

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: June 12, 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
5. Continued Public Hearings

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

Case 766-AM-13 and Case 767-S-13 Petitioner: Eric L. Sebens d.b.a. Prairieview Landscaping

Case 766-AM-13 Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District in order to authorize the proposed Special Use in related zoning Case 767-S-13, on the subject property below.**

*Case 767-S-13 Request: **On the subject property described below, authorize the following as a Special Use in the B-1 Rural Trade Center Zoning District:**

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

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

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

Location: **A 5-acre tract in Tolono Township in the East Half of the Southeast Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of the Third Principal Meridian and commonly known as Prairieview Landscaping at 1069 CR 900E, Champaign.**

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)**

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Case 769-AT-14 cont:

- 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)
- 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)

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

6. New Public Hearings

7. Staff Report

8. Other Business

A. Review of Docket

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

10. Adjournment

* Administrative Hearing. Cross Examination allowed.

CASE NO.S 766-AM-13 and 767-S-13

SUPPLEMENTAL MEMORANDUM

June 6, 2014

Champaign County
Department of

**PLANNING &
ZONING**

**Brookens Administrative
Center**

1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

zoningdept@co.champaign.il.us

www.co.champaign.il.us/zoning

Petitioner: Eric L. Sebens d.b.a.
Prairieview Landscaping

Case 766-AM-13

Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District in order to authorize the proposed Special Use in related zoning Case 767-S-13.

Case 767-S-13

Request: Authorize the following as a Special Use in the B-1 Rural Trade Center Zoning District:

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

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

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

Location: A 5-acre tract in Tolono Township in the East Half of the Southeast Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of the Third Principal Meridian and commonly known as Prairieview Landscaping at 1069 CR900E, Champaign.

Site Area: 5 acres

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

Prepared by: John Hall
Zoning Administrator

STATUS

These cases are continued from the 3/13/14 meeting. An excerpt from the Approved Minutes of that meeting is included separately for reference.

Revised Site Plans were received on 5/12/14 and 6/5/14. The Revised Site Plan received on 6/5/14 is briefly reviewed below. The existing site development related to the existing contractor facility still needs to be added to the Revised Site Plan.

A Preliminary Draft Summary of Evidence for Case 767-S-13 based on the Revised Site Plan received 6/5/14 is included attached and a Revised Draft Finding of Fact for Case 766-AM-13 is also included.

REVISED SITE PLAN

The Revised Site Plan includes most changes that had been requested by the Board and can be summarized as follows:

1. The proposed detention basin for the self-storage warehouse buildings has been moved “off-line” and is no longer in the drainage swale. The full outline of the proposed basin is not indicated and it appears that the toe (low point) of the dam will be approximately 30 feet from the centerline of the drainage swale. The basin appears to be a “dry” bottom basin and the Stormwater Management Policy may require underdrains.
2. The proposed self-storage warehouse buildings have been reoriented with their long axes running north to south so as to facilitate surface drainage and the longer buildings are indicated with a stepped slab arrangement to address the slope of the land.
3. The maximum number of storage units (108 to 150) is indicated in a note on the site plan.
4. The proposed gate to the proposed self-storage warehouse buildings is indicated as “automatic” and with 42 feet of queuing space between the gate and the Duncan Road pavement.
5. A 5 feet buffer is indicated between the west lot line and a proposed chain link fence that is indicated along the entire west lot line.
6. A note on the plan indicates that each building will have full cut-off motion detecting lights.
7. A north detention basin is proposed to minimize the amount of surface runoff to the west. The basin is indicated as being connected to the existing tile. No emergency overflow is indicated for the north basin.
8. Two existing septic leach fields and a well are indicated. One leach field is underneath a proposed self-storage building traffic aisle and will have to be relocated but no information is provided regarding the proposed location. A special condition is proposed to ensure that the leach field is replaced with a proper septic system.
9. However, the Revised Site Plan largely ignores the existing Special Use Permit for the contractor facility. The proposed Special Use Permit is for both the self-storage warehouses and the contractor facility. Further effort should be invested in the revised site plan so that it very clearly indicates all proposed structures and uses related to the contractor facility including existing and future buildings, parking spaces, material storage areas, etc.

PROPOSED SPECIAL CONDITIONS OF APPROVAL FOR CASE 767-S-13

Eight Special Conditions of Approval are proposed for Case 767-S-13. See items 12.A. through 12.G. on pages 26 and 27 of the Summary of Evidence.

GOALS AND POLICIES WITH “NO RECOMMENDATION” IN CASE 766-AM-13

Under Goal 4 Agriculture there is no staff recommendation for the following objectives and policies:

- Objective 4.3 and related policies 4.3.5, 4.3.4, 4.3.3, and 4.3.2. See pages 15 through 17 of the Draft Finding of Fact. Note that the achievement of Policy 4.3.2 is considered in item 8.L. of Case 767.
- Objective 4.2 and related policies 4.2.2 and 4.2.1. See pages 12 through 14 of the Draft Finding of Fact. Note that the achievement of Policy 4.2.1 is considered in item 8.L. of Case 767.
- Objective 4.1 and policy 4.1.6 See pages 11 and 12 of the Draft Finding of Fact.

Under Goal 5 Urban Land Use there is no staff recommendation for the following objectives and policies:

- Objective 5.3 and related policies 5.3.1 and 5.3.2. See pages 18 and 19 of the Draft Finding of Fact. These policies are similar to policies 4.3.3 and 4.3.4.
- Objective 5.1 and related policies 5.1.3 and 5.1.4. See pages 17 and 18 of the Draft Finding of Fact.

Under Goal 7 Transportation there is no staff recommendation for the following objective and policy:

- Objective 7.1 and related policy 7.1.1. See pages 19 and 20 of the Draft Finding of Fact.

Note that there is also no recommendation for the following:

- LaSalle Factor number 21.E. on page 21.
- The second Sinclair Factor on page 22 of the Draft Finding of Fact.
- No overall recommendation on the Purpose of the Zoning Ordinance on pages 22 through 25 of the Draft Finding of Fact. Recall that the Purpose of the Zoning Ordinance is reviewed in both the Summary of Evidence for Case 767 and the Finding of Fact for Case 766.

ATTACHMENTS

- A Approved Minutes of January 30, 2014, ZBA Meeting for Cases 766-AM-13 and 767-S-13 (included separately)
- B Revised Site Plan received 6/5/14
- C Preliminary Draft Summary of Evidence and Finding of Fact for Case 767-S-13
- D Revised Draft Finding of Fact for Case 766-AM-13

Excerpt of Approved Minutes for March 13, 2014
Cases 766-AM-13 and 767-S-13

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

9 **Case 767-S-13 Petitioner: Eric L. Sebens d.b.a. Prairieview Landscaping Request: Authorize**
10 **the following as a Special Use in the B-1 Rural Trade Center Zoning District: Part A.**
11 **Authorize multiple principal buildings on the same lot consisting of the following: (1) a**
12 **landscape contractor's facility with outdoor storage that was originally authorized in Case**
13 **101-S-97; and (2) Self-Storage Warehouses, providing heat and utilities to individual units**
14 **as a special use proposed in Part B. Authorize the construction and use of Self-Storage**
15 **Warehouses, providing heat and utilities to individual units as a special use. Location: A 5-**
16 **acre tract in Tolono Township in the East Half of the Southeast Quarter of the Northeast**
17 **Quarter of Section 9 of Township 18 North, Range 8 East of the Third Principal Meridian**
18 **and commonly known as Prairieview Landscaping at 1069 CR 900E, Champaign.**
19

20 Ms. Capel informed the audience that this is an Administrative Case and as such the County
21 allows anyone the opportunity to cross examine any witness. She said that at the proper time she
22 will ask for a show of hands for those who would like to cross examine and each person will be
23 called upon. She requested that anyone called to cross examine go to the cross examination
24 microphone to ask any questions. She said that those who desire to cross examine are not
25 required to sign the witness register but are requested to clearly state their name before asking
26 any questions. She noted that no new testimony is to be given during the cross examination.
27

28 She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
29 from cross examination
30

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

34 Mr. Eric Sebens, who resides at 3008 Cherry Hills Drive, Champaign, stated that he is present
35 tonight to request the Board's consideration of rezoning his property from the AG-1, Agriculture
36 Zoning District to the B-1, Rural Trade Center Zoning District. He said that a revised plan
37 prepared by Phoenix Engineering has been submitted to Mr. Hall indicating a revised layout of
38 the storage units, fencing, and a proposed location for the water detention area and the new
39 entrance. He said that the detention basin is in line with the current existing drainage swale and
40 it has been calculated that it will hold the storm water runoff that will be created by the proposed
41 and existing buildings and surrounding gravel. He said that his engineer is present to answer any
42 technical questions that the Board may have regarding this project.
43

44 Ms. Capel asked if staff had any questions for Mr. Sebens.
45

46 Mr. Hall asked Mr. Sebens if he had reviewed the Supplemental Memorandum dated March 7,

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1 2014, which included staff's twelve points or comments regarding the revised site plan.
2

3 Mr. Sebens stated that he has reviewed the memorandum. He said that the first comment
4 indicated that there was no indication of the total number of individual self-storage units at the
5 site. He said that he anticipates 160 units but it really depends on the demand and the size of unit
6 based on that demand therefore it is difficult to determine an exact number. He said that he
7 would guess that the range of units proposed at the facility would be 120-160 depending upon
8 what size unit has the biggest demand.
9

10 Mr. Hall stated that 120 to 160 units seems large because that would mean that there would be
11 that many renters which would directly correlate to the number of traffic. He asked Mr. Sebens
12 if he is fairly confident that he would have at least 120 units.
13

14 Mr. Sebens stated yes. He said that from his observations of storage units the renters are rarely
15 at the units. He said that perhaps on a spring Saturday during warm weather he could not
16 imagine more than a few people being at the facility at the same time and history shows that the
17 average person will rent the unit and occasionally visit the unit as an overflow for their home.
18 He said that 160 units may seem large but if there is a larger demand for the 5' x 5' units than the
19 10' x 20' units then there could be more than 160 units. He said that the way the layout is
20 currently there would be 48 units, if they were 10' x 20', per building therefore he would
21 estimate that there would be 120 unit since the one building is shorter. He said that he could
22 really see the units being a combination of sizes such as 5' x 5', 10' x 10', or 10' x 20'.
23

24 Mr. Hall asked Mr. Sebens if the buildings will have interior corridors or will they only be open
25 to the outside.
26

27 Mr. Sebens stated that his plans are that the each unit would open to the outside with no interior
28 corridors.
29

30 Mr. Passalacqua asked Mr. Hall if there is a problem with the residence being between the two
31 special uses.
32

33 Mr. Hall stated that the residential property ceased being the principal use when the contractor's
34 facility was established so he can't imagine having the self-storage would create any other
35 problems.
36

37 Mr. Passalacqua asked if a loading berth would be required for this facility.
38

39 Mr. Hall stated that every use that you can imagine, other than a single family dwelling, has to
40 have a loading berth. He said that there may be some area of land or paving where the minimum
41 loading berth may fit and it doesn't mean that there has to be a loading dock where a truck can
42 back up to it. He said that there is adequate space on this property for a loading berth.
43

44 Mr. Passalacqua asked Mr. Hall if accessible parking is required.
45

46 Mr. Hall stated that parking for self-storage units is one of the most difficult portions of the

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1 ordinance. He said that as long as there is one space in front of each unit for that renter's vehicle
2 then that is all that staff has ever looked for and in regards to ADA requirements they are not our
3 regulations and staff encourages the applicant to work with Doug Gamble at the Capital
4 Development Board. He said that as long as Mr. Sebens is willing to make a certain number of
5 these units so that they can be easily made accessible in the event that someone needs them to be
6 accessible then that is all that is required and it is probably the lowest standard for accessibility
7 provided that the units are made accessible. He said that wherever there is an accessible storage
8 space, which with 120 units is 6 or 7 units or 5%, will be required to be concrete or asphalt for
9 the parking area and gravel will not be acceptable. He said that gravel can lead up to the parking
10 space but the parking space and going into the storage unit itself must be concrete or asphalt and
11 eventually those would need to be added to the plan.

12
13 Ms. Lee asked Mr. Hall to clarify the definition of a parking space for a storage unit.

14
15 Mr. Hall stated that the minimum parking space is 9' x 20' where a vehicle could park. He said
16 that in the case of a 5' x 5' storage unit that is almost impossible because that is only room for
17 one-half a car therefore he does not know what to do with 5' x 5' units in regards to parking.

18
19 Ms. Capel asked Mr. Hall if he would like to review the Supplemental Memorandum dated
20 March 7, 2014, with the Board.

21
22 Mr. Hall stated that the Supplemental Memorandum dated March 7, 2014, is the memorandum
23 that was included in the mailing. He said that Mr. Sebens has already addressed staff comment
24 #1 therefore he will continue review of the remaining points. He said that staff comment #2 is in
25 regards to the storm water drainage plan. He said that Mr. Sebens explained that the detention
26 basin is proposed to be "on stream" which is to say that it intercepts the water that flows in the
27 existing drainage swale. Mr. Hall said that "on stream" drainage basins are not prohibited but
28 there are difficulties with these basins and he has asked the County's consulting engineer, Don
29 Wauthier, to review the plan and he has already responded via email. Mr. Hall stated that from a
30 staff perspective there is no clear prohibition for an "on stream" basin but there are a few
31 hundred acres upstream draining through the basin and trying to control the drainage from a two
32 acre self-storage warehouse may be difficult to achieve. He said that there appears to be plenty
33 of space to place the basin off line and out of the swale therefore not interrupting the swale to
34 construct the basin and not interrupting the 10" tile for re-routing. He said that there are a lot of
35 good reasons to not do an "on line" basin but it is not prohibited and he knows it may be difficult
36 for the Board to have an opinion about that but staff has concerns and if the plan is approved
37 showing the basin "on stream" there has to be an understanding that if that doesn't work it must
38 be made "off line". He said that if Mr. Sebens has to live with fewer units due to the "off line"
39 requirement then that would be one possible result although he does not believe that it is likely
40 because this is going to be a small detention basin. He said that at this point and time no
41 calculations have been submitted and the County's consulting engineer has not reviewed it and
42 that is acceptable at this point and time. He said that the County's consulting engineer believes
43 that there could be a detention basin "off stream" on the site which would work better. Mr. Hall
44 stated that he would like to know if the Board has an opinion regarding the detention basin.

45
46 Mr. Hall stated that staff comment #3 is in regards to site security. He said that there is a fence

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

7
8 Mr. Passalacqua asked Mr. Hall if there was a driveway separation requirement. He said that
9 there are three access driveways on the property already and the proposed would add a fourth
10 entrance.

11
12 Mr. Hall stated that it is another driveway access and approval of the driveway is up to the
13 highway commissioner but he has a concern that the Board would allow the gate to be right at
14 the right of way unless there is some way to know that traffic will not be queuing up along
15 Duncan Road awaiting the gate to open. He said that he would suggest that Mr. Sebens consider
16 moving the gate around to the north side of the self-storage area so that people can pull off at the
17 existing driveway for the contractor's facility and then there would be space to queue up while
18 opening the gate to the self-storage area. He said that this would require a different plan and if
19 the Board has any opinion it would be good for the Board to indicate such.

