  
SCALE: 1" = 1'-0"

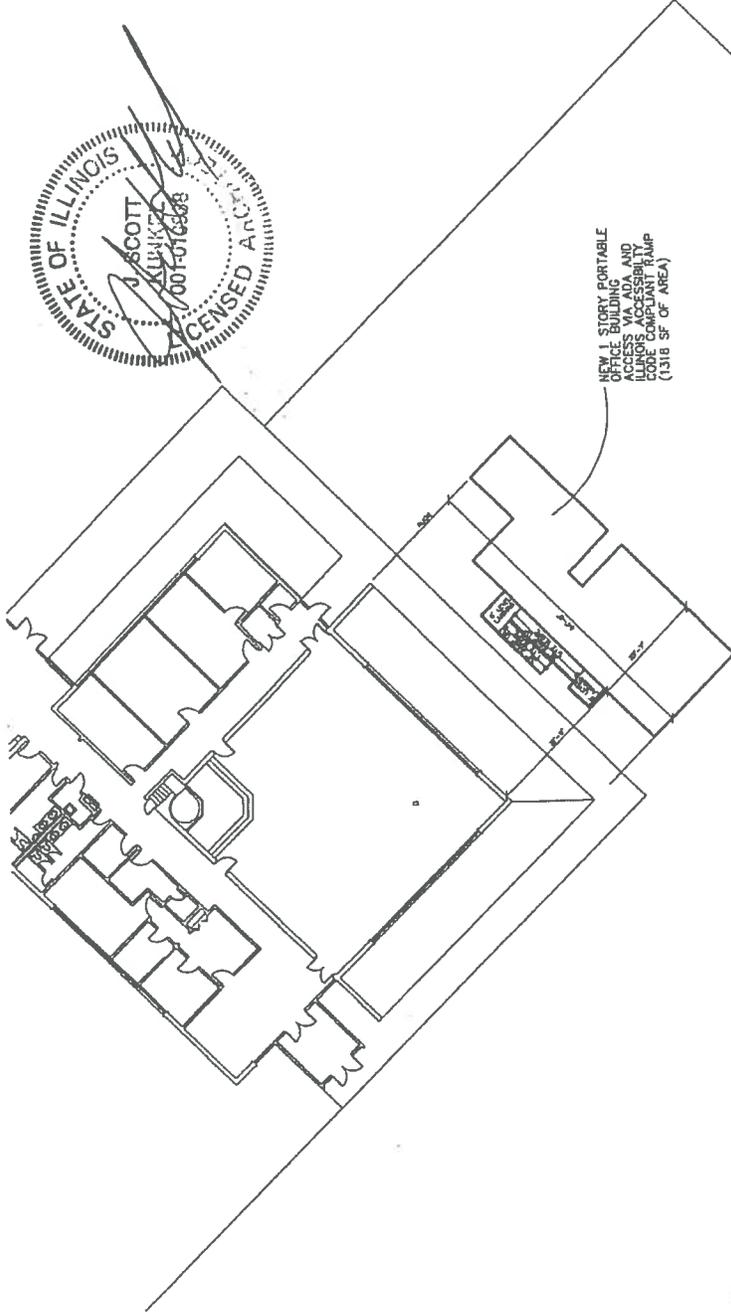




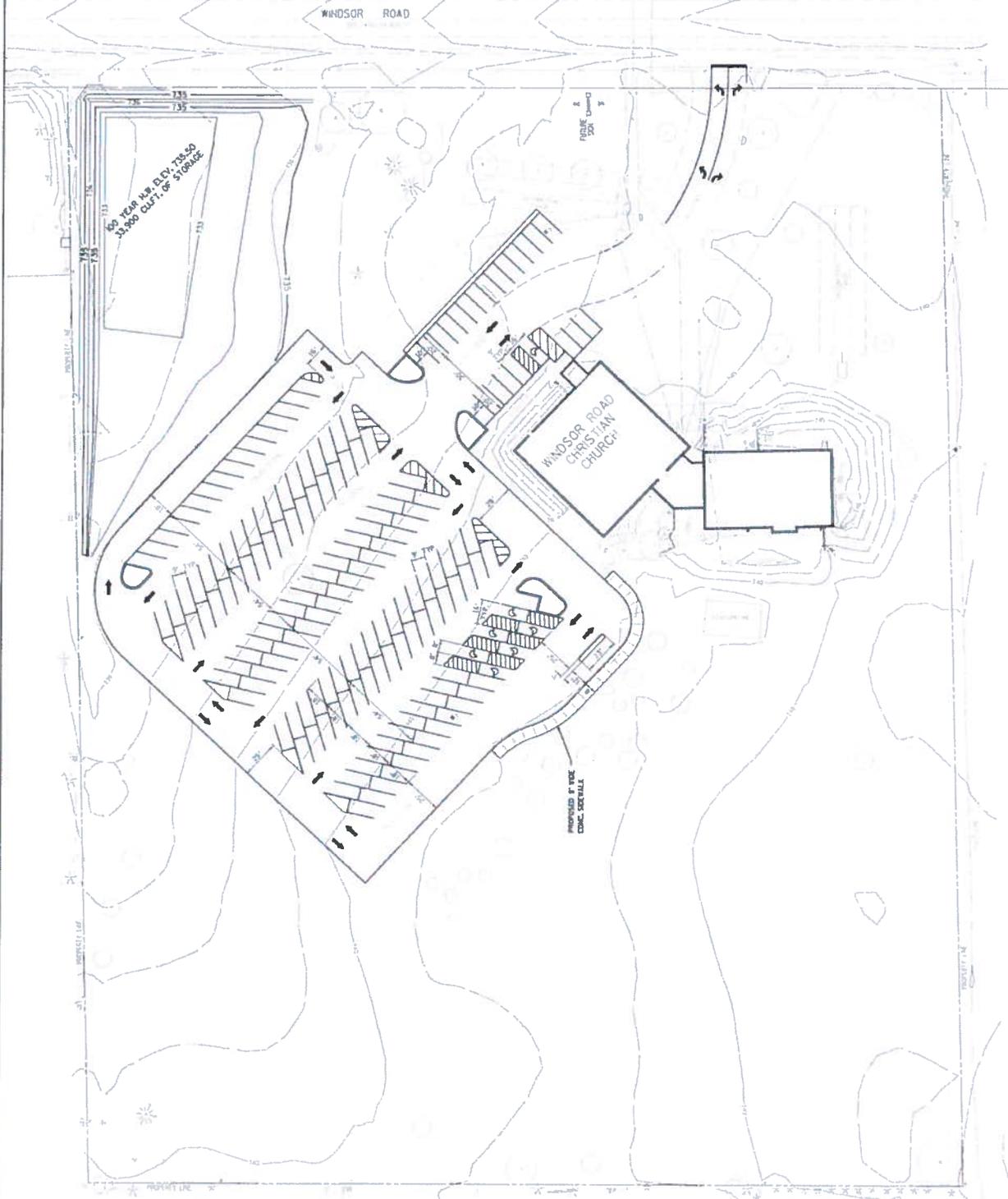
NEW 1 STORY PORTABLE  
OFFICE BUILDING  
ACCESS VIA ADA AND  
ILLINOIS ACCESSIBILITY  
CODE COMPLIANT RAMP  
(1318 SF OF AREA)



WINDSOR ROAD CHRISTIAN CHURCH  
PROPOSED PORTABLE BUILDING  
1"=10'



 WINDSOR ROAD CHRISTIAN CHURCH  
PROPOSED PORTABLE BUILDING  
1" = 30'



PROPOSED PARKING LOT LAYOUT

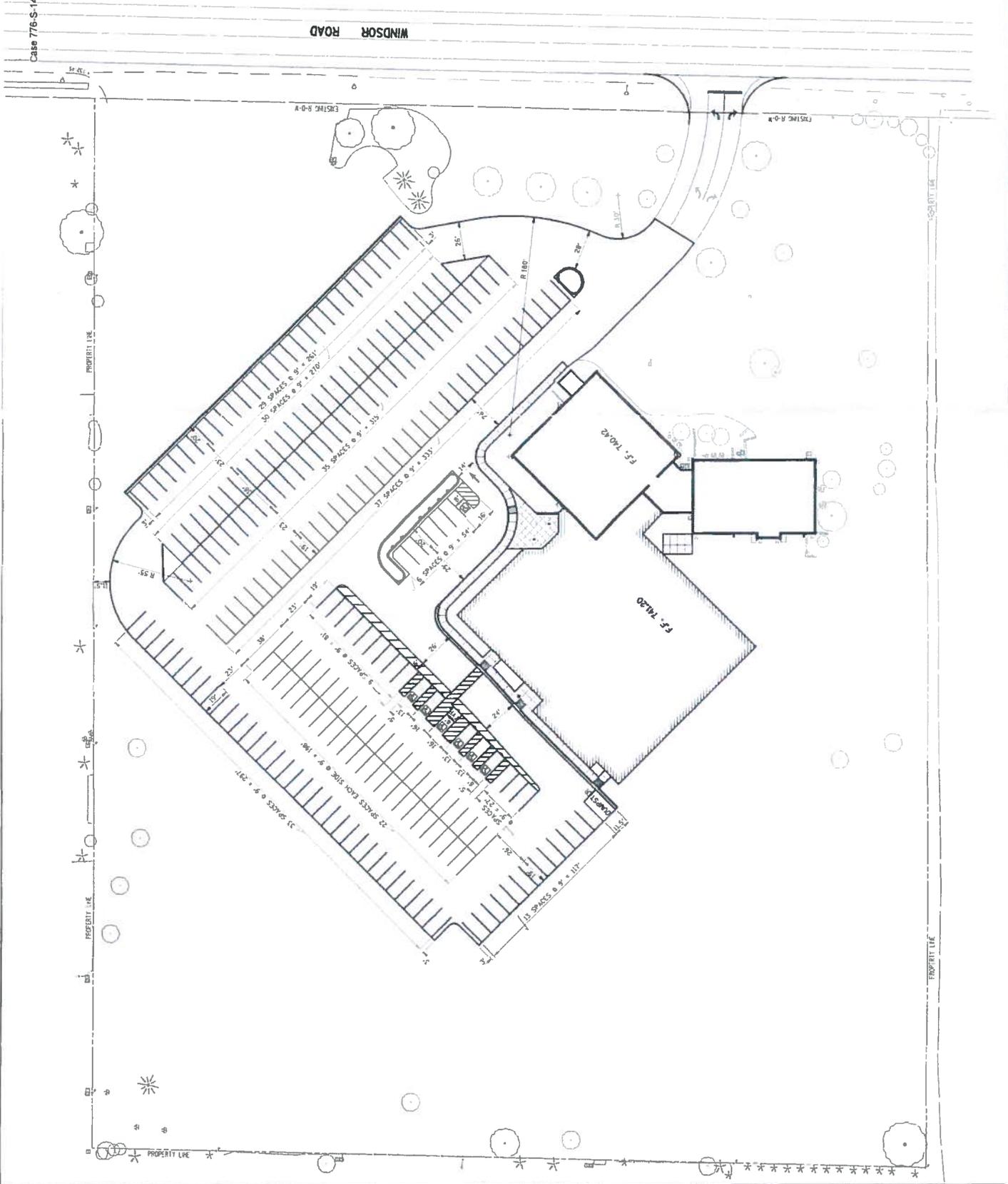
**WINDSOR ROAD CHRISTIAN CHURCH**  
1 OF 1  
ARCH. N. 2000  
DATE: 5/23/14  
SCALE: 1" = 20'





**PROPOSED PARKING LOT**  
239 PARKING SPACES  
7 HANDICAP SPACES  
246 TOTAL SPACES

**WRCC SITE IMPROVEMENTS**  
**PAVEMENT MARKING**  
**WINDSOR ROAD CEREBTIZAN CE**  
 P.O. BOX 6022  
 CAMPAN, IL 61826  
 (317) 355-3122 FAX (317) 355-7621  
 DATE: 5/14





**BENCHMARK**

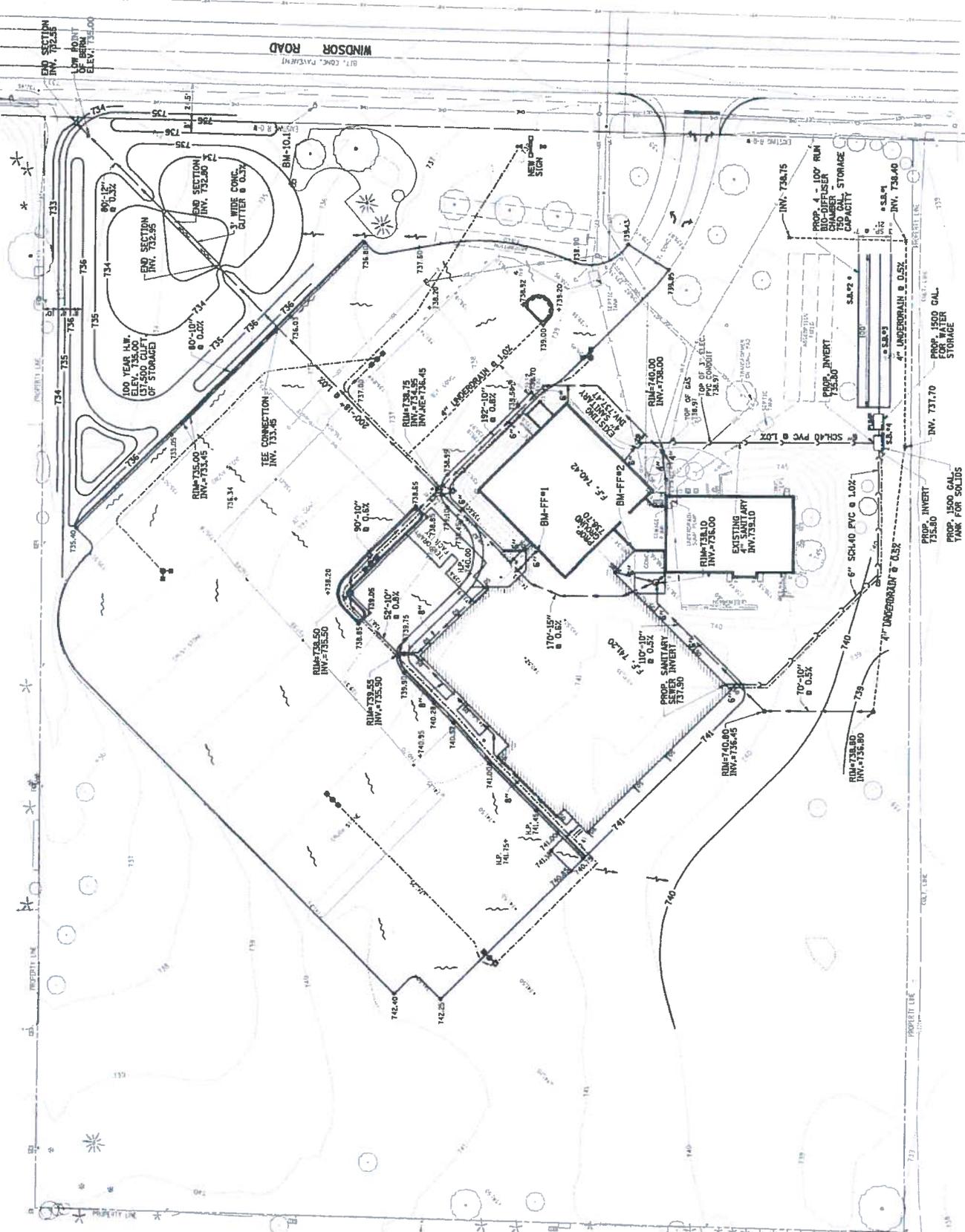
BM-102	NORTH END OF SANITARY MANHOLE AT CORNER OF WINDSOR ROAD AND CHERRY ELEV. = 731.71
BM-10.1	804 SPIKE NAIL IN POWER POLE W/70 2ND POLE WEST OF CHURCH ENTRANCE ELEV. = 736.82
BM-FF#1	FINISH FLOOR ELEVATION INSIDE OF D CLAY TILE AT THE SOUTH ENTRANCE 1 EXISTING SANCTUARY ELEV. = 740.42
BM-FF#2	FINISH FLOOR ELEVATION ON CONCRETE OUTSIDE CORNER OF THE SOUTH DOOR TO THE MAIN WEST HALL ELEV. = 740.42

**LEGEND**

○	PROPOSED MANHOLE BY
●	PROPOSED INLET BY DR
⊖	PROPOSED DOWNSPOUT 1 CONTRACTION
—	PROPOSED STORM SEWER
---	PROPOSED 4" UNDERDRAIN
—	PROPOSED SANITARY SE
—	PROPOSED SANITARY CL
—	PROPOSED LIGHT POLE (SEE LIGHTING AND UTI CONTRACTOR)
—	PROPOSED ELECTRICAL (SEE LIGHTING AND UTI CONTRACTOR)
○	PROPOSED DIRECTION 0
—	PROPOSED FINISH PAVE
—	PROPOSED DITCH SWALE
—	SOIL BORINGS FOR PRO ABSORPTION FIELD

**WRCC SITE IMPROVEMENTS**  
**GRADING, DRAINAGE AND SEWAG**  
**WINDSOR ROAD CEBESTZIAN CEF**  
 1000 WINDSOR ROAD  
 GARDNER, MA 01928  
 508-538-3222 FAX 508-538-3223