20
21 Mr. Randol asked Mr. Hall if the Board needs to address each of these points because he too has
22 a concern about the driveway and how it is set up. He said that if there is an electric gate then
23 someone would have to stop and insert the code in the key pad therefore the vehicle is parking on
24 the street during this process. He said that he is not in favor of the "on stream" detention pond
25 and he would like to know the depth of the detention pond. He said that there are twelve points
26 in the memorandum that the Board should address individually or point it out to Mr. Sebens.

27
28 Mr. Hall stated that in light of these twelve points he did not try to create a Finding of Fact. He
29 said that if there had only been a few things outstanding there may have been a Summary of
30 Evidence for this tonight but there are many questions which must be answered and the Board
31 needs to voice their concerns as well.

32
33 Ms. Lee stated that she also has a concern regarding the proposed driveway because the vehicles
34 waiting on the gate could have trailers attached which is even more of a hazard.

35
36 Mr. Sebens stated that it wouldn't be a problem moving the entry gate to the north side to allow
37 plenty of room for a vehicle and trailer to enter therefore not requiring them to come directly off
38 of Duncan Road. He said that entrance visibility was a concern by staff but there is a straight
39 line of site for approximately 1,000 feet from the north and south of the entrance.

40
41 Ms. Griest stated that she is not comfortable with the entrance for the storage units coming
42 directly off of Duncan Road and she would like to see the plan revised to include utilization of
43 one of the existing entrances off of Duncan Road already rather than creating a new one and the
44 entrance in to the fenced area being completely off of the public access. She said that there is a
45 whole host of issues, even if Mr. Sebens had the best visibility, if he had traffic sitting on a rural
46 road at a complete stop trying to get into a gate and either fully or partially sticking out into the

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1 driveway. She said that she is not comfortable with the entrance proposal unless he has enough
2 room for a truck and trailer to pull in and be completely off the road. She said that with the
3 current plan she can foresee a visibility with a truck and trailer sitting on the road waiting to
4 come onto the property and speed issues with people coming and going day and night.
5

6 Mr. Hall asked Ms. Griest if she had any input regarding security cameras.
7

8 Ms. Griest stated that security cameras provide some benefit but if they are not monitored 24
9 hours per day they will probably have limited value. She said that if the security cameras are
10 monitored 24 hours per day during the highest crime time offsite would be a good idea. She said
11 that a DVR can record activity but the perpetrators are long gone and most DVR cameras are not
12 high grade enough to identify images in the dark.
13

14 Mr. Passalacqua stated that the video monitoring could be attractive to any potential customers
15 but he does not believe that it is the County's place to regulate it. He said that having a security
16 camera at a self-storage warehouse is really improving public safety and security cameras are
17 very expensive therefore if Mr. Sebens offers to supply this service to his customers then it
18 should be his choice to do so and not the County's place to require it.
19

20 Mr. Hall asked Mr. Passalacqua if since the self-storage facility will be 24 hour access should it
21 be required to have night lighting.
22

23 Mr. Passalacqua stated yes. He said that he would refer Mr. Sebens to Mr. Jesse's self-storage
24 warehouse plan. He said that if he isn't mistaken there is already night lighting on the property
25 currently.
26

27 Mr. Sebens stated that Mr. Passalacqua was correct. He said that he has been at the property for
28 seventeen years and has never had any issues with theft or foul play.
29

30 Mr. Hall asked the Board if they wanted night lighting for the self-storage warehouse or not.
31

32 The Board indicated yes.
33

34 Mr. Randol stated that the lights would not need to be on consistently at night but some sort of
35 lighting with motion detectors or something would be a safety feature.
36

37 Mr. Hall stated that the motion lights need to be full-cutoff which means that the lamp does not
38 emit light if below the horizontal therefore reducing light trespass onto adjacent properties. He
39 said that the Ordinance's maximum lamp size is based on incandescent wattage and sodium
40 mercury vapor lights and comparing those limits on wattage with LED lamps is a challenge. He
41 asked Mr. Sebens how he plans to access the new hoop building.
42

43 Mr. Sebens stated that there is an access area between the fence and the property line along the
44 back side which will remain in gravel and allow access to the hoop building.
45

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

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1
2 Mr. Hall asked Mr. Sebens if that access is currently in gravel.
3
4 Mr. Sebens stated that most of it is in gravel currently.
5
6 Ms. Griest asked Mr. Sebens if he was already having a problem with encroaching upon the
7 adjacent landowner regarding the spillover of his gravel and traffic. She asked Mr. Sebens what
8 type of proposal he would present to provide a firm barrier that keeps that gravel from moving
9 out into the farm ground or vice a versa.
10
11 Mr. Sebens stated that the property in that area is very level. He said that he sent a letter to Scott
12 Reifsteck indicating that there were a couple of spots where over time his business has edged
13 over onto Mr. Reifsteck's property but his intention is to correct those spots.
14
15 Ms. Griest stated that the aerial photo indicates the line of separation of the two properties. She
16 said that during the previous use it appears that Mr. Sebens tried to utilize his property right up to
17 the edge of the property line and the same thing is appearing with the self-storage and the
18 fencing therefore she fears that there will be additional encroachment onto the adjacent property.
19 She said that she would like some level of confidence that the encroachment will not occur.
20
21 Mr. Sebens stated that he was willing to put it in writing that he wanted to correct the
22 encroachments.
23
24 Ms. Griest stated that she would like to see some type of indication on the site plan such as a
25 proposed setback of five feet. She said that a five foot grass strip to separate the proposed use
26 from the agricultural area would be sufficient.
27
28 Mr. Passalacqua stated that he does not think that the access of eight feet is sufficient.
29
30 Mr. Sebens stated that it is a twelve foot access.
31
32 Mr. Hall stated that in order to have a minimum of five feet between the property line and the
33 access path he is assuming that we are talking about at least fifteen feet in total.
34
35 Mr. Passalacqua stated that he does not know that he is in favor of requiring a grass separation
36 strip along Mr. Sebens' property and the adjacent farm field because that is just another
37 maintenance issue. He said that if he wanted to plant blue stem or switch grass that would be
38 different but a grass filter strip for mowing is not necessary.
39
40 Mr. Hall stated that the Board will not be requiring maintenance but only keeping the noxious
41 weeds under control.
42
43 Ms. Lee asked Mr. Hall if the plan indicated that there is eight feet from the fence line to
44 property line.
45
46 Mr. Hall stated that the eight feet is on the inside of the fence line and the fence line to the

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1 property line is
2 twelve feet.

3
4 Ms. Capel called Joy Rexshell to testify.

5
6 Ms. Joy Rexshell, Engineering Consultant for Phoenix Engineering, stated that there is a twenty
7 foot structural setback line from the west line in and at one point of time there were different
8 versions of this layout but she was trying to show that if there is twelve feet from the property
9 line to the fence line there is still an eight foot structural setback from the fence. She said that
10 there is an additional seventeen feet from the setback line to the building along with the eight
11 feet providing twenty-five feet from the fence to the building.

12
13 Mr. Randol asked Ms. Rexshell if she could indicate the depth of the detention pond.

14
15 Ms. Rexshell stated that at the proposed location the detention pond would be approximately two
16 and one-half feet of depth. She said that they are more than willing to move the detention pond
17 off line if the detailed calculations prove that it would be a better situation. She said that there is
18 space to the west but since it is not a huge drainage area it will not have a big depth.

19
20 Mr. Randol stated that with all of the surface water that the area just received he noticed that it
21 was quite a lake down through the property therefore he envisions that with a depth of two or
22 three feet the detention pond will not be visible because it will be under water.

23
24 Ms. Rexshell stated that the Ordinance requires that they deal with this as a 50-year storm event
25 and the event that we had a couple of weeks ago was unusual and she does not how to quantify
26 all of the melting snow and rain that we received on top of the frozen ground. She said that the
27 Ordinance has certain numbers that they must run through which then the County's engineer will
28 review to make sure that her calculations are correct in meeting the code.

29
30 Ms. Capel stated that staff's comment #3.B. refers to the locked gate and that a code will be
31 required to access. She said that there should be some indication as to how people will access
32 their storage units and all of the information should be submitted to the fire protection district.

33
34 Mr. Sebens stated that this information can be included on the site plan.

35
36 Mr. Passalacqua stated that he drives by the subject property everyday and he is aware that Mr.
37 Sebens has vehicles for the landscaping business. He said that if the construction of the self-
38 storage facility proceeds and the gate is moved to the northwest corner it will create a loss of
39 parking area of the landscaping business' trucks and trailers. He said that the revised site plan
40 should indicate adequate parking for the first special use and setbacks and also a clearer picture
41 of the driveway to the house and whether or not he intends to install a sign for the storage units.
42 He noted that the current site plan does not include any indication of the sanitary systems for the
43 house or the office. He asked Mr. Sebens if the three older buildings are removed and the access
44 is moved to the northwest is there enough space for parking for the landscaping business' trucks
45 and trailers.

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1 Mr. Sebens stated yes. He said that all of the trucks are parked along the property line on the
2 northwest side of the property and they do not currently park any trucks where the storage
3 facility is proposed.

4
5 Mr. Passalacqua asked if the bulk storage on the subject property currently would be in the way
6 for parking.

7
8 Mr. Sebens stated that he believes that he will still have adequate room for parking but it depends
9 on how the basin is laid out.

10
11 Mr. Passalacqua stated that everything needs to be noted on the site plan and if there is
12 something that Mr. Sebens envisions happening in the next phase he would propose that it also
13 be indicated on the revised site plan as future phases.

14
15 Mr. Sebens stated that he does not anticipate building anything additional on the site.

16
17 Mr. Randol asked Mr. Sebens if he has any concerns about the public driving through his
18 existing landscaping business to get to the access gate for the storage units. He said that people
19 could be coming in and out of the access gate all of the time therefore he thought that perhaps
20 that entrance could be made on the northeast corner but set the gate approximately 50' inside so
21 that people are off the road.

22
23 Mr. Sebens stated that he is not sure where the 24-hour access notion came from because he is
24 considering 16-hour access. He said that there may be people who desire to come to the storage
25 units between 10:00 p.m. and 6:00 a.m. but he believes that 16-hour access is sufficient.

26
27 Ms. Lee asked Mr. Sebens if he has seen worse flooding on the property during his 17 years of
28 ownership than what was received a couple of weeks ago.

29
30 Mr. Sebens stated that the unique condition that we had a couple of weeks ago with the thawing
31 of snow on frozen ground and all of the water running and not absorbing was the most water in
32 17 years that he has ever seen flowing through the swale.

33
34 Mr. Passalacqua stated that he lives two miles from the subject property and it was the most
35 water that he has seen in 12 years.

36
37 Ms. Capel asked Mr. Sebens if he plans to have camper, boat or trailer storage at the facility.

38
39 Mr. Sebens stated that if the camper, boat or trailer will fit inside of the units then he may but he
40 does not intend to build anything larger than a 10' x 20' unit.

41
42 Mr. Hall stated that currently no outdoor storage is proposed for the facility but if Mr. Sebens is
43 contemplating allowing outdoor storage for a camper, boat or trailer then the outdoor storage
44 area should be indicated on the revised site plan.

45
46 Mr. Passalacqua asked Mr. Sebens to indicate the height of the doors to the units.

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1
2 Mr. Sebens stated that the typical door will be 8' or 9'.
3
4 Mr. Passalacqua asked Mr. Hall to indicate the maximum average height for this building.
5
6 Mr. Hall stated that in the AG-1 District the maximum height is 50' but there is no height limit in
7 the B-1 District. He said that the Board could establish a height limit but he does not see any
8 reason to be concerned.
9
10 Mr. Passalacqua stated that he did not want Mr. Sebens to design a building that is too tall.
11
12 Ms. Capel asked Mr. Hall if there is any concern about the amount of existing impervious area
13 on the site.
14
15 Mr. Hall stated that his only concern is that the Board consider and be comfortable with not
16 requiring anything to be retrofitted on the northern portion of the property where there is already
17 evidence of past drainage problems. He said that the petitioner and the neighbor have been
18 working on the past drainage problems and that is wonderful to see, but back in the day the
19 County did not specify that gravel is considered impervious for when you have to provide the
20 detention area which is a direct and obvious result of the way the old ordinance was written. He
21 said that the Board has to be comfortable that either that situation is completely resolved and the
22 Board does to have to worry about it anymore or is there anything further that needs to be done.
23
24 Mr. Passalacqua asked if the existing special use is actually a pertinent part of this case or is this
25 second special use dividing that property in half.
26
27 Mr. Hall stated that he cannot stress enough that in order for this warehouse to be authorized
28 everything on the property is subject to review because now it is two principal uses.
29
30 Mr. Sebens stated that the only significant drainage issue that the original building has caused
31 has been resolved. He said that he had a conversation with Scott Reifsteck today and he
32 mentioned that the previous work had appeared to solve the problems. Mr. Sebens stated that
33 there is a little work that still needs to be done where his property meets Ms. Wills' property in
34 finishing off where the drainage tile terminates at the property line.
35
36 Mr. Hall asked Mr. Sebens to explain what else needs to be done.
37
38 Mr. Sebens stated that something more permanent to catch the water and focus it into the drain
39 tile. He said that drain tile does not have a basin around it and was only terminated at that point.
40
41 Ms. Lee asked Mr. Sebens to indicate the tile's location on the site plan.
42
43 Mr. Sebens stated that the tile is located at the north end labeled as existing inlet on the site plan.
44
45 Mr. Hall asked Mr. Sebens if he has asked his engineer for a recommendation regarding that
46 issue.

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1
2 Mr. Sebens stated that they have discussed the tile and he and Mr. Reifsteck have agreed to go
3 out and look at the tile within the next couple of weeks to get this issue corrected and finished
4 up.

5
6 Ms. Griest asked if the proposed detention basin is only detention for the new storage units and
7 not for the entire site.

8
9 Ms. Rexshell stated that a ridge splits the property in half therefore half of the drainage goes to
10 the swale and the other half goes to the tile. She said that the intent with the grading on the
11 property is that all of the new fencing and storage area will drain to the detention basin therefore
12 she is adding area to the detention basin and subtracting it from the tile on the northwest corner
13 of the property thus decreasing the amount of water draining to the tile. She said that she does
14 not look at the proposed detention basin as detaining the entire five acres but it will guide more
15 drainage towards that direction than what is aimed there now. She said that we should be
16 helping the drainage issue in the north corner while maintaining the County ordinances for the
17 new stuff.

18
19 Ms. Griest stated that it will not bring the north portion of the parcel into compliance with the
20 existing drainage ordinance. She asked Ms. Rexshell if she is making any proposals to make the
21 detention basin sized for the northern portion of the parcel.