DATE: 5/23/14



WINDSOR ROAD  
 BIT, CONC. PAVEMENT

END SECTION  
 INV. 732.50

END SECTION  
 INV. 732.80

END SECTION  
 INV. 732.95

END SECTION  
 INV. 733.45





EXISTING R-0-W



EXISTING R-0-W

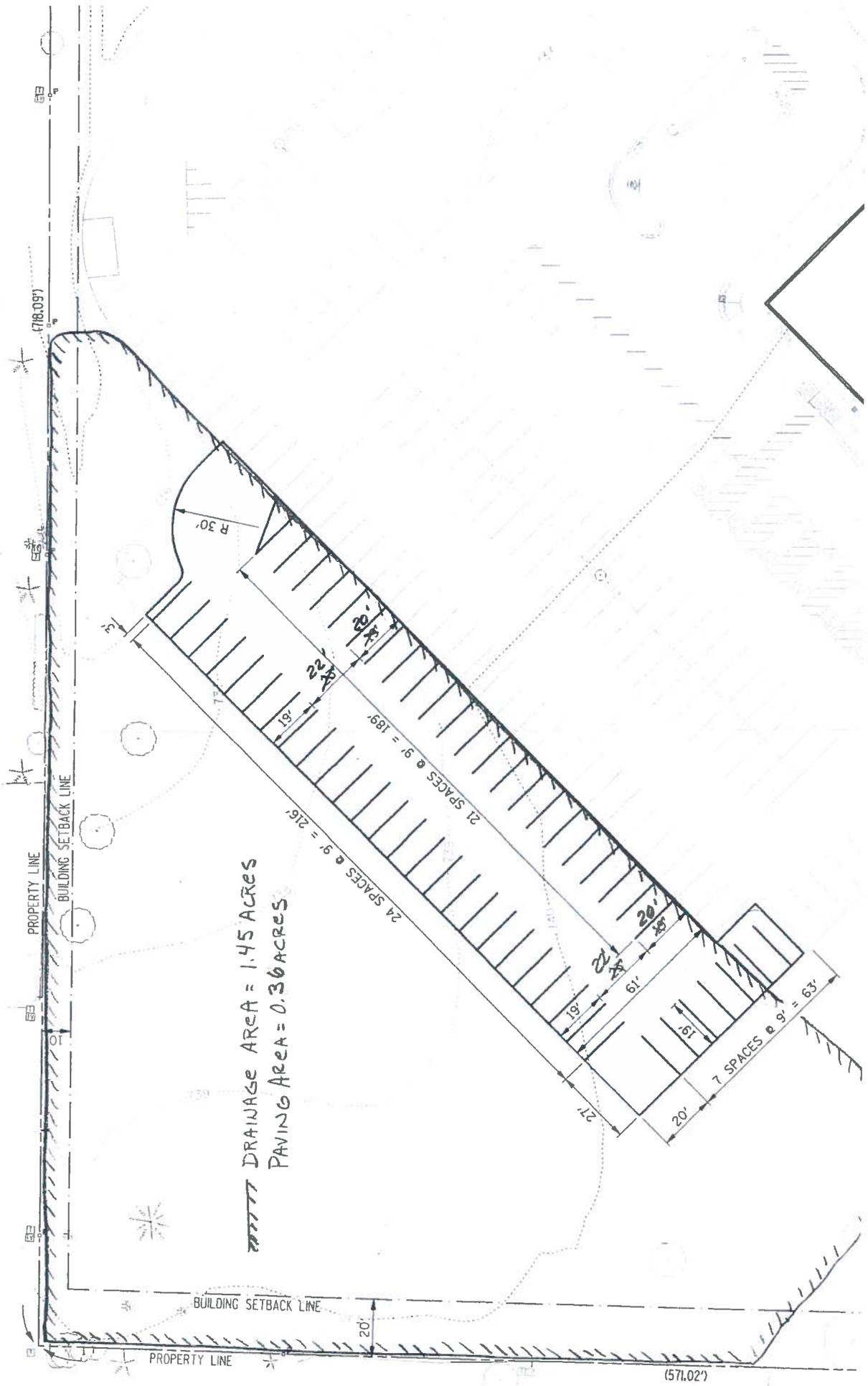
85'

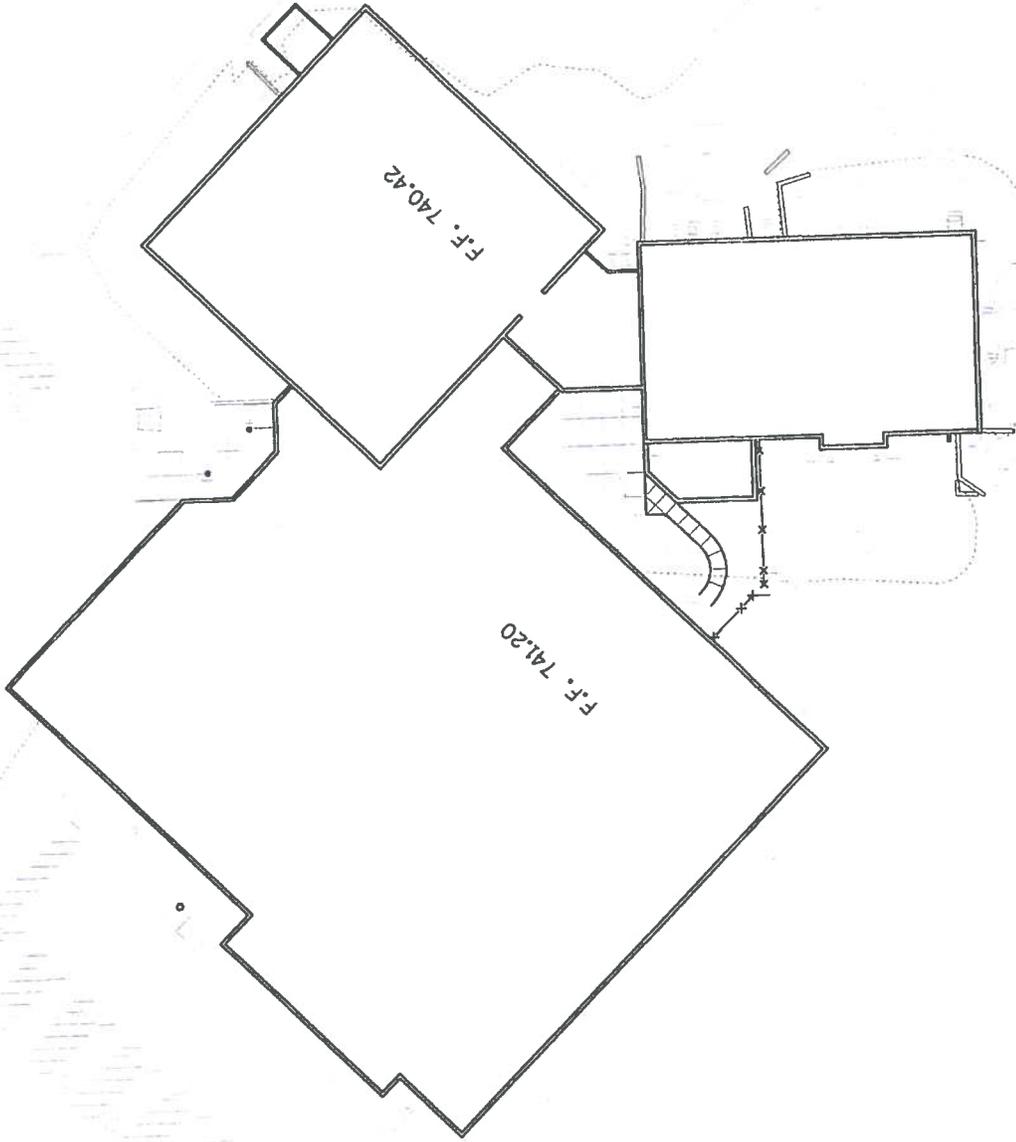
WINDSOR ROAD

PARKING LOT	
225 EXISTING PARKING SPACES	
7 EXISTING HANDICAP SPACES	
52 PROPOSED PARKING SPACES	
<hr/>	
284 TOTAL SPACES	

Jim Miller  
 Home: 356-7608  
 Work: 384-0505 EXT. 12

WRCC SITE IMPROVEMENTS - PHASE 2	
PARKING LOT EXPANSION	
 <b>WINDSOR ROAD CHRISTIAN CHURCH</b> P.O. BOX 6027 CHAMPAIGN, IL 61826 (217) 359-2122 FAX (217) 359-7623	DATE: 4/03/03
	1 OF 1 DRAWING NUMBER





# PHASED PARKING LOT EXPANSION PHASE 1

WINDSOR ROAD CHRISTIAN CHURCH  
CHAMPAIGN COUNTY, ILLINOIS



CALL J.U.L.I.E. BEFORE YOU DIG  
1-800-892-0123  
COUNTY/CITY CHAMPAIGN  
SECTION SW 1/4, 28-18-8E

**UTILITY COMPANIES**

- ILLINOIS AMERICAN WATER CO.  
(WATER)  
201 DEVONSHIRE DRIVE  
CHAMPAIGN, IL 61820  
374-3271 - JIM BROWN
- AMEREN IP  
(GAS AND ELECTRIC)  
1102 W. ANTHONY DRIVE  
URBANA, IL 61801  
383-7350 - RON SCHNEIDER
- URBANA & CHAMPAIGN SAN. DIST.  
(SANITARY SEWERS)  
100 WEST CITY AVENUE  
URBANA, IL 61801  
387-3400 - MIKE LITTLE
- CITY OF CHAMPAIGN  
(SANITARY & STORM SEWERS)  
100 EDGEMOOR DRIVE  
CHAMPAIGN, IL 61820  
217-403-4710 - RAY CARTER
- CITY OF CHAMPAIGN  
(STREET LIGHTS & TRAFFIC SIGNALS)  
100 EDGEMOOR DRIVE  
CHAMPAIGN, IL 61820  
217-403-4710
- MCLEOD COMMUNICATIONS  
(TELECOMMUNICATIONS)  
1000 W. WASHINGTON  
URBANDALE, IA 50322  
1-800-898-8330  
EXT. 3345 - JIM HRUSKA
- COMCAST  
(CABLE TELEVISION)  
303 FARLAWY DRIVE  
URBANA, IL 61801  
217-363-0051 - BRIAN CORRIE
- AT&T/SCC  
(TELEPHONE)  
201 S. NIEL  
CHAMPAIGN, IL 61820  
217-389-7880 - NICHELE SCOTT



LOCATION MAP

**BENCHMARKS:**

- BM 1  
ELEV. 731.71  
NORTH RIM OF SANITARY MANHOLE AT THE SOUTHWEST CORNER OF WINDSOR ROAD AND CHERRY HILLS DRIVE
- BM 2  
ELEV. 730.92  
800 SPIKE NAIL IN POWER POLE W/TRANSFORMER, 2nd POLE WEST OF CHURCH ENTRANCE
- BM 3  
ELEV. 743.86  
CHISELED SQUARE ON THE TOP NORTHEAST FACE OF A CONCRETE LIGHT POLE BASE 103 FEET SOUTHWEST OF THE SOUTHWEST CORNER OF THE WINDSOR ROAD CHRISTIAN CHURCH BUILDING.

**INDEX OF SHEETS**

1. COVER SHEET
2. GENERAL NOTES & LEGEND
3. EXISTING SITE PLAN
4. GRADING PLAN & SWPPP
5. PAVING & UTILITY PLAN
6. DETAILS



*DSC*  
DENNIS S. CUMMINS  
LICENSED PROFESSIONAL ENGINEER  
ENGINEER NO. 08284  
EXPIRES NOVEMBER 30, 2011

DATE: 10/29/2010

Project No. 10/29/2010  
SHEET NO. 1  
OF 8 SHEETS  
Foth  
FOOTH INFRASTRUCTURE & ENVIRONMENT, LLC  
1000 W. WASHINGTON  
URBANDALE, IA 50322  
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Case 776-S-14, 5/23/14, Att. 1, Page 3 of 1

**Foth**  
 Foth Infrastructure & Environment, LLC  
 1800 Brookport Drive  
 Champaign, IL 61820  
 Phone: 217.252.4100 Fax: 217.252.0200  
 Email: info@foth.com  
 THIS DOCUMENT HAS BEEN PREPARED BY A PROFESSIONAL ENGINEER AND MEETS THE REQUIREMENTS OF THE CHAMPAGNE COUNTY ZONING ORDINANCE. THE ENGINEER'S SIGNATURE AND SEAL ARE REQUIRED TO BE PLACED ON THIS DOCUMENT IN ORDER TO BE VALID. THE ENGINEER'S SIGNATURE AND SEAL ARE REQUIRED TO BE PLACED ON THIS DOCUMENT IN ORDER TO BE VALID.

**PHASED PARKING LOT EXPANSION  
 PHASE 1  
 WINDSOR ROAD CHRISTIAN CHURCH  
 CHAMPAGNE COUNTY, ILLINOIS**

RECORD DRAWING OF COMPLETED CONSTRUCTION BY

NO.	BY	DATE	DESCRIPTION

CONFORMS TO CHAMPAGNE COUNTY ZONING RECORDS

BY \_\_\_\_\_ DATE \_\_\_\_\_

DATE OF PREPARATION: October 28, 2010

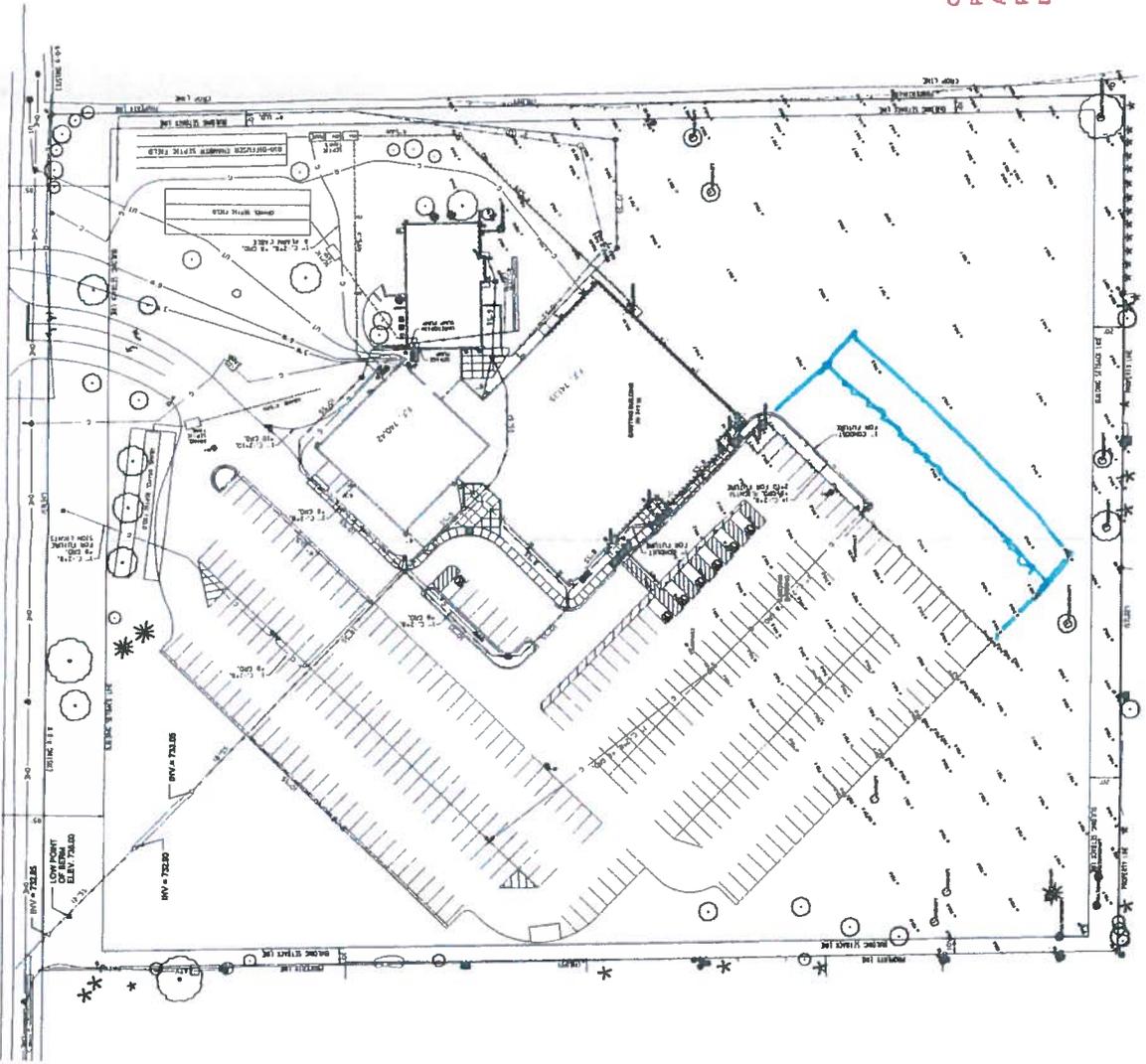
EXISTING SITE PLAN

NO.	BY	DATE	DESCRIPTION

DATE OF PREPARATION: October 28, 2010

HORIZONTAL SCALE: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_  
 SHEET NO: **3**  
 SHEET 3 OF 6  
 CHAMPAGNE COUNTY ZONING DEPARTMENT

Champaign County  
 Planning & Zoning Department  
 Approved Site Plan  
 Permit # 5/15-10-01  
 Date: 1/9/10