22
23 Ms. Rexshell stated that the basin that is designed currently will not pull the drainage from the
24 northern portion of the property because it does not drain that direction now. She said that in
25 order for the detention basin to hold that water we would have to route the storm water that
26 direction and there is no easy way to do that because it currently flows due west.

27
28 Ms. Lee asked Ms. Rexshell what part of the northern portion drains towards the basin currently.

29
30 Mr. Sebens stated that the Preliminary Site Plan indicates a dotted line north of the existing
31 house and approximately from that point the property slopes to the southeast.

32
33 Mr. Passalacqua asked Mr. Sebens if the west section at the west edge of the new proposed
34 construction drains west off of the property or does it come around to the south. He asked if the
35 property receives spill off or is it obvious after a rain event that the water is coming from the
36 west.

37
38 Mr. Sebens stated that most of that is sloped to the south.

39
40 Ms. Capel stated that the entire property needs to be brought into compliance with the Storm
41 Water Management Ordinance as part of this case.

42
43 Mr. Sebens stated that the tile that has been put in and the water directed to the tile and even with
44 the excessive recent water flows there is very little erosion on the north quarter of the property.
45 He said that from the line north of the house there is a ridge and that water drains to the south.

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

2
3 Ms. Rexshell stated that she would be happy to work with staff to get the entire property in
4 compliance.

5
6 Ms. Capel asked the Board if there were any additional questions for Mr. Sebens or Ms. Rexshell
7 and there were none.

8
9 Ms. Capel asked staff if there were any additional questions for Mr. Sebens or Ms. Rexshell and
10 there were none.

11
12 Ms. Capel called Mr. Scott Reifsteck to testify.

13
14 Mr. Scott Reifsteck, who resides at 1341 CR 600N, Tolono, stated that he is present tonight on
15 behalf of his Aunt Betty who is an adjacent property owner to the subject property. He said that
16 he has some very severe reservations about the buildings and how they will affect the current
17 drainage flow. He said that originally this property drained to the south and down through the
18 swale with the exception of one and one-half acres that drained to an existing tile where he
19 recently installed a surface drain. He said that when the landscaping building was constructed, in
20 order for it to be level they lowered the east end of the property removing the ridge therefore all
21 of drainage goes through the back area which changed the water flow. He said that he
22 understands that in order to get the building level they had to change the elevations, which is
23 fine, but it has changed the drainage flow in the area and has placed a tremendous load on the
24 area in the back, which he is trying to alleviate. He said that there is a lot more water that goes
25 that way now than there was originally.

26
27 Mr. Reifsteck stated that when the proposed buildings are constructed they will be built across
28 the natural drainage flow and the only way that he can see for the water to get where it needs to
29 go is for it to be forced out in to the road ditch and then coming back in. He said that he sees
30 some very difficult problems with the length of the buildings changing and altering the drainage
31 flow therefore forcing more water back down off the west of his property down those steep
32 slopes instead of going to the south where the slopes are more gradual and there is a grass
33 waterway to handle the flow that normally goes that way. He said that he is also concerned
34 about the location of the detention basin due to the flow of the water from the 240 acres to the
35 east that comes down through there. He said that anytime there is going to be detention during a
36 major storm there will already be water coming down through there which will essentially render
37 the basin useless. He said that there will be some more storage capacity but he believes that it
38 will just fill from other areas first therefore not addressing the situation and on top of that the
39 basin is going to sit on top of a current tile. He said that he tried to contact the landowner to the
40 east but they are currently not in the area. He said that he has real concerns about leaving the tile
41 in that situation and how it will be redirected and not filling up from the detention basin. He said
42 that the tile is probably only three and one-half feet deep therefore there will virtually be no
43 cover on the tile at all. He said the edge of the property line runs at about the ridge which is
44 where the drainage separates therefore to the west it runs to the west and to the east it runs to the
45 east and to the south. He said that he does not know at what grade the buildings will be
46 constructed but he foresees the potential in altering the drainage patterns. He said that he does

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1 not know how the water is going to flow but his real concern is that the northeast half used to
2 flow south and he is concerned that a lot of the property will be forced down through the gully
3 and through the tile. He said that he has tried to install a decent sized tile but he is concerned
4 that if any more water is put that direction at all that the tile will not be sufficient without having
5 some form of holding water in the area. He said that currently the tile is located on his property
6 and the berm is on his property and Mr. Sebens has been wonderful to work with in trying to get
7 these issues corrected. He said that he does not mean for any of his concerns to deteriorate what
8 Mr. Sebens is trying to do on the property but these are real concerns regarding the drainage. He
9 said that any more water is really going to cause some problems because that is a very narrow
10 channel.

11
12 Mr. Reifsteck stated again that his main concerns are the depth of the basin and where it is
13 located and how the water will be directed around or through the buildings. He said that the east
14 half of the property used to go down to the south and now a lot of the runoff is going to the west
15 and that is all gravel. He said that he welcomes the setbacks because anything will only help.
16 He said that he is concerned about the hoop shed because if it is constructed as indicated there
17 can be no access from Duncan Road to the hoop shed and require another entrance. He asked if
18 it would be better to have a larger setback with the fence than eight feet because an eight feet gap
19 isn't enough room for a pick-up to drive down through and even twelve would be pushing it. He
20 said that he does not want any more water to go down the west side to the tile or to the drainage
21 swale because there is already a terrible erosion problem there already with no good solution due
22 to the increase in runoff.

23
24 Ms. Capel asked Mr. Reifsteck if it would be better if the buildings were oriented north and
25 south in lieu of east and west.

26
27 Mr. Reifsteck stated that he is concerned about redirecting the flow back to the west and any
28 possibility of directing the flow to the road ditch. He said that there is a lot of water that comes
29 down through the swale and generally it is adequate to handle the flow but any modification
30 causes great concern. He said that he is concerned that we don't have this quite right yet and he
31 does not know what the answer is but with this type of building, especially if all of the area is
32 paved, will drastically change the water flow somewhere. He does not want any more water
33 forced down the swale and if the buildings could be redirected to the south like they used to go
34 then that would greatly help the problem. He said that there used to be a very narrow ridge there
35 and the ridge is not there and all of the water goes to the west onto his property.

36
37 Mr. Hall asked Mr. Reifsteck if he was concerned about debris blowing from the entire property
38 or just from the self-storage warehouse area.

39
40 Mr. Reifsteck stated that there is a minimal amount of debris from the landscaping business but
41 Mr. Sebens does a good job policing it. He said that there are always issues with everything but
42 his main concern is the additional load from the storage area. He said that he can deal with what
43 happens now because it is not intentional but if someone leaves their storage unit open and paper
44 starts blowing or items are left outside the unit to blow around then it will be a real problem.

45
46 Mr. Hall asked Mr. Reifsteck if he believes that the contractor area should have a fence around it.

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- 1
2 Mr. Reifsteck stated that a fence would be a benefit but he does not know if it should be
3 required.
4
5 Ms. Lee asked Mr. Reifsteck if he paid for the eight inch tile that was installed.
6
7 Mr. Reifsteck stated the tile is only a six inch tile and yes he paid for the tile.
8
9 Ms. Griest asked Mr. Reifsteck how far the tile runs before it discharges.
10
11 Mr. Reifsteck stated that the tile runs across the interstate and runs into another tile across 130
12 acres before it discharges.
13
14 Ms. Griest asked Mr. Reifsteck if the fence would negatively impact his farming operation.
15
16 Mr. Reifsteck stated that it could but it would be more of a benefit than a hindrance. He said that
17 from an agricultural standpoint he would not have any problems with a fence surrounding Mr.
18 Sebens' property.
19
20 Mr. Passalacqua asked Mr. Reifsteck if he only farmed on the north and west sides of the subject
21 property because the south side is grass.
22
23 Mr. Reifsteck stated yes. He said that there is a grass waterway through there and he has a ten
24 foot access strip to get to the grass waterway before the crops start. He said that he uses a
25 portion of Mr. Sebens' property on occasion to park or stage equipment.
26
27 Mr. Passalacqua stated that if there was fence required there would only be one 90 degree corner
28 that would come into play.
29
30 Mr. Reifsteck stated that he could make adjustments for one 90 degree corner. He said that he is
31 more concerned about the drainage and any additional debris. He said that he is concerned about
32 people bringing items to the storage units and not having enough room therefore leaving the
33 items outside. He said that once people see stuff stored outside there will certainly be more
34 people doing the same thing therefore the area must be kept up. He said that the dead end road
35 north of the property has previously been a dumping ground and hopefully since there is a new
36 owner this issue will cease.
37
38 Mr. Passalacqua stated that he knows the new owners of the property to the north and it is their
39 intent to minimize the previous issues with dumping.
40
41 Ms. Capel asked the Board if there were any additional questions for Mr. Reifsteck and there
42 were none.
43
44 Ms. Capel asked if staff had any questions for Mr. Reifsteck and there were none.
45
46 Ms. Capel asked the audience if anyone desired to cross examine Mr. Reifsteck and there was no

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1 one.

2

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

4

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

7

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

13

14 Mr. Passalacqua stated that the center building has a four foot elevation change across the 248
15 foot foundation therefore it will either have a stair step foundation or massive amounts of
16 concrete or excavation. He said that the topography indicates how the flow goes therefore in
17 essence Mr. Sebens will be creating two 248 foot dams therefore he will either have water
18 flowing through the units dropping off mud and everything else or converting the water to the
19 east because water doesn't just go through buildings. He said that if he was doing a bid to build
20 the buildings he would ask Mr. Sebens if he wanted to have a stair step foundation or does he
21 want to have massive amounts of concrete. He said that if Mr. Sebens showed these plans to a
22 Morton Buildings builder they would probably want to build them the other direction.

23

24 Mr. Sebens stated that he will definitely consider it.

25

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

29

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

31

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

34

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

36

37 Ms. Capel asked the Board if there were any further questions for Mr. Sebens or Ms. Rexshell
38 and there were none.

39

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

41

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

44

45 Ms. Capel closed the witness register.

46

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1 Mr. Hall stated that Cases 766-AM-13 and 767-S-13 can be continued to the April 17th or May
2 15th meetings. He said that he knows that Mr. Sebens will work hard to revise the site plan but a
3 continuance to April 17th does not give Mr. Sebens enough time to adequately fine tune the plan.
4 He said that the May 15th meeting does have a case requesting a church expansion which may
5 generate a lot of neighbors for testimony.

6
7 **Ms. Griest moved, seconded by Mr. Randol to continue Cases 766-AM-13 and 767-S-13 to**
8 **the May 29th meeting. The motion carried by voice vote.**
9

NORTH BASIN CALCULATION SUMMARY:

AREA = 1.8 AC
 C VALUE FOR CALCULATING RELEASE RATE ALLOWED = 0.25
 TIME OF CONCENTRATION = 5 MIN
 5-YR INTENSITY = 5.4 IN/HR
 Q ALLOWABLE = $C \times I \times A = 0.25 \times 5.4 \times 1.8 = 2.4$ CFS

PROPOSED C = 0.7
 50-YR STORAGE VOLUME REQUIRED = 0.134 AC-FT = 5837 CU FT

STORAGE PROVIDED:

Elevation	Area (sf)	Δ Elevation	Δ Volume (cf)	Total Volume (cf)	Total Volume (ac-ft)
713	0	0	0	0	0.000
714	205	1	68	68	0.002
715	3580	1	1547	1516	0.037
715.75	8000	0.75	4233	5948	0.134
716	10555	0.25	2324	8172	0.188

SOUTH BASIN CALCULATION SUMMARY:

AREA = 2.8 AC
 C VALUE FOR CALCULATING RELEASE RATE ALLOWED = 0.25
 TIME OF CONCENTRATION = 10 MIN
 5-YR INTENSITY = 5.0 IN/HR
 Q ALLOWABLE = $C \times I \times A = 0.25 \times 5.0 \times 2.8 = 3.5$ CFS

PROPOSED C = 0.65
 50-YR STORAGE VOLUME REQUIRED = 0.195 AC-FT = 8494 CU FT

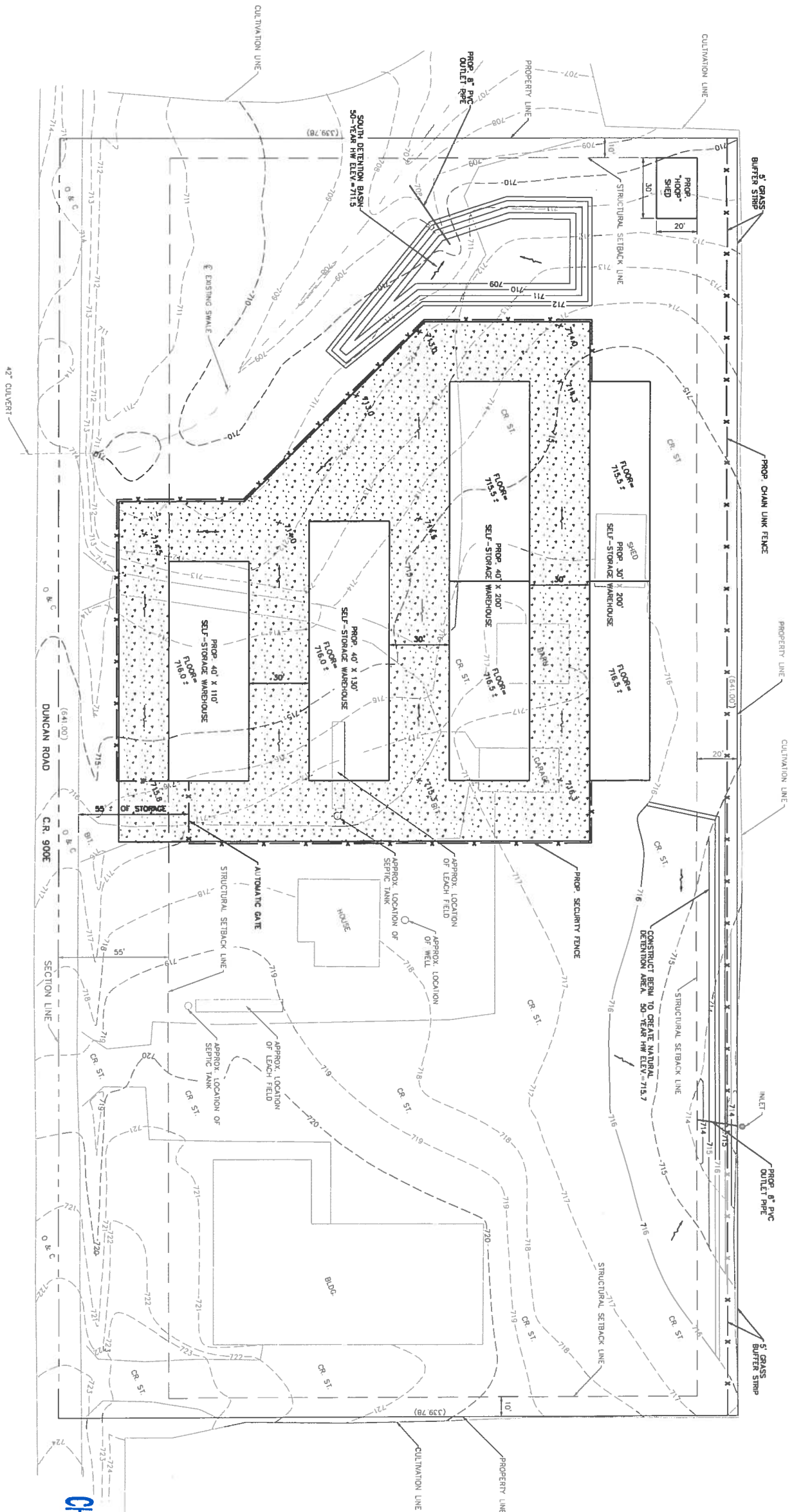
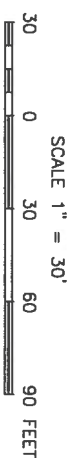
STORAGE PROVIDED:

Elevation	Area (sf)	Δ Elevation	Δ Volume (cf)	Total Volume (cf)	Total Volume (ac-ft)
708	0	0	0	0	0.000
709	2085	1	695	695	0.016
710	2870	1	2467	3162	0.073
711	3815	1	3331	6493	0.148
711.5	4315	0.5	2031	8525	0.196
712	4835	0.5	2286	10811	0.248

NOTES:

- SUBJECT SITE CONTAINS 5.00 ACRES, MORE OR LESS
- SUBJECT SITE IS CURRENTLY ZONED AG-1 (AGRICULTURAL) BY CHAMPAIGN COUNTY.
- PROPOSED ZONING FOR SUBJECT SITE IS B-1 (RURAL, TRADE CENTER DISTRICT) STRUCTURAL SETBACK LINE ZONING. THE REQUIREMENT FOR THE CHAMPAIGN COUNTY ZONING ORDINANCE FOR THIS PROPOSED ZONING CLASSIFICATION.
- FULL CUT OFF MOTION DETECTED LIGHTING WILL BE USED ON ALL BUILDINGS.
- TOPOGRAPHIC SURVEY PERFORMED BY FEHR-GRAHAM BASED ON VERTICAL DATUM NAVD 88.
- TOTAL NUMBER OF STORAGE UNITS = 108 MIN. TO 150 MAX.

PROPOSED AGGREGATE SURFACE



CHAMPAIGN CO. P & Z DEPARTMENT

RECEIVED
 MAY 12 2014

NOT FOR CONSTRUCTION

FEHR GRAHAM
 ENGINEERING & ENVIRONMENTAL
 ILLINOIS IOWA WISCONSIN

OWNER/DEVELOPER:
 PRAIRIEVIEW LANDSCAPING COMPANY
 1069 COUNTY ROAD 900 EAST
 CHAMPAIGN, IL 61822

PROJECT AND LOCATION:
 PRAIRIEVIEW LANDSCAPING COMPANY
 REZONING

DRAWN BY: JDC
 APPROVED BY: CMO
 DATE: 5/06/14
 SCALE: 1" = 30'

REV. NO	DESCRIPTION	DATE

DRAWING:
 PRELIMINARY SITE PLAN

JOB NUMBER:
 14-317
 SHEET NUMBER:
 1 of 1

NORTH BASIN CALCULATION SUMMARY:

AREA = 1.8 AC
 C VALUE FOR CALCULATING RELEASE RATE ALLOWED = 0.25
 TIME OF CONCENTRATION = 5 MIN
 5-YR INTENSITY = 5.4 IN/HR
 Q ALLOWABLE = $C \times I \times A = 0.25 \times 5.4 \times 1.8 = 2.4$ CFS

PROPOSED C = 0.7
 50-YR STORAGE VOLUME REQUIRED = 0.134 AC-FT = 5837 CU FT

STORAGE PROVIDED:

Elevation	Area (sf)	Δ Elevation	Δ Volume (cf)	Total Volume (cf)	Total Volume (ac-ft)
713	0	0	0	0	0.000
714	205	1	68	68	0.002
715	3580	1	1547	1616	0.037
715.75	8000	0.75	4333	5948	0.134
716	10655	0.25	2524	8172	0.188

SOUTH BASIN CALCULATION SUMMARY:

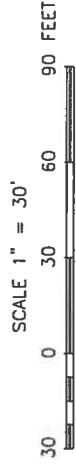
AREA = 2.8 AC
 C VALUE FOR CALCULATING RELEASE RATE ALLOWED = 0.25
 TIME OF CONCENTRATION = 10 MIN
 5-YR INTENSITY = 5.0 IN/HR
 Q ALLOWABLE = $C \times I \times A = 0.25 \times 5.0 \times 2.8 = 3.5$ CFS

PROPOSED C = 0.65
 50-YR STORAGE VOLUME REQUIRED = 0.195 AC-FT = 8494 CU FT

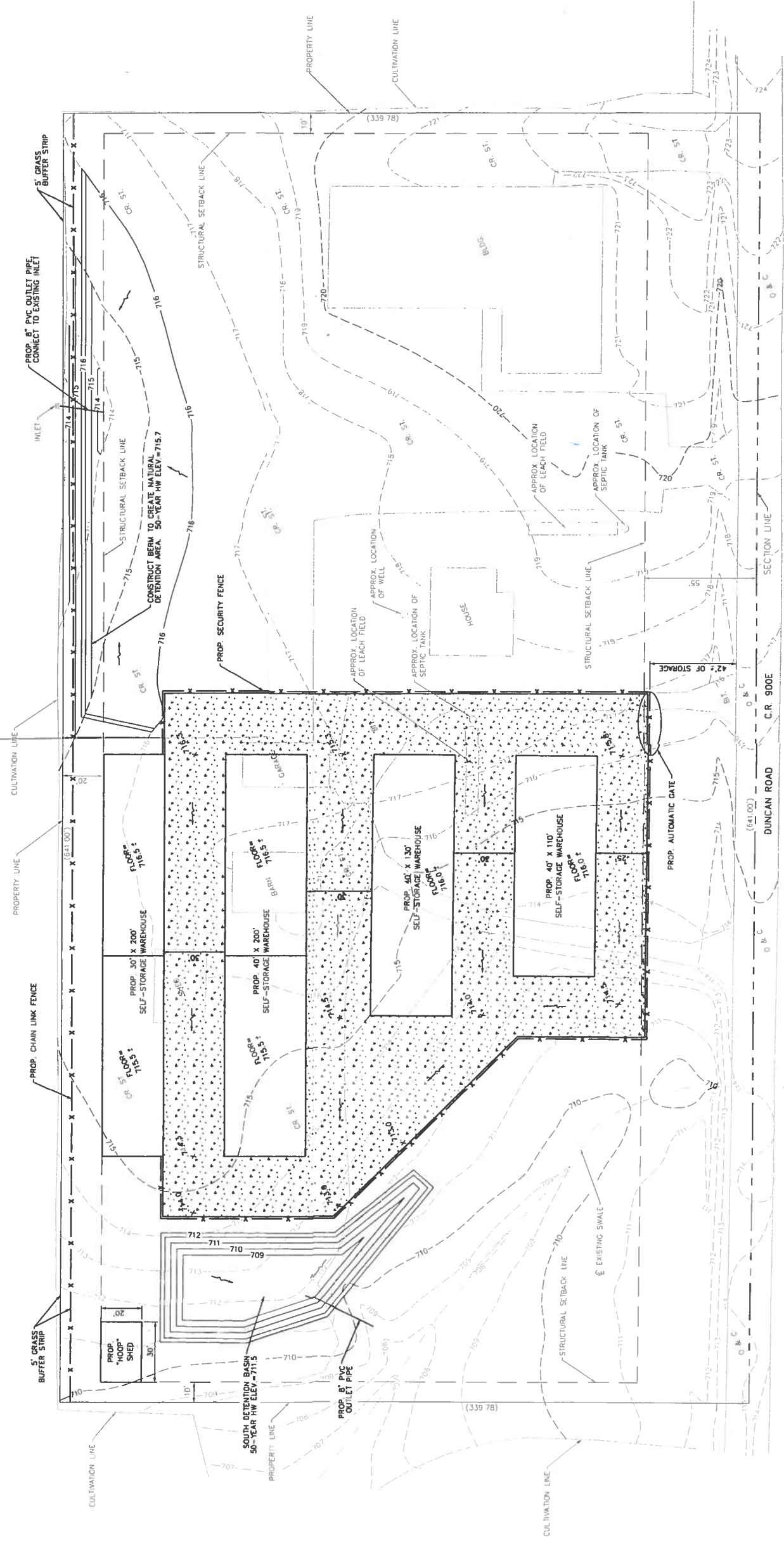
STORAGE PROVIDED:

Elevation	Area (sf)	Δ Elevation	Δ Volume (cf)	Total Volume (cf)	Total Volume (ac-ft)
708	0	0	0	0	0.000
709	2085	1	695	695	0.016
710	2870	1	2467	3162	0.073
711	3815	1	3331	6493	0.149
711.5	4315	0.5	2031	8525	0.196
712	4835	0.5	2286	10811	0.248

- NOTES:**
- SUBJECT SITE CONTAINS 5.00 ACRES, MORE OR LESS
 - SUBJECT SITE IS CURRENTLY ZONED AG-1 (AGRICULTURAL) BY CHAMPAIGN COUNTY.
 - PROPOSED ZONING FOR SUBJECT SITE IS B-1 (RURAL TRADE CENTER DISTRICT). STRUCTURAL SETBACK LINES SHOWN ARE REQUIREMENTS FOR B-1 ZONING. CONSIDER THE ZONING ORDINANCE FOR THIS PROPOSED ZONING CLASSIFICATION.
 - FULL CUT OFF MOTION DETECTED LIGHTING WILL BE USED ON ALL BUILDINGS.
 - TOPOGRAPHIC SURVEY PERFORMED BY FEHR-GRAHAM BASED ON VERTICAL DATUM NAVD 88.
 - TOTAL NUMBER OF STORAGE UNITS = 108 MIN TO 150 MAX.



PROPOSED AGGREGATE SURFACE



RECEIVED
 JUN 5 2014
 CHAMPAIGN CO. P & Z DEPARTMENT

RECEIVED
 JUN 5 2014
 CHAMPAIGN CO. P & Z DEPARTMENT

NOT FOR CONSTRUCTION

FEHR GRAHAM
 ENGINEERING & ENVIRONMENTAL
 ILLINOIS DESIGN FIRM NO. 184-003525

ILLINOIS
 IOWA
 WISCONSIN

OWNER/DEVELOPER:
 PRAIRIEVIEW LANDSCAPING COMPANY
 1069 COUNTY ROAD 900 EAST
 CHAMPAIGN, IL 61822

PROJECT AND LOCATION:
 PRAIRIEVIEW LANDSCAPING COMPANY
 REZONING

DRAWN BY: JDC
 APPROVED BY: CMO
 DATE: 5/06/14
 SCALE: 1" = 30'

REV. NO.	DESCRIPTION	DATE

DRAWING:
 PRELIMINARY SITE PLAN

JOB NUMBER:
 14-317
 SHEET NUMBER:
 1 of 1

REVISED DRAFT

766-AM-13

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

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

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

Petitioner: **Eric L. Sebens d.b.a. Prairieview Landscaping**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District in order to authorize the proposed Special Use in related zoning Case 767-S-13.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 30, 2014; March 13, 2014; and June 12, 2014**, the Zoning Board of Appeals of Champaign County finds that (Note that* indicates identical to evidence in related Case 767-S-13):

- *1. The petitioner Eric L. Sebens, 3008 Cherry Hills Drive, Champaign owns the subject property and d.b.a. Prairieview Landscaping Company at 1069 CR900E, Champaign.
- *2. The subject property is a 5-acre tract in Tolono Township in the East Half of the Southeast Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of the Third Principal Meridian and is and commonly known as Prairieview Landscape Company at 1069 CR900E, Champaign.
- *3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.
4. Regarding comments by the petitioner on the Petition for Amendment:
 - A. When asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner indicated the following:

“The current ordinance does not allow for the development and future use and improvement of the other half of the five acre property, which is adjacent to the existing contractor’s facility. The existing unused part of the property is not prime farm ground, nor is it suitable for tillage. It has been left in weeds/grass for decades with old dilapidated buildings on it. The potential uses of the property at this point are few, the original thinking at purchase as to eventually expand the contracting business into a retail garden center outlet, but with current economic conditions this is no longer a viable option. Rezoning to allow for other possibilities with the property is now about the only good option at this point. By allowing this zone amendment, the balance of the property becomes productive, improved and useful for the future. This fits well within the other adjacent uses and zoning, AG-2 district which is directly across the street, which allows for self-storage and contractor’s facilities, and is bordered by Willard Airport to the east, and we have I-57 just across the field to the west. We are a quarter of a mile from the significant intersection of I-57 & Monticello Road.”
 - B. When asked on the petition what other circumstances justify the rezoning, the petitioner indicated the following:

“I have to this point invested approximately three quarters of a million dollars towards the improvement of this property; this includes the purchase, demolition of several old buildings, removal of truckloads of debris, and the construction of a new contractor’s facility and building. The ability to offer self-storage on the same property is a natural complementing business to the contractor’s facility. Quite often you see these two businesses paired together

to help support one another. Contracting has become very unpredictable and unstable, the landscape contracting industry has experienced a devastating decline, sales are half of what they were just a few years ago, self-storage units would help pay for the property and provide a reasonable return on the investment I have made.”

C. Additional comments on the petition by the petitioner are as follows:

“My proposed plan is to remove the three remaining dilapidated buildings, plan and erect the first self-storage unit within a year then, add up to three additional units or a total of four buildings over a ten year time span, if the need is there. I would also plan to continue the contracting business as is currently being done for some time into the future. Any improvement I have done and would do in the future has and is always performed in a quality fashion, neat, clean, orderly, professional. This would be a significant improvement to the property and surrounding area.”

5. When asked on the petition for the time schedule for development, the petitioner indicated the following:

“I would plan to remove the three remaining dilapidated buildings, and plan to erect the first building within the first year. Then as the need is justified add up to 3 more additional buildings, for a total of four buildings over a 10 year time span.”

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

*6. Land use and zoning on the subject property and in the vicinity are as follows:

- A. The subject property is currently zoned AG-1 Agriculture and is used for the operation of an existing Contractors Facility (landscape contractor) that was authorized by Case 101-S-97.
- B. Land on the north, south, and west of the subject property is zoned AG-1 and is in agricultural production.
- C. Land east of the subject property is zoned AG-2 Agriculture and is in agricultural production and is also the site of the UI-Willard Airport.

7. Previous zoning cases in the vicinity are the following:

- A. Case 107-S-95 authorized the current Contractors Facility (landscape contractor) on the subject property.

*8. Regarding the site plan and operations of the proposed Special Use in related Case 767-S-13:

- A. Different versions of the site plan have been received on November 13, 2013; January 22, 2014; March 3, 2014; May 12, 2014, and June 5, 2014.