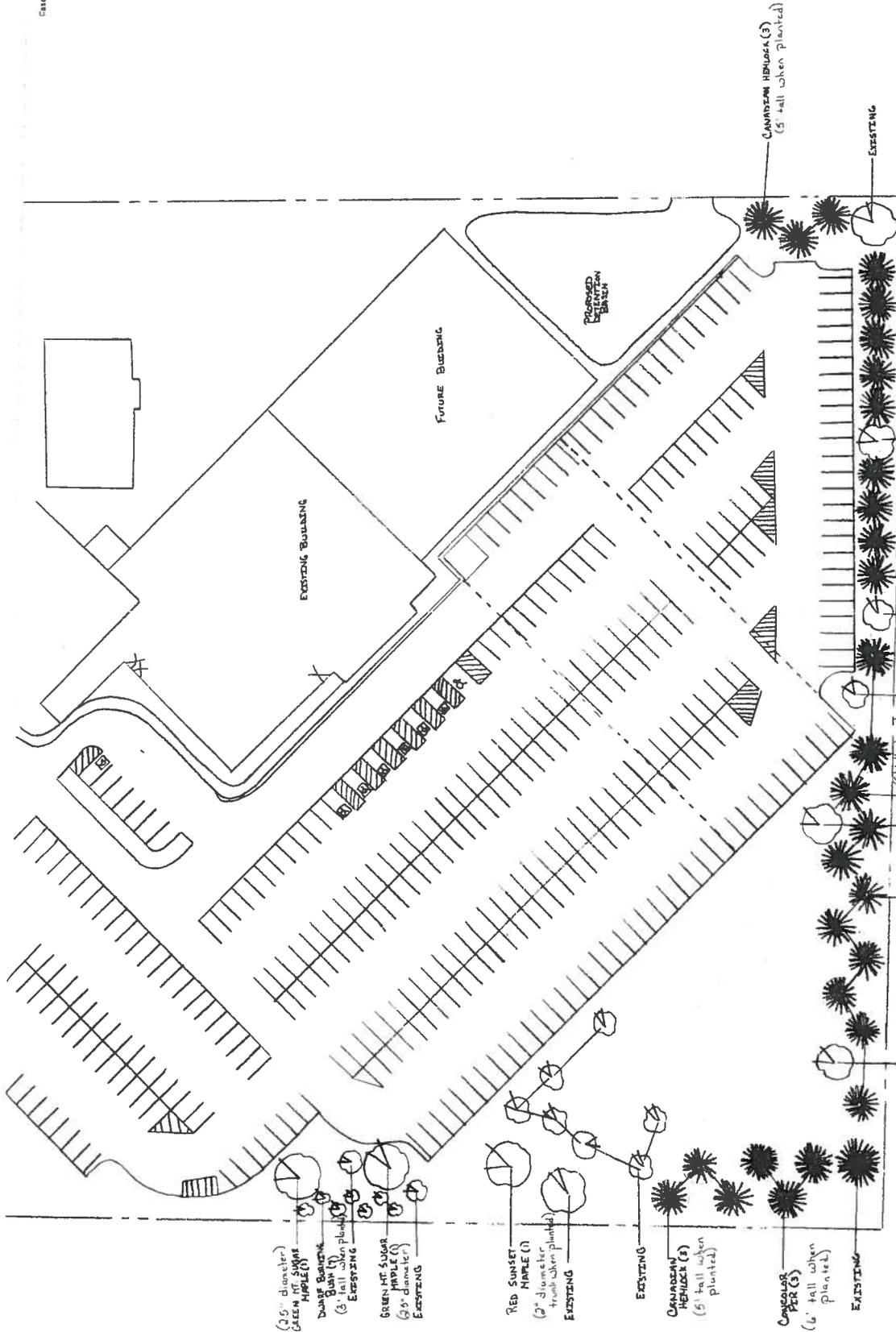


EXISTING PARKING	286
REGULAR SPACES	7
ACCESSIBLE SPACES	
TOTAL	283







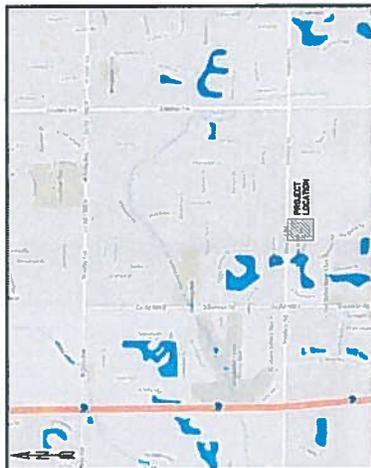


BROWN WOODS & ASSOCIATES  
 LANDSCAPE ARCHITECTS  
 CHAMPAIGN, IL  
 (217) 816-3-7500

WINDSOBER ROAD CHRISTIAN CHURCH  
 2501 WINDSOBER RD  
 CHAMPAIGN, IL  
 SCALE 1" = 40' N

# FINAL ENGINEERING IMPROVEMENT PLANS WINDSOR ROAD CHRISTIAN CHURCH 2501 W. WINDSOR ROAD CHAMPAIGN, ILLINOIS

- INDEX TO DRAWINGS**
- C1 COVER
  - C2 EXISTING CONDITIONS & DEMOLITION PLAN
  - C3 GEOMETRY AND UTILITY PLAN
  - C4 GRADING AND EROSION CONTROL PLAN
  - C5 GENERAL NOTES
  - C6 DETAILS
  - C7 STORMWATER POLLUTION PREVENTION PLAN



LOCATION MAP

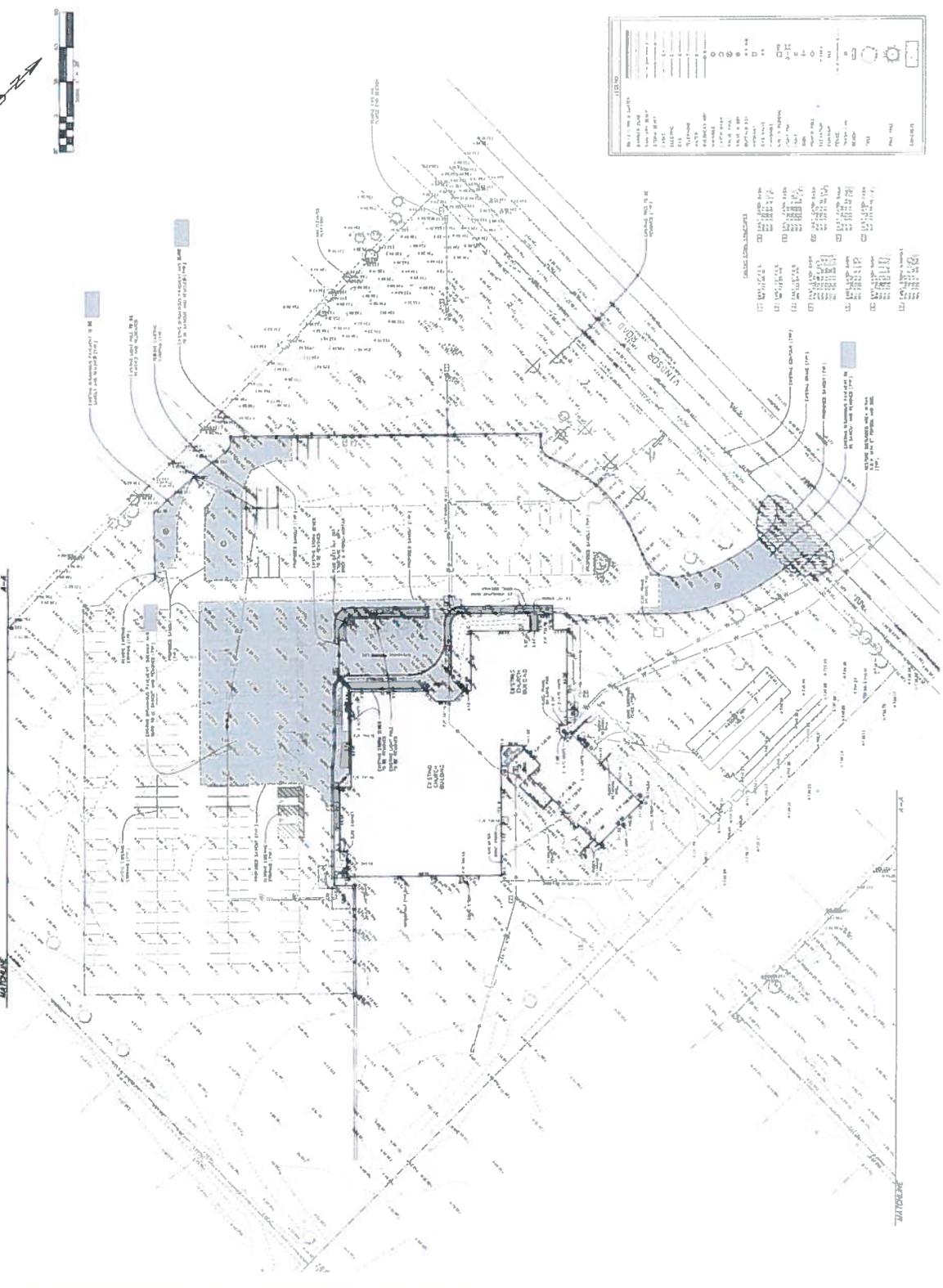
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**ENGINEERING**  
RESOURCES  
ASSOCIATES, INC.  
1000 W. 10th Street, Suite 100  
Champaign, IL 61820  
PH: 219.244.1100  
FAX: 219.244.1101  
www.resourcesinc.com