- B. The revised site plan received June 5, 2014, indicates the following existing and proposed improvements:
- (1) Existing improvements are as follows:
 - a. An existing dwelling, garage, quonset hut, and restored barn all predate the establishment of the existing contractor facility.
 - b. Prairieview Landscaping, a landscape contracting company, was authorized in Case 101-S-97 on 7/18/97 and Change of Use Permit #204-97-04 on 7/24/97 and received a Zoning Compliance Certificate on 1/15/98. Improvements related to Case 101-S-97 are the following:
 - (a) The large building on the northern part of the property houses Prairieview Landscaping and was constructed pursuant to Zoning Use Permit #317-97-03 and received a Zoning Compliance Certificate on 5/12/98.
 - (b) A sign shaped like a decorative boulder was authorized by Zoning Use Permit # 344-03-01 on 12/10/03 and received a Zoning Compliance Certificate on 12/03/08.
 - (c) In Case 101-S-97 outdoor storage was proposed west of both the contractor building and the dwelling and a plant holding area/nursery was proposed in the southwestern portion of the property. Existing outdoor storage also exists south of the dwelling and consists of open bins and hoop houses which have not been authorized by Zoning Use Permits. Hoop houses for propagation of nursery stock can be considered agricultural but bins for storage of landscaping materials are not agriculture and must be authorized by Zoning Use Permit.
 - (d) In Case 101-S-97 employee and customer parking were indicated south and west of the contractor building.
 - (e) Three driveways were indicated on the approved site plan for Case 101-S-97 and a fourth driveway has been added on the north side of the contractor building.
 - (f) The approved site plan for Case 101-S-97 did not indicate the locations of any well or septic system.
 - (g) Case 101-S-97 was exempt from the requirement for a stormwater drainage plan.
 - (2) Proposed improvements indicated on the Revised Site Plan received June 5, 2014 are the following:
 - a. Regarding the existing contractor facility:

- (a) The site plan shows the outline of the contractor building and crushed stone paving.
 - (b) None of the parking spaces or outdoor material storage areas are indicated.
 - (c) The existing sign is not indicated.
 - (d) A water well is indicated west of the house.
 - (e) Two existing septic systems are indicated. A septic tank and leach field is indicated northeast of the house and is not indicated to be disturbed. Another septic tank and leach field is indicated where one self-storage warehouse is proposed.
- b. Regarding proposed improvements for the contractor facility:
- (a) A proposed hoop building is indicated at the southwest corner.
 - (b) A proposed chain link fence is indicated along and 5 feet inside of the west lot line. A proposed 5 feet wide grass buffer strip is indicated between the fence and the lot line.
 - (c) An approximately 270 feet long berm is proposed on the east side of the proposed chain link fence to create a detention area approximately 1.7 feet deep. The detention area is proposed to outlet through a proposed 8 inch PVC pipe connected to an existing surface inlet to an existing underground tile. Basic engineering data is provided for the north basin but it has not been reviewed by the County's consulting engineer.
- c. Regarding the proposed improvements for the proposed self-storage warehouse:
- (a) Four self-storage warehouse buildings are proposed. The buildings are all proposed to be oriented with their long dimension north to south with the following overall dimensions:
 - i. The westernmost building is 30 feet by 200 feet.
 - ii. The easternmost building is 40 feet by 110 feet.
 - iii. Located between the westernmost and easternmost buildings are two buildings that are 40 feet by 200 feet and 40 feet by 130 feet, respectively.
 - iv. The total proposed square footage of self-storage buildings is 23,600 square feet. A note on the site plan indicates the total number of storage units to be between 108 and 150 units.

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- v. The two longer buildings are indicated with a stepped floor that is one foot higher on the northern portion.
 - (b) All self-storage buildings are separated by 30 feet wide traffic aisles that are indicated as “aggregate surface”. Drainage arrows indicate that the aisles are intended to drain toward the south. The traffic aisle east of the easternmost building appears to be 25 feet wide.
 - (c) All self-storage buildings are enclosed by a proposed security fence. An automatic gate is indicated at the northeast corner of the security fence approximately 42 feet from the edge of pavement of CR900E (Duncan Road).
 - (d) A detention basin is indicated south of the self-storage buildings. The basin is indicated to outlet into the drainage swale. Basic engineering data is provided for the south basin but it has not been reviewed by the County’s consulting engineer.
 - (e) Spot elevations are indicated on the proposed aggregate surface paving to indicate the general direction of drainage but proposed topography is not actually shown.
 - (f) The detention basin will take up some of the volume of the existing swale but the proposed topography is not indicated.
 - (g) The area of self-storage warehouses is indicated to be over an existing septic leach field.
 - (h) No outdoor storage in the self-storage building area has been included in the request nor is indicated on the site plan.
- (3) Generally regarding proposed security measures at the proposed self-storage warehouses:
- a. A note on the site plan indicates that full cut-off motion detection lighting will be used on all buildings.
 - b. All self-storage buildings are enclosed in a proposed security fence. An automatic gate is indicated at the northeast corner of the security fence approximately 55 feet from the edge of pavement of CR900E (Duncan Road).

*Identical to evidence in related Case 767-S-13.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

9. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
- (1) The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
 - (2) The B-1, Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.
- B. Regarding the general locations of the existing and proposed zoning districts:
- (1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.
 - (2) The B-1 District is generally located in rural areas suitable for businesses operations to serve the needs of rural residents.
- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 11 types of uses authorized by right in the AG-1 District and there are 25 types of uses authorized by right in the B-1 District:
 - a. The following 5 uses are authorized by right in the AG-1 District and are not authorized at all in the B-1 District:
 - Single family dwelling;
 - Roadside Stand operated by Farm Operator;
 - Plant Nursery;
 - Off-premises sign within 660 feet of interstate highway; and
 - Off-premises sign along federal highway except interstate highways;
 - b. The following 6 uses are authorized by right in both the AG-1 District and B-1 District:
 - Subdivisions of three lots or less;
 - Agriculture;
 - Minor Rural Specialty Business;
 - Township Highway Maintenance Garage (must meet separations or a SUP is required);
 - Christmas Tree Sales Lot;
 - Temporary Uses

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- c. The following 9 uses are authorized by right in the B-1 District and not at all in the AG-1 District:
- Parking garage or lot;
 - MINOR AUTOMOBILE REPAIR (all indoors)*;
 - Gasoline Service Station;
 - Agricultural services and businesses (roadside stand, feed/grain sales, equipment sales and service)
 - Miscellaneous business (cold storage, telegraph office, antique sales)

*Auto Repair may cause nuisance violations (junk cars, debris, etc) at this location. The Department of Planning and Zoning enforces the *Nuisance Ordinance* and can help resolve nuisance violations. "Minor Automobile Repair" is replacement of parts and motor services to passenger cars and trucks not exceeding one and one-half tons capacity, excluding body repairs.

- d. The following 10 uses are authorized by right in the B-1 District but require a Special Use Permit in the AG-1 District:
- Major RURAL SPECIALTY BUSINESS
 - Small Scale Metal Fabricating Shop (only if the building existed prior to 1988)
 - Public park of recreational facility
 - Public facilities (police station, library, government building, telephone exchange)
 - Agricultural services and businesses (fertilizer sales/storage, grain storage, specialty business)

- (2) There are 42 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 9 uses authorized by right in the B-1 District see above) and 10 types of uses authorized by SUP in the B-1 District:

- a. The following 5 uses may be authorized by SUP in the both the AG-1 District and B-1 District:
- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Electrical Substation;
 - HELIPORT-RESTRICTED LANDING AREAS;
 - Livestock Sales Facility and Stockyards;
 - Slaughter Houses;
- b. The following 27 uses may be authorized by Special Use Permit in the AG-1 District and not at all in the B-1 District:
- Hotel with no more than 15 lodging units;

- Residential PLANNED UNIT DEVELOPMENT;
 - Major RURAL SPECIALTY BUSINESS;
 - Artificial lake of 1 or more acres;
 - Mineral extraction, Quarrying, topsoil removal, and allied activities;
 - Elementary School, Junior High School, or High School;
 - Church, Temple or church related Temporary Uses on church Property;
 - Penal or correctional institution;
 - Sewage disposal plant or lagoon;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
 - Radio or Television Station;
 - RESIDENTIAL AIRPORTS;
 - RESTRICTED LANDING AREAS;
 - Riding Stable;
 - Commercial Fishing Lake;
 - Cemetery or Crematory;
 - Pet Cemetery;
 - Kennel;
 - Veterinary Hospital;
 - Off-premises sign farther than 660 feet from an interstate highway;
 - Contractors Facilities with no outdoor operations or storage;
 - Contractors Facilities with outdoor operations and/or storage;
 - Gas Turbine Peaker;
 - BIG WIND TURBINE TOWER (1-3 turbines);
 - WIND FARM (County Board SUP)
 - Sawmills Planing Mills, and related activities; and
 - Pre-Existing Industrial Uses (existing prior to October 10, 1973)
- c. The following 5 uses may be authorized by SUP in the B-1 District and not at all in the AG-1 District:
- Self-storage Warehouses, providing heat and utilities to individual units;
 - Self-storage Warehouses, not providing heat and utilities to individual units;
 - Storage of gasoline, volatile oils, and liquefied petroleum gases.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

10. The *Champaign County Land Resource Management Plan (LRMP)* was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies,

which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:

A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

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

B. The LRMP defines Goals, Objectives, and Policies as follows:

(1) Goal: an ideal future condition to which the community aspires

(2) Objective: a tangible, measurable outcome leading to the achievement of a goal

(3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

REGARDING LRMP GOALS & POLICIES

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

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

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

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

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

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

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

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

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

Goal 3 has three objectives and no policies. The proposed rezoning will *HELP ACHIEVE* the achievement of Goal 3.

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

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

Goal 4 has 9 objectives and 22 policies. The proposed *{WILL / WILL NOT} HELP ACHIEVE* Goal 4 for the following reasons:

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

The proposed rezoning *{WILL/ WILL NOT} HELP ACHIEVE* Objective 4.1 because of the following:

- (1) Policy 4.1.6 states, “Provided that the use, design, site and location are consistent with County policies regarding:
- i. Suitability of the site for the proposed use;
 - ii. Adequacy of infrastructure and public services for the proposed use;
 - iii. Minimizing conflict with agriculture;
 - iv. Minimizing the conversion of farmland; and
 - v. Minimizing the disturbance of natural areas; then
 - a) On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
 - b) On best prime farmland, the County may authorize non-residential discretionary development; or

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

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.1.6 for the following reasons:

- a. There is no Natural Resource Report for the subject property and no Natural Resource Report was required for the existing Special Use Permit, Case 101-S-97.
- b. As indicated on an excerpt of Sheet 62 of the *Soil Survey of Champaign County, Illinois*, 2003 edition, annotated to indicate subject property, the subject property consists primarily (approximately 80%) of soil map unit 171B Catlin silt loam (2% to 5% slopes) and soil map unit 152A Drummer silty clay loam.
- c. The *Champaign County Land Evaluation and Site Assessment System* as amended on October 24, 2013, identifies soil map unit 152A Drummer silty clay loam with a Land Evaluation rating of 100 and 171B Catlin silt loam with a Land Evaluation rating of 94. The Zoning Ordinance defines “best prime farmland” as any soil with an LE of 91 or higher.
- d. The proposed use requires a Special Use Permit in the B-1 Rural Trade Center District, which allows consideration of site suitability, adequacy of public infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas as part of the criterion regarding, “injurious to public health, safety, and welfare.”
- e. The subject property was a farmstead before it was authorized as a Contractor Facility in Case 101-S-97 on July 17, 1997.
- f. The proposed Special Use on the subject property will not increase the size of the subject property nor take any best prime farmland out of production.
- g. Achievement of Policy 4.1.6 requires achievement of related Objectives 4.2 and 4.3.

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

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

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

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

- *a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
- *b. The B-1 District is intended to provide areas for rural business to offer products and services to rural residents.
- *c. The existing contractors' facility has been in operation since the mid 1990s and is a USE that has been determined to be appropriate in the rural area.
- *d. The proposed Self-Storage Warehouses is a USE that has been deemed appropriate for the rural area in the B-1 District provided that a Special Use Permit is authorized.
- *e. The subject property is located near to the urbanized area and is a little more than 1.5 miles from the Village of Savoy and about 2 miles from the City of Champaign and is within one road mile of the I-57 interchange at Monticello Road.

*Identical to evidence in related Case 767-S-13.

- (2) Policy 4.2.2 states, “**The County may authorize *discretionary review* development in a rural area if the proposed development:**
 - a. is a type that does not negatively affect agricultural activities; or**
 - b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
 - c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.2.2 because based on the evidence, the proposed Special Use in related Case 767-S-13 *{DOES / DOES NOT}* negatively affect agricultural activities, or *{IS / IS NOT}* located and designed to minimize exposure to negative effects of agricultural activities, and *{WILL / WILL NOT}* interfere with agricultural activities based on the following:

- *a. The existing contractors' facility has been in operation since 1997 and is a USE that has been determined to be appropriate in the rural area.
- *b. The proposed self-storage warehouse is a USE that has been deemed appropriate for the rural area in the B-1 District provided that a Special Use Permit is authorized.
- *c. The B-1 District is intended to provide areas for rural business to offer products and services to rural residents.
- *d. Scott Riefsteck who resides at 1341 CR600N, Tolono testified at the January 30, 2014, public hearing as follows:
 - (a) Mr. Riefsteck is the tenant farmer for his aunt who owns the property adjacent to the subject property.
 - (b) Mr. Riefsteck has known the petitioner Mr. Sebens for a long time and has had nothing but a good relationship with Mr. Sebens.
 - (c) He stated the current contractor facility is fairly compatible with the agriculture district.
 - (d) On the west side of the contractor facility there has been an issue with encroachment onto the farmland and that Mr. Sebens has done his best to contain it but with as many employees as there are at the contractor facility it is hard to regulate.
 - (e) He requested that some type of fencing should be required for the proposed self-storage buildings to minimize problems from blowing debris.
- *e. The traffic produced by the proposed use will be an increase in traffic, but its impact will be minimal.
- *f. None of subject property has been in agricultural production since the adoption of the Zoning Ordinance on 10/10/73.
- *g. Petitioner Eric Sebens testified at the 3/13/14 public hearing that his intent is to correct the encroachments onto the farmland.
- *h. The Revised Site Plan received 5/12/14 indicates a five foot wide buffer strip and fence along the west property line.