**Windsor Road Christian Church**  
1271 W. Windsor Rd. Champaign, IL 61820  
618.244.1100  
618.244.1101  
www.windsorroadchurch.org

**Aspen Group**  
1000 W. 10th Street, Suite 100  
Champaign, IL 61820  
PH: 219.244.1100  
FAX: 219.244.1101  
www.aspengroup.com



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NOT FOR CONSTRUCTION

**PARKING DATA TABLE**

TYPE	NO. OF SPACES	TOTAL
STANDARD	100	100
COMPACT	50	150
BIKE	10	160
TOTAL		160

SCALE: 1" = 40'

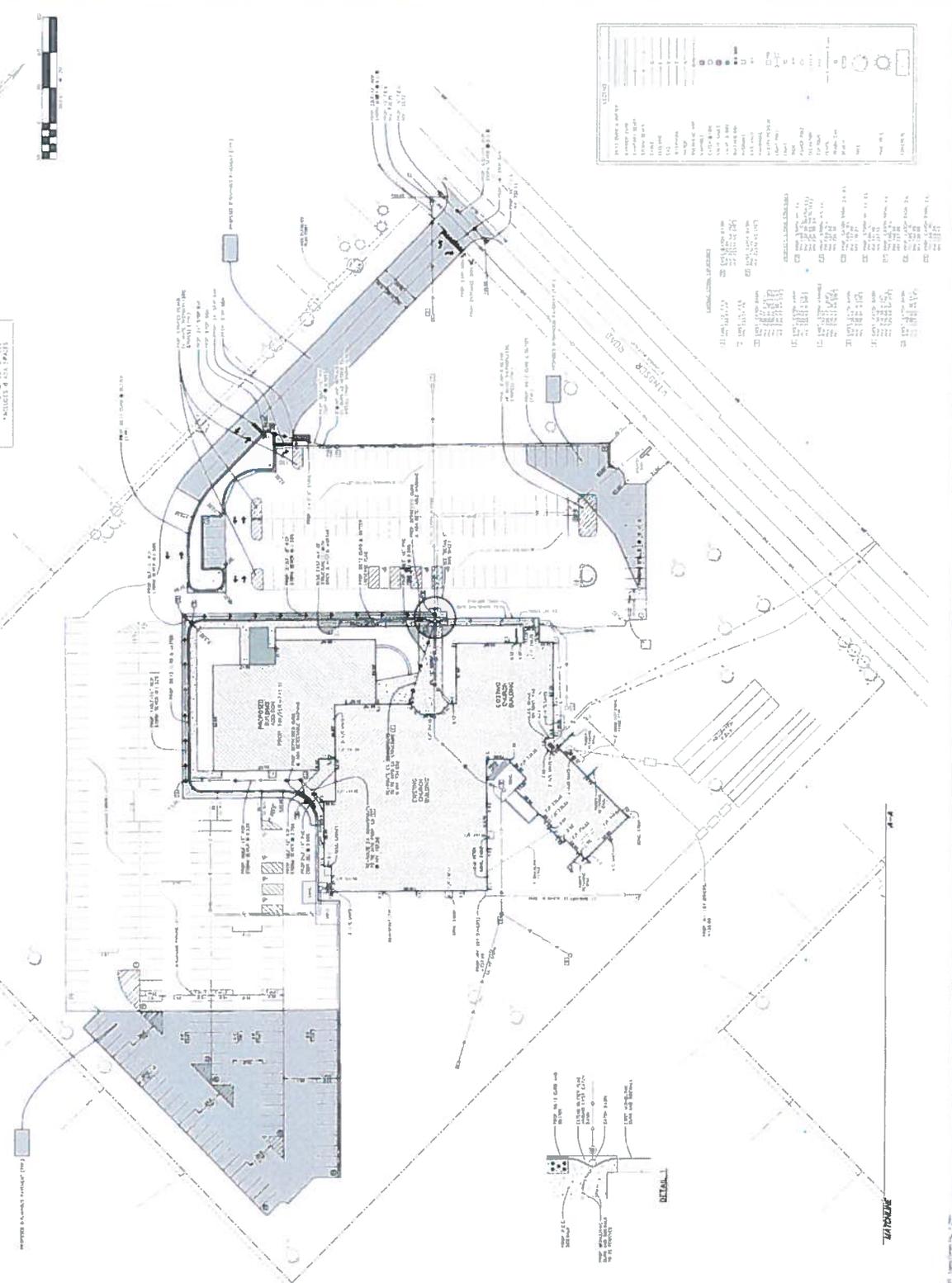
WINDSER ROAD

WINDSER ROAD

WINDSER ROAD

WINDSER ROAD

WINDSER ROAD



DETAIL

WINDSER ROAD

WINDSER ROAD

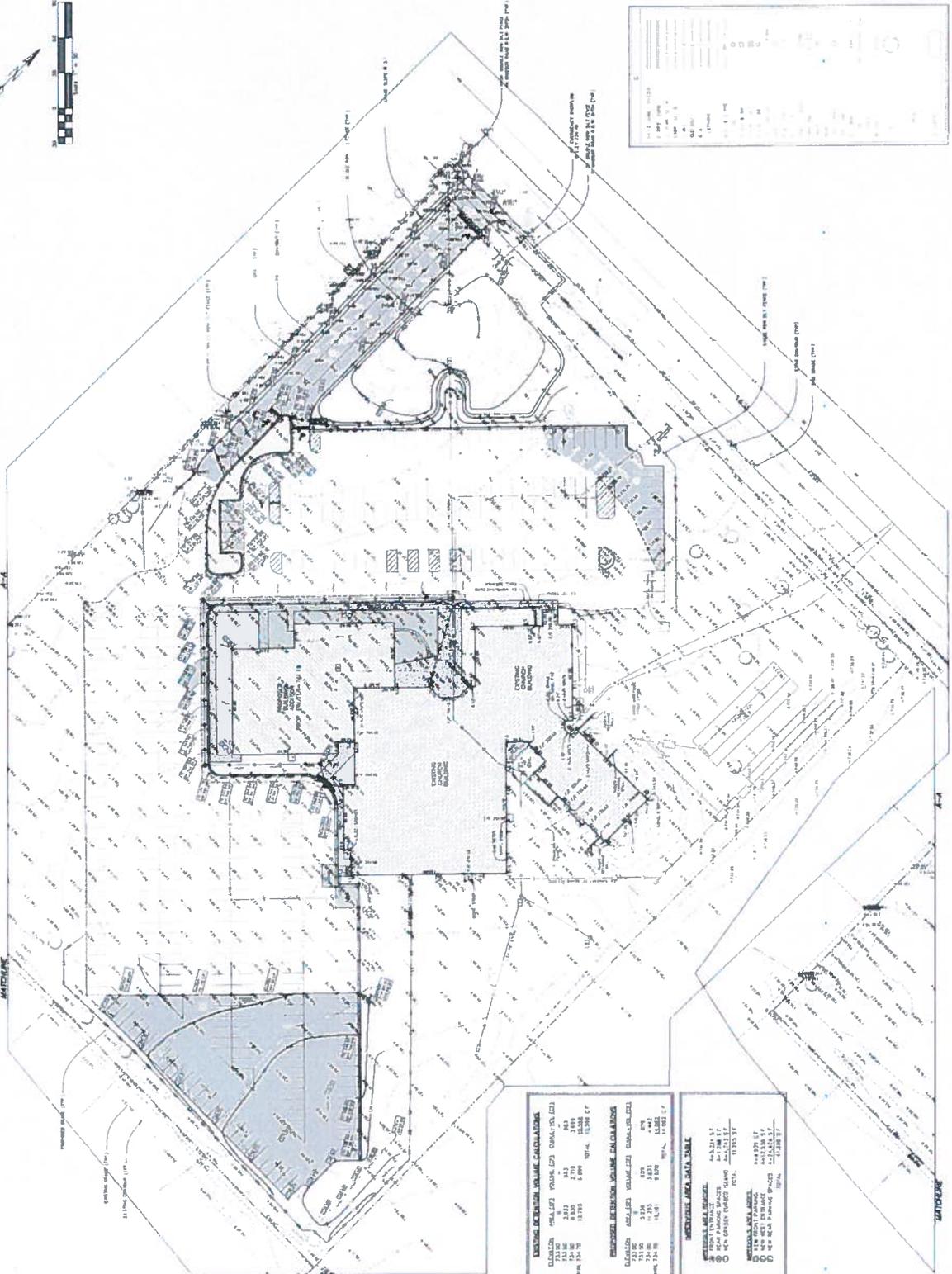
WINDSER ROAD

WINDSER ROAD

REVISION	DATE	BY



Windsor Road Christian Church  
 12287 CHAD A. R. SMITH  
 P.E.



**EXISTING LOT AREA CALCULATIONS**

SECTION	AREA (SQ. FT.)	PERCENT
1	3,233	8.3
2	8,255	21.9
3	10,745	28.8
<b>TOTAL</b>	<b>32,233</b>	<b>85.0%</b>

**PROPOSED LOT AREA CALCULATIONS**

SECTION	AREA (SQ. FT.)	PERCENT
1	3,233	8.3
2	8,255	21.9
3	10,745	28.8
<b>TOTAL</b>	<b>32,233</b>	<b>85.0%</b>

**PROPOSED DRIVEWAY AREA CALCULATIONS**

SECTION	AREA (SQ. FT.)	PERCENT
1	3,233	8.3
2	8,255	21.9
3	10,745	28.8
<b>TOTAL</b>	<b>32,233</b>	<b>85.0%</b>



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 MAY 21 2014  
 CHAMPAIGN CO. P & Z DEPARTMENT

AspenGroup

C.4





**5/23/14 DRAFT**

**776-S-14**

**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:                Windsor Road Christian Church

Request:                    Authorize the expansion and use of an existing, nonconforming church in the AG-2  
Agricultural Zoning District consisting of additional classrooms, worship  
areas and recreational space with no change in existing facility use.

---

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**Special Use Evidence..... 7 - 19**

**Documents of Record ..... 20 - 21**

**Case 776-S-14 Finding of Fact ..... 22 - 23**

**Case 776-S-14 Final Determination.....24**

## **SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 29, 2014**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Windsor Road Christian Church, owns the subject property.
2. The subject property is a ten acre tract of land in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 27 of Champaign Township and commonly known as the Windsor Road Christian Church located at 2501 West Windsor Road, Champaign.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - (1) 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.
  - (2) The subject property is located within Champaign Township, which does not have a Planning Commission.

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

4. Land use and zoning on the subject property and in the vicinity are as follows:
  - A. The subject property is a 10 acre tract and is currently zoned AG-2 Agricultural. Land use is a church facility.
  - 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 within the City of Champaign corporate limits and is zoned SF1 Single Family Residential, and is residential in use.
    - (2) Land on the south is in unincorporated Champaign County, zoned R-1 Residential and is residential in use.
    - (3) Land west of the subject property is in unincorporated Champaign County, zoned R-1 Residential and is residential in use.
    - (4) Land east of the subject property is in unincorporated Champaign County, zoned AG-2 Agricultural 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 Final Engineering Plans, conforming to the 2009 International Building Code and received May 21, 2014 indicate the following existing and proposed improvements:

- (1) The existing improvements to the Windsor Road Christian Church facility and site include:
    - a. An educational wing was added in 1984 to the original 1976 building (ZUP# 146-84-01).
    - b. An accessory building was added in 1999 (ZUP# 336-99-01).
    - c. A second addition was made to the original building in 2001 (ZUP# 89-01-02).
    - d. Expansions to the parking lot were approved in 2000 (242-AV-00); 2001 (285-AV-01); 2003 (101-03-02); and 2010 (305-10-01).
  - (2) The Final Engineering Plans received May 21, 2014, indicate the following proposed improvements:
    - a. Proposed addition of ten classrooms, a nursery, play space and worship space totaling approximately 12,204 square feet in finished floor area onto the southwest side of the existing facility.
  - (3) The Final Engineering Improvement Plans received May 21, 2014, indicate the following proposed improvements:
    - a. Removal of 74 existing parking spaces where the proposed addition will be constructed and construction of new spaces on the southeast and northwest ends of the existing parking lot, for a total of 354 parking spaces. This will include 8 ADA parking spaces.
    - b. Construction of a new west entrance from Windsor Road and removal of the existing eastern entrance.
- B. Previous Zoning Use Permits on the subject property are as follows:
- (1) Zoning Use Permit # 19-76-02 approved on 2/17/1976 authorized construction of the original church with a floor area of 6,724 square feet.
  - (2) Zoning Use Permit # 146-84-01 approved on 5/29/1984 authorized construction of a 9,375 square foot addition to serve as the church's education wing.
  - (3) Zoning Use Permit # 336-99-01 approved on 12/10/1999 authorized placement of a portable office building on the subject property.
  - (4) Administrative Variance # 242-AV-00 authorized construction of an addition to an existing parking lot.

- (5) Administrative Variance # 285-AV-01 approved on 4/19/2001 authorized the dimensions and maneuvering area specifications for a proposed parking lot addition.
- (6) Zoning Use Permit # 120-01-04 approved on 5/3/2001 authorized construction of an addition to an existing parking lot.
- (7) Zoning Use Permit # 89-01-02 approved on 7/3/2001 authorized construction of a 20,700 square foot addition to the church.
- (8) Zoning Use Permit # 101-03-02 approved on 4/16/2003 authorized construction of an addition to an existing parking lot as a non-significant expansion of a nonconforming use.
- (9) Zoning Use Permit # 305-10-01 approved on 11/9/2010 authorized construction of an addition to an existing parking lot as a non-significant expansion of a nonconforming use.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for an addition to an existing church facility in the AG-2 District:
  - A. Ordinance No. 660 (Case 341-AT-02) amended the *Champaign County Zoning Ordinance* on August 20, 2002, by changing “churches” and other public assembly type uses from authorized as “By Right” to “Special Use” in the AG-1, AG-2, and CR Districts.
  - B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
    - (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
      - (a) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
      - (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
      - (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
      - (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.

- (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- C. There are no Standard Conditions in Section 6.1.3 of the *Zoning Ordinance* that are applicable to churches authorized as a Special Use.
- D. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
  - (2) "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.
  - (3) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
  - (4) "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.
  - (5) "NONCONFORMING LOT, STRUCTURE or USE" is a LOT, SIGN, STRUCTURE, or USE that existed on the effective date of the adoption or amendment of this ordinance which does not conform to the regulations and standards of the DISTRICT in which it is located.
  - (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.
  - (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.
  - (6) That the SPECIAL USE Permit shall authorize USE, CONSTRUCTION and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioner's agent(s).
- 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, **“Near residential area where most members and attendees live”**
  - B. 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 AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
    - (3) The church has existed on the subject property since 1976.
    - (4) A church is a USE that has been deemed appropriate for the rural area provided that a Special Use Permit is authorized.

**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, **“increased facility will allow us to better serve community”**
  - B. Regarding surface drainage, the property generally drains to the southeast on the southeast side of the building and to the northwest on the north and west sides of the building. The necessary detention basin size was determined as part of Zoning Use Permit # 305-10-01, and the engineer stated that the basin would be constructed to be in accordance with the Champaign County Stormwater Management Policy. The Final Engineering Plans received May 21, 2014 suggest that the drainage basin proposed in 2010 has not yet been constructed, and has revised the basin size to ensure sufficient capacity for the proposed addition. The following evidence is from the previous zoning use permit on the subject property, ZUP# 305-10-01:
    - (1) A Partial Zoning Compliance Certificate was issued to the church on 11/12/2010 which stated the church would build a detention basin along the east property line.

The County reviewing engineer had approved the design of the proposed detention basin on the east side of the property and all that remained to be completed was the submission and approval of as-built engineering drawings and certification that the requires storm water volume actually existed. The basin appears to have been constructed and the Final Engineering Improvement Plans received 5/21/14 appear to indicate that detention basin but do not actually name it as a detention basin. The Partial Zoning Compliance Certificate listed the following conditions which had to be complete within 180 days of approval of the Zoning Use Permit, or 5/8/2011.

- (a) A Landscaping Plan of the required Type A screen for the entire (existing and proposed) parking area must be received and approved or a variance must be applied for and approved by the Zoning Board of Appeals; and
- (b) The Stormwater Drainage Plan must be approved or a variance must be approved by the Champaign County Zoning Board of Appeals; and
- (c) A final Zoning Compliance Certificate authorizing permanent use of the parking area must be received within one year of approval of the Zoning Use Permit and will require the following:
  - (1) submittal and approval of the detention basin as-built engineering drawings establishing that the constructed facility is substantially the same as that presented in the approved Stormwater Drainage Plan and with certification to that effect by an Illinois Professional Engineer.
  - (2) all additional engineering review fees that are outstanding and owed at the time of issuance of the final ZCC
  - (3) zoning inspection of the Type A screen for the entire (existing and proposed) parking area that documents adequate screening of the parking area and conformance with the approved Landscaping Plan.