*Identical to evidence in related Case 767-S-13

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

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Objective 4.3 because of the following:

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

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

- a. As reviewed under Policy 4.1.6, the subject property is best prime farmland.
- b. The property *{IS/ IS NOT} WELL SUITED OVERALL* based on the following:
 - (a) The property is only five acres in area.
 - (b) A Special Use Permit was authorized in Case 101-S-97.
 - (c) The B-1 District is intended to provide areas for rural business to offer products and services to rural residents.
 - (d) The proposed development is subject to the *Stormwater Management Policy* and must provide adequate stormwater detention that will not harm the tile drainage to the west or the drainage swale on the south of the property.
 - (e) The subject property fronts and has access to Duncan Road (CR900E).
 - (f) A Traffic Impact Analysis was not required because the number of weekday and weekend peak hour trips generated by the proposed use will be minimal.
 - (g) Access to I-57 is approximately 1 road mile from the subject property.
 - (i) The subject property is served by a public water supply.
- (2) Policy 4.3.3 states, “**The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.**”

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.3.3 for the following reason:

- a. The subject property is located approximately 4.3 miles from the Savoy Fire Protection District Station. The fire protection district was notified of the case and no comments have been received.
- (3) Policy 4.3.4 states, **“The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.3.4 for the following reason:

- a. The subject property has access to Duncan Road (CR900E). Duncan Road is an oil and chip road that is approximately 24 feet in width that has adequate capacity for the proposed use. Access to I-57 is approximately 1 road mile from the subject property.
 - b. No comments have been received from the Tolono Township Highway Commissioner.
- (4) Policy 4.3.5 states, **“On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a. **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
 - b. **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.3.5 for the following reasons:

- a. As reviewed under Policy 4.1.6, the subject property is best prime farmland.
- b. The property is only five acres in area.
- c. A Special Use Permit was authorized in Case 101-S-97 on July 17, 1997.
- d. The B-1 District is intended to provide areas for rural business to offer products and services to rural residents. Contractors Facilities and Self-Storage Warehouses are USES that have been determined to be appropriate for the rural area in the B-1 DISTRICT.
- e. The proposed development is subject to the *Stormwater Management Policy* and must provide adequate stormwater detention.
- f. The subject property fronts and has access to Duncan Road (CR900E).

- g. Access to I-57 is approximately 1 road mile from the subject property.
- h. The subject property is served by a public water supply.

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

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

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

Goal 5 has 3 objectives and 15 policies. The proposed amendment *{WILL / WILL NOT} HELP ACHIEVE* Goal 5 for the following reasons:

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

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

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

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

- a. The subject property is only 5 acres in area.
- b. A Special Use Permit was authorized in Case 101-S-97 on July 17, 1997.
- c. In the Champaign County Land Resource Management Plan the subject property is not identified as being within the Contiguous Urban Growth Area.
- d. Neither of the proposed uses require urban services and are suitable for rural areas.
- e. The proposed self-storage warehouses will put the property to greater use, but not substantially different from what the property has been used for in the past.

- f. This location is more than 1.5 miles from the Village of Savoy and about 2 miles from the City of Champaign so this is not a municipal extra-territorial jurisdiction area.
- (2) Policy 5.1.4 states, “**The County may approve discretionary development outside contiguous urban growth areas, but within municipal extra-territorial jurisdictions areas only if:**
 - a. **the development is consistent with the municipal comprehensive plan and relevant municipal requirements;**
 - b. **the site is determined to be well-suited overall for the development if on best prime farmland or the site is suited overall, otherwise and**
 - c. **the development is generally consistent with all relevant LRMP objective and policies.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 5.1.3 for the reasons stated under Policy 5.1.3. See above.

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

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

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

The proposed rezoning will *{WILL/ WILL NOT} HELP ACHIEVE* Policy 5.3.2 based on the same considerations as for Policy 4.3.3.

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

improvements to public infrastructure are made without undue public expense.”

The proposed rezoning will *{WILL/ WILL NOT} HELP ACHIEVE* Policy 5.3.2 based on the same considerations as for Policy 4.3.4

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

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

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

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

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

The proposed rezoning will ***WILL HELP ACHIEVE*** Objective 6.1 because of the following:

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

The proposed rezoning will ***HELP ACHIEVE*** Policy 6.1.3 for the following reasons:

- (a) The proposed exterior lighting will comply with the standard condition in Section 6.1.2 regarding exterior lighting and will be full-cutoff light fixtures.
- B. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Policies 6.1.1, 6.1.2, and 6.1.4. Objectives 6.2, 6.3, and 6.4 and Policies 6.2.1, 6.2.2, and 6.2.3 are ***NOT RELEVANT*** to the proposed amendment.

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

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

Goal 7 has 2 objectives and 7 policies. The proposed rezoning will *{WILL/ WILL NOT} HELP ACHIEVE* Goal 7 for the following reasons:

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

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

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

The proposed rezoning will *{WILL/ WILL NOT} HELP ACHIEVE* Policy 7.1.1 for the following reasons:

- (a) A Traffic Impact Analysis is not necessary because the number of weekday and weekend peak hour trips generated will be minimal.

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

18. LRMP Goal 8 is entitled “Natural Resources” and states as follows:
Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. The proposed rezoning will **NOT IMPEDE** the achievement of Goal 8.

19. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:
Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. The proposed rezoning will **NOT IMPEDE** the achievement of Goal 9.

20. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:
Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

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

GENERALLY REGARDING THE LaSalle Factors

21. In the case of *LaSalle National Bank of Chicago v. County of Cook* the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. The *Champaign County Zoning Ordinance* does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

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

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

Table 1: Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Contractors Facility (Case 101-S-97)	AG-1 Agriculture (proposed B-1)
North, South , West	Agriculture	AG-1 Agriculture
East	Agriculture	AG-2 Agriculture

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

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) In regards to the value of the subject property, the requested map amendment may have some positive effect or else the landowner would not have submitted the petition for the rezoning.

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

- (1) There has been no evidence submitted regarding property values.
- (2) The proposed rezoning should not have a negative effect on the public health, safety, and welfare and therefore, denying the request to rezone the property will not promote public health, safety, or welfare.

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

- (1) The proposed rezoning and related Special Use will allow the petitioner to provide storage area for use by the public.
- (2) If the request is denied the hardship imposed on the property owner is that the added income from the self-storage area will not be realized.

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

- (1) The subject property is suitable for the current zoned purposes.

- (2) Based on the discussion of suitability under Items 14.C. and 15 above, the subject property *{IS / IS NOT} SUITABLE* for the proposed zoned purpose which is a self-storage warehouses and an existing contractors facility.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**
- (1) The AG-1 District was planned in 1973 and thus was intended to protect areas of the County where soil and topographic conditions are best adapted to the pursuit of agricultural uses.
 - (2) Currently, there are several buildings on the subject property and a Special Use for Contractors Facility was authorized in Case 101-S-97.
- G. **Sinclair factor: The need and demand for the use.**
The existing contractors facility provides landscape contracting services to the rural and urban communities. The proposed Self-Storage Warehouses will also provide a service for rural and urban residents.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
- (1) The proposed self-storage warehouses will put the property to greater use, but not substantially different from what the property has been used for in the past. Self-storage warehouses are facilities that may be utilized by residential customers.
 - (2) The area in which the subject property is located is indicated as "Primarily Farmland- Best Prime" on the Land Resource Management (LRMP) map Future Land Use-2030. As described in the text of the LRMP, agriculture is the primary land use in this area but other land uses (residential, commercial/industrial, parks) are expected to locate in this area consistent with the LRMP.
 - (3) Based on the discussion above, the proposed Special Use *{DOES / DOES NOT} CONFORM* to the Land Resource Management Plan.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

22. The proposed amendment *{WILL/ WILL NOT} HELP ACHIEVE* the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:
 - A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.
 - (1) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan in related Case 767-S-13 appears to be in compliance with those requirements.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- (1) The requested Special Use Permit should not decrease the value of nearby properties.
- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
- (1) A Traffic Impact Analysis was not required because the number of weekday and weekend peak hour trips generated by the proposed use will be minimal.
- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
- (1) The proposed construction on the subject property will trigger the need for stormwater management. The petitioner will need to submit a complete stormwater management plan that is in compliance with the *Stormwater Management Policy* before a Zoning Use Permit can be issued for the proposed construction.
- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
- (1) 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.
 - (2) 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.
- F. 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.
- (1) 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.
- G. 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.

- (1) Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions.
- H. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.
- (1) The proposed Special Use will not be remodeling or altering existing structures.
- I. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- a. None of subject property has been in agricultural production since the adoption of the Zoning Ordinance on 10/10/73.
 - b. The Special Use *{WILL/ WILL NOT}* be compatible with adjacent uses because the evidence established that the proposed Special Use *{WILL/ WILL NOT}* interfere with agricultural operations and the subject site *{IS/ IS NOT}* suitable for the proposed Special Use.
- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.
- (1) The subject property does not contain nor pose risk to any natural features.
- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.
- (1) The proposed use will not require the development of public utilities or transportation facilities.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.
 - (1) None of subject property has been in agricultural production since the adoption of the Zoning Ordinance on 10/10/73 and no agricultural areas are proposed to be taken out of production.

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

REGARDING SPECIAL CONDITIONS OF APPROVAL

23. Regarding proposed special conditions of approval:

Evidence to be added.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 30, 2014; March 13, 2014; and June 12, 2014**, the Zoning Board of Appeals of Champaign County finds that:

1. Regarding the effect of the proposed amendment on the Land Resource Management Plan (LRMP):
 - A. **Regarding Goal 3:**
 - Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioner to utilize the property somewhat more intensively and continue business operations in Champaign County.
 - Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment **WILL HELP ACHIEVE Goal 3 Prosperity.**
 - B. **Regarding Goal 4:**
 - It **{WILL/ WILL NOT} HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because it will **{WILL/ WILL NOT} HELP ACHIEVE** the following:
 - Policy 4.3.5 requiring that a business or non-residential use on best prime farmland only if it serves surrounding agriculture and is appropriate in a rural area (see Item 14.C.(4)).
 - Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(3)).
 - Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(2)).
 - Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 14.C.(1)).
 - It **{WILL/ WILL NOT} HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because it **{WILL/ WILL NOT} HELP ACHIEVE** the following:
 - Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 14.B.(2)).
 - Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 14.B.(1)).
 - It **{WILL/ WILL NOT} HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it **{WILL/ WILL NOT} HELP ACHIEVE** the following:

- Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 14.A.(1)).
- It will either not impede or is not relevant to the other Objectives and Policies under this goal.
- Based on achievement of the above Objectives and Policies, the proposed map amendment **{WILL/ WILL NOT} HELP ACHIEVE Goal 4 Agriculture.**

C. Regarding Goal 5:

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

D. Regarding Goal 6:

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

E. **Regarding Goal 7:**

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

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

- **Goal 1 Planning and Public Involvement**
- **Goal 2 Governmental Coordination**
- **Goal 3 Prosperity**
- **Goal 8 Natural Resources**
- **Goal 9 Energy Conservation**
- **Goal 10 Cultural Amenities**

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

2. The proposed Zoning Ordinance map amendment *{IS/ IS NOT}* consistent with the *LaSalle* and *Sinclair* factors because of the following:
 - The amendment will allow the petitioners to continue to provide the existing landscaping services they offer and the proposed self-storage warehouses.
 - The subject property is *{IS/ IS NOT}* suitable for the existing and proposed businesses.
 - The proposed Special Use *{DOES / DOES NOT}* **CONFORM** to the Land Resource Management Plan.
3. The proposed Zoning Ordinance map amendment *{WILL/ WILL NOT}* **HELP ACHIEVE the purpose of the Zoning Ordinance** because:
4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:
 - Approval of the amendment would allow the current business activities to continue and allow more productive use of this small property because of the proposed Special Use to be established subject to related Case 767-S-13.

DOCUMENTS OF RECORD

1. Application for Map Amendment received November 13, 2013, with attachments:
 - A Site Plan
2. Special Use Permit application received November 13, 2013, with attachments:
 - A Site Plan
3. Zoning Case 107-S-95 case file
4. ZUPA No. 204-97-04 case file
5. ZUPA No. 317-97-03 file
6. Copy of Warranty Deed received December 5, 2013
7. Revised Site Plan received January 22, 2014
8. Preliminary Memorandum for Cases 766-AM-13 and 767-S-13 dated January 24, 2013, with attachments:
 - A Case Maps from Case 101-S-97 (Location, Land Use, Zoning)
 - B Approved Site Plan from Case 101-S-97
 - C Excerpt from building plans in Permit #9449 (ZUPA #317-07-03)
 - D Aerial photograph of subject property
 - E Excerpt of Sheet 62 of *Soil Survey of Champaign County, Illinois*, 2003 edition. Annotated to indicate subject property.
 - F Revised Site Plan received 11/13/03
 - G LRMP Land Use Goals, Objectives, and Policies & Appendix (included separately)
 - H LRMP Land Use Management Areas Map (included separately)
 - I Preliminary Draft Finding of Fact for Case 766-AM-13
9. Revised Site Plan received 3/5/14
10. Supplemental Memorandum for Cases 766-AM-13 and 767-AM-13 dated March 7, 2014, with Attachments
 - A Revised Site Plan received 3/5/14
 - B Annotated Site Plan
 - C Letter to Scott Riefsteck dated 3/4/14
11. Revised Site Plan received 5/12/14
12. Revised Site Plan received 6/5/14

13. Supplemental Memorandum for Cases 766-AM-13 and 767-AM-13 dated June 6, 2014, with Attachments:
 - A Approved Minutes of January 30, 2014, ZBA Meeting for Cases 766-AM-13 and 767-S-13 (included separately)
 - B Revised Site Plan received 6/5/14
 - C Preliminary Draft Summary of Evidence and Finding of Fact for Case 767-S-13
 - D Revised Draft Finding of Fact for Case 766-AM-13

FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 766-AM-13** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

PRELIMINARY

767-S-13

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

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

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

Petitioners: **Eric L. Sebens d.b.a. Prairieview Landscaping**

Request: **Authorize the following as a Special Use in the B-1 Rural Trade Center Zoning District:**

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

- (1) a landscape contractor’s facility with outdoor storage that was originally authorized in Case 101-S-97; and**
- (2) Self-Storage Warehouses, providing heat and utilities to individual units as a special use proposed in Part B.**

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

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PRELIMINARY

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 30, 2014; March 13, 2014; and June 12, 2014**, the Zoning Board of Appeals of Champaign County finds that:

- *1. The petitioner Eric L. Sebens, 3008 Cherry Hills Drive, Champaign, d.b.a. Prairieview Landscaping owns the subject property.
- *2. The subject property is a 5-acre tract in Tolono Township in the East Half of the Southeast Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of the Third Principal Meridian and commonly known as Prairieview Landscaping located at 1069 CR900E, Champaign.
- *3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.

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 5 acres in area and is zoned AG-1 Agriculture, but is proposed to be rezoned in related Case 766-AM-13. The subject property is used to operate an existing contractors facility pursuant to Case 101-S-97. None of the subject property is used for agricultural production.
 - 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, west, and south sides are zoned AG-1 Agriculture and are in agricultural production.
 - (2) Land east of the subject property (across Duncan Road) is zoned AG-2 Agriculture and in agricultural production.

*Identical to evidence in related Case 767-AM-13.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- *5. Regarding the site plan and operations of the proposed Special Use:
 - A. Different versions of the site plan have been received on November 13, 2013; January 22, 2014; March 3, 2014; May 12, 2014, and June 5, 2014.
 - B. The revised site plan received June 5, 2014, indicates the following existing and proposed improvements:
 - (1) Existing improvements are as follows:
 - a. An existing dwelling, garage, quonset hut, and restored barn all predate the establishment of the existing contractor facility.