- (2) Of the items listed as requirements in the 11/12/10 Partial Zoning Compliance Certificate, the Zoning office has received the Landscaping Plan and the Stormwater Drainage Plan. A final Zoning Compliance Certificate authorizing permanent use of the parking area was never approved. Verification of these items is still required. A site visit on May 20, 2014 revealed that there are some residential properties adjacent to the parking area that do not have a Type A Screen as illustrated in the Landscaping Plan received January 18, 2011.

C. Regarding traffic, the following evidence is provided:

- (1) The subject property fronts the south side of Windsor Road. Windsor Road at the subject property is classified as an urban minor arterial roadway. Regarding the general traffic conditions on Windsor Road at this location and the level of existing traffic:
  - (a) 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 2012 in the vicinity of the subject property. Windsor road has an ADT of 11,800 near the subject property.

- (b) Windsor Road is built to design specifications as detailed in the Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* and other requirements as specified for a roadway project funded by IDOT.
  - (2) The City of Champaign has been notified of this case, but no comments have been received yet.
  - (3) 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. The church has indicated that they do not anticipate programming changes that would significantly alter the time, frequency, and volume of traffic to and from the facility.
  - (4) The Final Engineering Plans received May 21, 2014, indicates construction of a new access on Windsor Road on the west end of the property.
  - (5) The Final Engineering Plans received May 21, 2014 indicates the existing entrance on the east end will be removed. In a 3/10/14 email from Brian Wawczak of Engineering Resource Associates, Inc. to the City of Champaign, he states:

“The genesis of this proposed improvement is due to Scottsdale Drive (*north of Windsor across from the church*) and the existing entrance not quite being aligned on Windsor Road. Before and after weekend services, it is extremely difficult to enter and exit the site due to the turning conflicts between cars coming from Scottsdale and cars either leaving or entering the church property...The new entrance on the west side of the site is far enough removed from Scottsdale Drive that it will allow left-hand turns into the site, by westbound cars, without any conflicts.”
- D. Regarding fire protection on the subject property, the subject property is located within the City of Champaign Fire Department jurisdiction. The Fire Chief has been notified of this case but no comments have been received.
- E. No part of the subject property is located within the mapped floodplain.
- F. Regarding outdoor lighting on the subject property, the Final Engineering Plans received May 21, 2014 show plans in conformance with the ordinance for the subject property.
- (a) All exterior light fixtures are full-cutoff type;
  - (b) Lamps listed are 250 watts; and

- (c) Locations and numbers of fixtures are indicated on the Site Plan.
- G. Regarding wastewater treatment and disposal on the subject property, the proposed addition will connect to the facility's existing septic system. Verification by the County Health Department will be necessary to determine if the existing system has sufficient capacity for the proposed addition.
- H. Regarding life safety considerations related to the proposed Special Use:
  - (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
    - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
    - (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
    - (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
    - (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
    - (e) Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
    - (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.

- (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
- (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
- (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.

I. Generally regarding interference with agricultural operations:

- (1) The existing Special Use Permit has existed since 2/17/1976.
- (2) The existing church is a USE that has been deemed appropriate for the rural area provided that a Special Use Permit is authorized.
- (3) The proposed addition could be authorized in the AG-2 District if a Special Use Permit is granted.
- (4) The traffic produced by the proposed use will not increase significantly from current traffic volumes.

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

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:

- A. The Petitioner has testified on the application: “Yes”
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) A church is permitted as a Special Use in the AG-2 Zoning District.
  - (2) All existing and proposed structures meet setback and front, side and rear yard requirements.
  - (3) Regarding yard screens on the subject property: The Partial Zoning Compliance Certificate dated November 12, 2010 requires a Type A screen for the entire (existing and proposed) parking area. A Type A Screen is a Decorative opaque fence, shrubs or other vegetative material or a landscaped berm planted and maintained with a minimum HEIGHT of four feet as measured from the highest adjacent grade. A final Zoning Compliance Certificate was never issued for the subject property for Case # 305-10-01; verification that a Type A Screen has been constructed is still required.
  - (4) Regarding parking on the subject property: Paragraph 7.4.1 C.1.e. requires places of public assembly, including churches, to have one PARKING SPACE for each five seats provided for patrons use, or at least one PARKING SPACE for each 200 square feet of floor area, whichever requires the greater number of PARKING SPACES. The proposed facility adds approximately 12,204 square feet to the existing 32,532 square feet for a total floor area of 44,736 square feet. This will require 224 parking spaces. The Preliminary Site Plan received on May 13, 2014 indicates there will be 354 parking spaces once the proposed addition is constructed.
- 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 Stormwater Pollution Prevention Plan was submitted with the Final Engineering Plans received May 21, 2014.
- 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 AG-2 Agricultural District:
- (1) A church is authorized as a Special Use in the AG-2 Agricultural Zoning District.
  - (2) The proposed use will not hinder agricultural production on adjacent properties.
  - (3) The visual character of the subject property will change due to the size of the proposed church building but it will be in harmony with other existing non-agricultural uses in the immediate vicinity.
  - (4) The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.
  - (5) There will be no significant drainage impacts because the proposed Special Use will comply with the *Stormwater Management Policy*.
- G. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

**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. Subsection 5.1.2 of the Zoning Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):
- (1) The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
  - (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- B. 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.
- (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. A Stormwater Pollution Plan was submitted by the petitioner and received on May 13, 2014.
- (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 remodel or alter existing structures in such a way as to avoid the restrictions and limitations of this ordinance.
- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.
- (a) The property has had a Special Use Permit for a church and has been used as such for a long time.
  - (b) The proposed use will not take any agricultural 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 a Special Use Permit for a church and has been used as such for a long time.

(b) The proposed use will not take any land out of production.

- (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: “Yes”

B. The existing use on the property is a nonconforming use. The functionality of the proposed addition will not change the use or affect compatibility with its surroundings.

***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 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. **Certification from the County Health Department that the septic system on the subject property has sufficient capacity for the existing building and proposed addition is a requirement for approval of the Zoning Use Permit.**

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

**That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.**

- C. **The design for the proposed new entrance to the property must be approved by the City of Champaign prior to approving the Zoning Use Permit. The entrance must also be approved as constructed by the City of Champaign in order to extending a Zoning Compliance Certificate.**

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

**That access and safety concerns for travel on Windsor Road are considered according to applicable City of Champaign engineering standards.**

- D. **A Landscaping Plan of the required Type A screen for the entire (existing and proposed) parking area must be received and approved or a variance must be applied for and approved by the Zoning Board of Appeals.**

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

**That the proposed parking facilities conform to the requirements of the Zoning Ordinance.**

- E. **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.**

- F. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed church 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.**

G. **The only principal use authorized by Case # 776-S-14 is a church.**

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 Special Use Permit received March 6, 2014, with attachments:
  - A. Legal description
  - B. Preliminary Site Plan received March 7, 2014
2. Final Engineering Plans received April 21, 2014
3. Site Plan and Final Engineering Plans set received May 13, 2014
4. Final Engineering Improvement Plans received May 21, 2014
5. Preliminary Memorandum for Case # 776-S-14 dated May 23, 2014, with attachments:
  - A Case Maps: Location, Land Use, Zoning
  - B Site Plan from the original church construction as authorized in ZUP # 19-76-02 approved on 2/17/76
  - C Site Plan from ZUP # 146-84-01 approved on 5/29/1984 authorizing construction of a 9,375 square foot addition to serve as the church's education wing.
  - D Site Plan from ZUP # 336-99-01 approved on 12/10/1999 authorizing placement of a portable office building on the subject property.
  - E Site Plan from Administrative Variance # 242-AV-00 authorizing construction of an addition to an existing parking lot.
  - F Site Plan from Administrative Variance # 285-AV-01 approved on 4/19/2001 authorizing the dimensions and maneuvering area specifications for a proposed parking lot addition.
  - G Site Plan from ZUP # 120-01-04 approved on 5/3/2001 authorizing construction of an addition to an existing parking lot.
  - H Site Plan from ZUP # 89-01-02 approved on 7/3/01 – the last building addition constructed under “by right” authorization
  - I Site Plan from Zoning Use Permit # 101-03-02 approved on 4/16/2003 authorized construction of an addition to an existing parking lot as a non-significant expansion of a nonconforming use.
  - J Phased Parking Lot Expansion, Phase 1 Plan Set from ZUP # 305-10-01 approved on 11/9/10
  - K Landscaping Plan for the parking screen received 1/10/11 (a more recent landscaping plan has not been submitted)

- L Final Engineering Improvement Plans received May 21, 2014
- M Site Visit Photos – included separately
- N Draft Summary of Evidence dated May 23, 2014, with attachments – included separately

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 776-S-14 held on May 29, 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 **776-S-14** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED }* to the applicants **Windsor Road Christian Church**, to authorize **the following as a Special Use in the AG-2 District:**

Authorize the expansion and use of an existing, nonconforming church in the AG-2 Agricultural Zoning District consisting of additional classrooms, worship areas and recreational space with no change in existing facility use.

***{ 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