- b. Prairieview Landscaping, a landscape contracting company, was authorized in Case 101-S-97 on 7/18/97 and Change of Use Permit #204-97-04 on 7/24/97 and received a Zoning Compliance Certificate on 1/15/98. Improvements related to Case 101-S-97 are the following:
- (a) The large building on the northern part of the property houses Prairieview Landscaping and was constructed pursuant to Zoning Use Permit #317-97-03 and received a Zoning Compliance Certificate on 5/12/98.
 - (b) A sign shaped like a decorative boulder was authorized by Zoning Use Permit # 344-03-01 on 12/10/03 and received a Zoning Compliance Certificate on 12/03/08.
 - (c) In Case 101-S-97 outdoor storage was proposed west of both the contractor building and the dwelling and a plant holding area/ nursery was proposed in the southwestern portion of the property. Existing outdoor storage also exists south of the dwelling and consists of open bins and hoop houses which have not been authorized by Zoning Use Permits. Hoop houses for propagation of nursery stock can be considered agricultural but bins for storage of landscaping materials are not agriculture and must be authorized by Zoning Use Permit.
 - (d) In Case 101-S-97 employee and customer parking were indicated south and west of the contractor building.
 - (e) Three driveways were indicated on the approved site plan for Case 101-S-97 and a fourth driveway has been added on the north side of the contractor building.
 - (f) The approved site plan for Case 101-S-97 did not indicate the locations of any well or septic system.
 - (g) Case 101-S-97 was exempt from the requirement for a stormwater drainage plan.
- (2) Proposed improvements indicated on the Revised Site Plan received June 5, 2014 are the following:
- a. Regarding the existing contractor facility:
 - (a) The site plan shows the outline of the contractor building and crushed stone paving.
 - (b) None of the parking spaces or outdoor material storage areas are indicated.

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- (c) The existing sign is not indicated.
 - (d) A water well is indicated west of the house.
 - (e) Two existing septic systems are indicated. A septic tank and leach field is indicated northeast of the house and is not indicated to be disturbed. Another septic tank and leach field is indicated where one self-storage warehouse is proposed.
- b. Regarding proposed improvements for the contractor facility:
- (a) A proposed hoop building is indicated at the southwest corner.
 - (b) A proposed chain link fence is indicated along and 5 feet inside of the west lot line. A proposed 5 feet wide grass buffer strip is indicated between the fence and the lot line.
 - (c) An approximately 270 feet long berm is proposed on the east side of the proposed chain link fence to create a detention area approximately 1.7 feet deep. The detention area is proposed to outlet through a proposed 8 inch PVC pipe connected to an existing surface inlet to an existing underground tile. Basic engineering data is provided for the north basin but it has not been reviewed by the County's consulting engineer.
- c. Regarding the proposed improvements for the proposed self-storage warehouse:
- (a) Four self-storage warehouse buildings are proposed. The buildings are all proposed to be oriented with their long dimension north to south with the following overall dimensions:
 - i. The westernmost building is 30 feet by 200 feet.
 - ii. The easternmost building is 40 feet by 110 feet.
 - iii. Located between the westernmost and easternmost buildings are two buildings that are 40 feet by 200 feet and 40 feet by 130 feet, respectively.
 - iv. The total proposed square footage of self-storage buildings is 23,600 square feet. A note on the site plan indicates the total number of storage units to be between 108 and 150 units.
 - v. The two longer buildings are indicated with a stepped floor that is one foot higher on the northern portion.
 - (b) All self-storage buildings are separated by 30 feet wide traffic aisles that are indicated as "aggregate surface". Drainage arrows indicate

that the aisles are intended to drain toward the south. The traffic aisle east of the easternmost building appears to be 25 feet wide.

- (c) All self-storage buildings are enclosed by a proposed security fence. An automatic gate is indicated at the northeast corner of the security fence approximately 42 feet from the edge of pavement of CR900E (Duncan Road).
 - (d) A detention basin is indicated south of the self-storage buildings. The basin is indicated to outlet into the drainage swale. Basic engineering data is provided for the south basin but it has not been reviewed by the County's consulting engineer.
 - (e) Spot elevations are indicated on the proposed aggregate surface paving to indicate the general direction of drainage but proposed topography is not actually shown.
 - (f) The detention basin will take up some of the volume of the existing swale but the proposed topography is not indicated.
 - (g) The area of self-storage warehouses is indicated to be over an existing septic leach field.
 - (h) No outdoor storage in the self-storage building area has been included in the request nor is indicated on the site plan.
- (3) Generally regarding proposed security measures at the proposed self-storage warehouses:
- a. A note on the site plan indicates that full cut-off motion detection lighting will be used on all buildings.
 - b. All self-storage buildings are enclosed in a proposed security fence. An automatic gate is indicated at the northeast corner of the security fence approximately 55 feet from the edge of pavement of CR900E (Duncan Road).

*Identical to evidence in related Case 766-AM-13.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for multiple principal uses on one lot and contractors facilities in the B-1 Rural Trade Center Zoning District in the *Zoning Ordinance*:
- A. Section 4.2.1F.1 requires the following:
- (1) It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT having more than one existing PRINCIPAL STRUCTURE or BUILDING constructed prior to the adoption of this Ordinance in

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the following zoning DISTRICTS except as provided in Section 4.2.1D unless a SPECIAL USE permit has been obtained from the BOARD:

- R-4, Multiple Family Residence
- B-1, Rural Trade Center
- B-2, Neighborhood Business
- B-3, Highway Business
- B-4, General Business
- B-5, Central Business
- I-1, Light Industrial
- I-2, Heavy Industrial

- B. Section 4.2.1F.2. requires the following:
- (1) Such SPECIAL USE permit shall be issued only if the following criteria have been met:
 - (a) The requirements of Section 9.1.11, SPECIAL USES, shall be met.
 - (b) The USES are permitted either by right or as a SPECIAL USE in the DISTRICT in which the LOT or parcel of land is located.
 - (c) The regulations and standards for the DISTRICT in which the LOT is located shall be met.
 - (d) A LOT may be occupied by two or more MAIN or PRINCIPAL STRUCTURES or BUILDINGS as authorized by a SPECIAL USE under this section, when adequate OPEN SPACE is provided between all STRUCTURES or BUILDINGS in accordance with the following standards:
 - i. For STRUCTURES in the Business or Industrial DISTRICTS the required minimum depth of OPEN SPACE shall be determined by doubling the required SIDE YARD in the DISTRICT in which the LOT or parcel of land is located.
 - ii. The minimum depth of such OPEN SPACE, for the purpose of these standards, shall be measured at the closest point between BUILDINGS including any projecting eave, balcony, canopy, awning, or other similar projection.
 - iii. Single Family, Two Family, Multiple Family or institutional BUILDINGS shall be located on the LOT in conformance to the provisions of Section 4.2.2C.
 - iv. In the case of the B-1 Rural Trade Center Zoning District the required amount of open space is 20 feet.

- C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - (a) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
 - (2) Subsection 6.1.3 establishes the following standard conditions for Contractors Facilities with or without Outdoor STORAGE and/or Outdoor OPERATIONS:
 - (a) In all DISTRICTS other than the B-5 DISTRICT, outdoor STORAGE and/or outdoor OPERATIONS are allowed as an ACCESSORY USE subject to subsection 7.6.
 - (b) In the B-5 DISTRICT, Outdoor STORAGE and/or outdoor OPERATIONS are allowed as an ACCESSORY USE provided as follows:
 - i. No outdoor STORAGE and/or outdoor OPERATIONS shall be visible from any second floor DWELLING UNIT.
 - ii. Outdoor STORAGE and/or outdoor OPERATIONS may be located at the property line but shall be screened by a Type D SCREEN consistent with 4.3.3H.1.
- D. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.

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- (2) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (3) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (4) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (5) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (6) “OPEN SPACE” is the unoccupied space open to the sky on the same LOT with a STRUCTURE.
- (7) “OPERATIONS” are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
- (8) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (9) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (10) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (11) “STORAGE” is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
- (12) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the

surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.

- (13) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (14) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.

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

- (1) That the Special Use is necessary for the public convenience at that location;
- (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - (a) The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - (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.

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- 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 that **“Centrally located to meet the needs of several communities and rural areas. No other self-storage on this side of Champaign area.”**

- B. The subject property is located a little more than 1.5 miles from the Village of Savoy and about 2 miles from the City of Champaign and is within one road mile of the I-57 interchange at Monticello Road.
 - C. None of subject property has been in agricultural production since the adoption of the Zoning Ordinance on 10/10/73.
 - D. Case 101-S-97 for a contractor facility was authorized on 7/18/97.
 - *E. Regarding whether the proposed use is better provided in a rural area:
 - (a) The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination much be made in each zoning case.
 - (b) The B-1 District is intended to provide areas for rural business to offer products and services to rural residents.
 - (c) The existing contractor facility was first authorized on 7/18/97 and is a USE that has been determined to be appropriate in the rural area.
 - (d) The proposed Self-Storage Warehouses is a USE that has been deemed appropriate for the rural area provided that a Special Use Permit is authorized.
- *Identical to evidence in related Case 766-AM-13.
- F. The evidence in related Case 766-AM-13 established that the proposed Special Use *{IS / IS NOT}* a service better provided in a rural area than in an urban area.

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 that **“The land is not prime farm ground nor is it tillable. If you visit the site you will see that I go above and beyond the expected in maintaining and operating the current business and property in a professional manner, I weekly mow the roads on both sides of the road beyond the frontage of my property. I control the weeds and maintain all structures that are planned to keep. Being in an outdoor beautification business, my goal is always to maintain and operate the business in a top notch manner, clean, safe and orderly.”**
 - B. Regarding the soil on the subject property:
 - (1) Because of the small size of the property and the fact that it had not been in agricultural production, the Champaign County Soil and Water Conservation

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District declined to prepare a Natural Resource Report for the previous Special Use Permit (Case 101-S-97) on this property.

- (2) The soil on the subject property is considered Best Prime Farmland and consists primarily of Catlin silt loam (171B) with an LE of 94 with the southeastern quarter being Drummer silty clay loam (152A) an LE of 100.
- C. Regarding surface and subsurface drainage on the subject property:
- (1) Most of the subject property drains to the swale that enters the property on the east and drains toward the southwest and leaves the property at about the midpoint of the south property line but a little more than half of the northern half of the property drains to the west and a small strip of the south half of the property also drains to the west.
 - (2) The swale that drains toward the southwest also drains more than 200 acres of land from the east. The swale is a grass waterway for about a quarter of a mile downstream. Surface drainage is to Interstate 57 that is one-half mile to the west.
 - (3) A 2011 aerial photograph of the subject property was attached to the Preliminary Memorandum and illustrates the following:
 - a. The northern one-third of the subject property appears to be impervious area consisting of building area and gravel pavement.
 - b. A line of field erosion is visible on the adjacent property immediately west of the contractor building on the subject property.
 - c. The west half of the southern two-thirds of the subject property appears to be a combination of disturbed soil and/or gravel paving.
 - (4) Scott Riefsteck who resides at 1341 CR600N, Tolono has testified as follows regarding drainage on the subject property:
 - a. At the 1/30/14 public hearing Mr. Riefsteck testified as follows:
 - (a) Mr. Riefsteck is the tenant farmer for his aunt who owns the property adjacent to the subject property.
 - (b) Mr. Riefsteck has known the petitioner Mr. Sebens for a long time and has had nothing but a good relationship with Mr. Sebens.
 - (c) The big shed that was built for Mr. Sebens' contractor facility significantly increased the amount of water that goes down that drainageway and in 2011 Mr. Riefsteck installed a six-inch tile many hundreds of feet from the Sebens property to the west and built a small retaining wall around the inlet to

the tile to catch the water and keep it from going down the field.

(d) There is an eight or ten inch tile that runs through the swale at the south of the Sebens property.

(e) There is a saturated area about 20 feet north of the south property line of the Sebens property and the saturated area extends about 150 south onto his aunt's property.

b. At the 3/13/14 public hearing Mr. Riefsteck testified as follows:

(a) One of his main concerns is how the surface water will be directed around the buildings.

(b) He did not want any more water to go down the west side tile or to the drainage swale because there is already a terrible erosion problem with no good solution.

D. The subject property is accessed from Duncan Road (CR 900E) on the east side of the property. Regarding the general traffic conditions on Duncan Road (CR 900E) at this location and the level of existing traffic and the likely increase from the proposed Special Use:

(1) The Annual Average Daily Traffic (AADT) for Duncan Road (CR 900E) in front of the subject property is 900 AADT.

(2) Duncan Road (CR 900E) is a Minor Street as indicated in the Champaign County Zoning Ordinance.

(3) Pavement width in front of the subject property is approximately 24 feet.

(4) Tolono Township is the relevant road jurisdiction and has been notified of this case but no comments have been received from the Tolono Township Highway Commissioner.

(5) Regarding the proposed special use and the anticipated traffic impacts:

a. A Traffic Impact Analysis was not required because the number of weekday and weekend peak hour trips generated by the proposed use will be minimal.

(6) There is some vertical curvature (hill) on Duncan Road but there appears to be adequate visibility of the existing driveways. Regarding visibility concerns related to this vertical curve:

a. The relevant geometric standards for traffic visibility are found in the *Manual of Administrative Policies of The Bureau of Local Roads and Streets* prepared by the Bureau of Local Roads and Streets of the Illinois

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Department of Transportation. The “minimum stopping sight distance” is determined by design speed and varies as follows:

- A design speed of 30 miles per hour requires a minimum distance of 200 feet.
- A design speed of 40 miles per hour requires a minimum sight distance of 275 feet.
- A design speed of 50 miles per hour requires a minimum sight distance of 400 feet.
- A design speed of 60 miles per hour requires a minimum sight distance of 525 feet.
- A design speed of 70 miles per hour requires a minimum sight distance of 625 feet.

- b. The speed limit on Duncan Road (CR 900E) is 55 miles per hour.
 - c. The proposed driveway entrance to the self-storage buildings appears to be located such that a vehicle entering or exiting the driveway is visible at a distance of approximately 1,000 feet from an automobile traveling from the north over the crest of the vertical curve (hill) to the north and should have more than minimum stopping sight distance for a speed of 55 miles per hour. In regards to an automobile traveling from the south, the driveway is visible for a distance of approximately 900 feet.
- E. Regarding fire protection on the subject property, the subject property is within the protection area of the Savoy Fire Protection District and is located approximately 4.3 road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
- F. No part of the subject property is located within the mapped floodplain.
- G. Regarding outdoor lighting on the subject property:
(1) The Revised Site Plan received 5/12/14 indicates that “Full cutoff motion detected lighting will be used on all buildings.”
- H. Regarding wastewater treatment and disposal on the subject property, the Revised Site Plan received 5/12/14 indicates that one of the proposed self-storage buildings will be located where an existing septic leach field is located. No information is provided regarding replacement of that septic leach field.
- I. 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

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which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.

- j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
- a. The 2006 or later editions of the following codes developed by the International Code Council:
 - i. International Building Code;
 - ii. International Existing Building Code; and
 - iii. International Property Maintenance Code
 - b. The 2008 of later edition of the National Electrical Code NFPA 70.
 - c. A special condition has been proposed to ensure compliance.
- J. Generally regarding security measures at the proposed self-storage warehouses:
- (1) Fencing will be installed around the perimeter of the proposed self-storage buildings.
 - (2) Petitioner Eric Sebens testified at the 3/13/14 public hearing that he plans to provide adequate lighting to deter any unwanted activity.
 - (3) Petitioner Eric Sebens testified at the 3/13/14 public hearing that he is considering allowing customers to access the storage units for no more than 16 hours each day from 6AM to 10 PM.
- *K. Generally regarding interference with agricultural operations:
- (1) The existing contractors facility has been in operation since 1997 and is a USE that has been determined to be appropriate in the rural area.
 - (2) The proposed self-storage warehouse is a USE that has been deemed appropriate for the rural area in the B-1 District provided that a Special Use Permit is authorized.
 - (3) The B-1 District is intended to provide areas for rural business to offer products and services to rural residents.

- (4) Scott Riefsteck who resides at 1341 CR600N, Tolono testified at the January 30, 2014, public hearing as follows:
 - a. Mr. Riefsteck is the tenant farmer for his aunt who owns the property adjacent to the subject property.
 - b. Mr. Riefsteck has known the petitioner Mr. Sebens for a long time and has had nothing but a good relationship with Mr. Sebens.
 - c. He stated the current contractor facility is fairly compatible with the agriculture district.
 - d. On the west side of the contractor facility there has been an issue with encroachment onto the farmland and that Mr. Sebens has done his best to contain it but with as many employees as there are at the contractor facility it is hard to regulate.
 - e. He requested that some type of fencing should be required for the proposed self-storage buildings to minimize problems from blowing debris.
- (5) The traffic produced by the proposed use will be an increase in traffic, but its impact will be minimal.
- (6) None of subject property has been in agricultural production since the adoption of the Zoning Ordinance on 10/10/73.
- (7) Petitioner Eric Sebens testified at the 3/13/14 public hearing that his intent is to correct the encroachments onto the farmland.
- (8) The Revised Site Plan received 5/12/14 indicates a five feet wide buffer strip and fence along the west property line.

*Identical to evidence in related Case 766-AM-13

- L. The Special Use *{WILL/ WILL NOT}* be compatible with adjacent uses because the evidence in related Case 766-AM-13 established that the proposed Special Use *{WILL/ WILL NOT}* interfere with agricultural operations (see the analysis of Policy 4.2.1 in the Finding of Fact for Case 766) and the subject site *{IS/ IS NOT}* suitable for the proposed Special Use (see the analysis of Policy 4.3.2 in the Finding of Fact for Case 766).
- M. 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.

PRELIMINARY

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“Yes, this will be a quality project that will be a major improvement not only to the property but the surrounding area. This is a complementing business to the existing contracting facility and will be constructed to blend in well with the existing structures.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.
 - (2) Self-storage Warehouses, providing heat and utilities to individual units are authorized as a Special Use in the B-1, B-3, and B-5 Zoning DISTRICTS.
 - (3) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-1, B-4, I-1, and I-2 Zoning DISTRICTS.
 - (4) Regarding compliance with Subsection 4.2.1F.2.:
 - a. The minimum required depth of the OPEN SPACE between the PRINCIPAL BUILDINGS on the subject property is 20 feet, and there is a more than the minimum of 20 feet between the PRINCIPAL BUILDINGS.
 - (5) All existing and proposed structures meet setback and front, side and rear yard requirements.
 - (6) Regarding parking on the subject property:
 - a. Regarding the existing contractor facility:
 - (a) 25 parking spaces were provided for the contractor facility in Zoning Use Permit #317-97-03.
 - (b) If more company vehicles and or employees have been added since that time there must be additional parking provided.
 - (c) Petitioner Eric Sebens testified at the 3/13/14 public hearing as follows:
 - i. The proposed site plan with self-storage buildings provides enough space for parking of the landscaping business’ trucks and trailers. All of the trucks are parked along the property

line on the northwest side of the property and they do not park any trucks where the storage facility is proposed.

- ii. The bulk storage on the property needs to be coordinated with the layout of the proposed detention basin but there should still be adequate room.

- b. Regarding parking for the proposed self-storage warehouse buildings:
 - (a) The Zoning Ordinance does not contain specific parking requirements for self-storage warehouses and the relevant requirement is paragraph 7.4.1 C.1.e. that requires ESTABLISHMENTS other than specified above: one such PARKING SPACE for every 200 square feet of floor area or portion thereof.
 - (b) The proposed Special Use has 23,600 square feet of storage buildings divided into as many as 150 storage units. The required number of spaces based on 7.4.1C.1.e. is 118 spaces.
 - (c) Note that paragraph 7.4.1D.1. requires for industrial uses (ie, warehouse) that one space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.
 - (d) The Revised Site Plan received 5/12/14 could provide as many as 58 parallel parking spaces (at the minimum 9' x 20' dimension) in a single row around the fencing and on one side of all buildings and have 21 feet of aisle width for traffic or as many as 101 spaces if parking occurs on all sides of all buildings within the line of fencing.
 - (e) The Revised Site Plan received 5/12/14 does not provide adequate space for one parking space per 200 square feet of storage building but it does provide 86% of that requirement (101 spaces) which equates to providing 2 parking spaces for each 3 storage units.
 - (f) Based on the above analysis, the ZBA finds that the proposed Special Use provides *{ADEQUATE/ INADEQUATE}* parking.

- (7) Regarding loading berths on the subject property:
 - a. Regarding the minimum required loading berth for the contractor facility:
 - (a) The existing contractor building is approximately 9,576 square feet in area based on the application for permit #317-97-03.

PRELIMINARY

- (b) Paragraph 7.4.2 C.5. requires one 10 feet × 40 feet loading berth for commercial establishments with less than 10,000 square feet of floor area.
 - (c) The site plan for permit #317-97-03 indicates the loading berth was located south of the house in the area proposed for the self-storage buildings. Therefore, a new loading berth area must be located elsewhere on the property.
 - (d) There is plenty of space to locate a 10 feet x40 feet loading berth in the outdoor area west of the contractor building.
- b. Regarding the minimum required loading berth for the self-storage buildings:
- (a) The proposed Special Use has 23,600 square feet of storage buildings.
 - (b) Paragraph 7.4.2 C.5. two 10' × 40' loading berths for commercial establishments with 10,000 – 24,999 square feet of floor area.
 - (c) There is adequate area in the traffic aisles to accommodate the loading berth requirements for the proposed self-storage buildings.
- (8) Regarding screening of outdoor storage:
- a. OUTDOOR STORAGE as an ACCESSORY USE is allowed by right when all OUTDOOR STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN meeting the provisions of Section 7.6.3.
 - b. A Type D SCREEN is a landscaped berm, or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of eight feet as measured from the highest adjacent grade.
 - c. A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for OUTDOOR STORAGE and/or OUTDOOR OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
 - i. Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or

- ii. Any designated urban arterial street or MAJOR STREET.
 - d. The contractor facility is more than 1,000 feet from any use that would trigger the screening requirement.
- C. Regarding compliance with the *Stormwater Management Policy*:
- (1) All of the existing construction on the subject property was constructed prior to the adoption of the current Stormwater Management Policy. However, testimony in the public hearing has revealed deleterious drainage impacts on adjacent property and storm water drainage improvements have been proposed to correct those impacts. The proposed improvements have not yet been reviewed by the County;s consulting engineer.
 - (2) Regarding the proposed self-storage buildings, the petitioner must 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 and exceeds one acre. Regarding the proposed drainage improvements related to the self-storage buildings:
 - a. The Revised Site Plan received June 5, 2014, indicates only the interior of a proposed storm water detention basin for the self-storage buildings. The plan does not indicate the full extent of the dam for the proposed detention basin. Assuming a 10 feet wide top and sides that slope no steeper than 1:3, the toe of the dam for the proposed basin should be approximately 30 feet from the centerline of the swale.
 - b. Before a Zoning Use Permit Application can be approved the petitioner must submit a stormwater management plan that is in compliance with the *Stormwater Management Policy*. A special condition has been proposed to ensure compliance.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, no subdivision is proposed or required.
- F. Regarding the requirement that the Special Use preserve the essential character of the B-1 Rural Trade Center Zoning District:
- (1) More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.
 - (2) Self-storage Warehouses, providing heat and utilities to individual units are authorized as a Special Use in the B-1, B-3, and B-5 Zoning DISTRICTS.

PRELIMINARY

- (3) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-1, B-4, I-1, and I-2 Zoning DISTRICTS.
 - (4) Subject to the proposed special conditions, the proposed use will not hinder agricultural production on adjacent properties.
 - (5) There will be no significant traffic impacts.
 - (6) Subject to the proposed special conditions, there will be no significant drainage impacts because the proposed Special Use will comply with the *Stormwater Management Policy*.
 - (7) There will be no significant impact on public health and safety because the proposed buildings will comply with the International Building Code as required by Public Act 96-704.
- G. Currently, the subject property is zoned AG-1 Agriculture and the Petitioner has requested to rezone the subject to B-1 Rural Trade Center Zoning District in related Case 766-AM-13. Regarding whether or not the proposed Special Use will preserve the essential Character of the surrounding AG-1 District:
- (1) As reviewed in Case 766-AM-13 the types of uses authorized by right in the AG-1 District are different from the by-right uses in the B-1 District. Any proposed Special Use on the subject property should be evaluated for compatibility with the adjacent AG-1 uses.
 - (2) Compatibility of the proposed Special Use with surrounding agriculture was evaluated in related Case 766-AM-13 under review of Land Resource Management Plan Objective 4.2 regarding interference with agricultural operations and the Zoning Board of Appeals found the proposed Special Use *{WILL/ WILL NOT}* interfere with agricultural operations.
 - (3) The proposed Special Use will have no significant impact on traffic, drainage, public health or safety, or visual character of the surrounding AG-1 District.
 - (4) The subject property is located on Duncan Road. Land use and zoning in the immediate neighborhood area of the subject property are as follows:
 - (a) Land on the north, west, and south is zoned AG-1 Agriculture and is in agricultural production.
 - (b) Land east of the subject property is zoned AG-2 Agriculture and is in agricultural production.
- H. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that

Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.
 - B. Self-storage Warehouses, providing heat and utilities to individual units are authorized as a Special Use in the B-1, B-3, and B-5 Zoning DISTRICTS.
 - C. Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-1, B-4, I-1, and I-2 Zoning DISTRICTS.
 - D. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.14 of the Ordinance states the general intent of the B-1 District and states as follows (capitalized words are defined in the Ordinance):

The B-1, Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.
 - (2) The types of uses authorized in the B-1 District are in fact the types of uses that have been determined to be acceptable in the B-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - E. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
 - (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
 - a. This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
 - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:
 - a. The requested Special Use Permit should not decrease the value of nearby properties.

PRELIMINARY

- (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. A Traffic Impact Analysis was not required because the number of weekday and weekend peak hour trips generated by the proposed use will be minimal.

- (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 for the proposed construction.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
 - a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

 - b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.
 - a. These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and

STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

- a. Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming 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.
 - a. The proposed Special Use will not be remodeling or altering existing structures.
 - (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.
 - a. None of subject property has been in agricultural production since the adoption of the Zoning Ordinance on 10/10/73.
 - b. The Special Use *{WILL/ WILL NOT}* be compatible with adjacent uses because the evidence in related Case 766-AM-13 established that the proposed Special Use *{WILL/ WILL NOT}* interfere with agricultural operations and the subject site *{IS/ IS NOT}* suitable for the proposed Special Use. See the discussion under item 8.L. on p. 17.
 - (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.
 - a. The subject property does not contain nor pose risk to 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.
 - a. 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.

PRELIMINARY

- a. None of subject property has been in agricultural production since the adoption of the Zoning Ordinance on 10/10/73 and no agricultural areas are proposed to be taken 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.

- a. The proposed use will impeded 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: “NA”
 - B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 12. Regarding proposed special conditions of approval:
 - A. **The only two principal uses authorized by Case 767-S-13 are a Contractors Facility with outdoor storage and/or outdoor operations and self-storage warehouses providing heat and utilities to individual units. Other uses that can be established by right in the B-1 District may be established if they are the only use on the subject property other than agriculture.**

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

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

- B. **The development of the site must be the same as in the approved site plan that consists of the following:**
 - (1) **the Revised Site plan received June 5, 2014.**

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

That the development of the site is the same as described in the public hearing.

- C. The Zoning Administrator shall not authorize a Zoning Use Permit without an approved septic system permit from the County Health Department for the replacement leach field.**

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

That the septic system conforms to the requirements of the County Health Ordinance.

- D. Complete Stormwater Drainage Plan for both the North and South detention basins that conform 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.

- 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 authorize a Zoning Compliance Certificate authorizing occupancy of the proposed self-storage warehouses until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.**

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

That the proposed structure is safe and in conformance with Public Act 96-704.

- G. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed self-storage warehouses until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

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H. Regarding security on the subject property:

- (1) The Zoning Administrator shall not authorize a Zoning Compliance Certificate until written documentation has been provided from the petitioner that the relevant fire protection district will have access through the security gate at all times.**

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

That the petitioner provides adequate security measures and provides access to appropriate public safety agencies.

DOCUMENTS OF RECORD

1. Application for Map Amendment received November 13, 2013, with attachments:
 - A Site Plan
2. Special Use Permit application received November 13, 2013, with attachments:
 - A Site Plan
3. Zoning Case 107-S-95 case file
4. ZUPA No. 204-97-04 case file
5. ZUPA No. 317-97-03 file
6. Copy of Warranty Deed received December 5, 2013
7. Revised Site Plan received January 22, 2014
8. Preliminary Memorandum for Cases 766-AM-13 and 767-AM-13 with Attachments:
 - A Case Maps from Case 101-S-97 (Location, Land Use, Zoning)
 - B Approved Site Plan from Case 101-S-97
 - C Excerpt from building plans in Permit #9449 (ZUPA #317-07-03)
 - D Aerial photograph of subject property (included separately)
 - E Excerpt of Sheet 62 of *Soil Survey of Champaign County, Illinois*, 2003 edition. Annotated to indicate subject property.
 - F Revised Site Plan received 11/13/03 (included separately)
 - G LRMP Land Use Goals, Objectives, and Policies & Appendix (included separately)
 - H LRMP Land Use Management Areas Map (included separately)
 - I Preliminary Draft Finding of Fact for Case 766-AM-13
9. Revised Site Plan received 3/5/14
10. Supplemental Memorandum for Cases 766-AM-13 and 767-AM-13 dated March 7, 2014, with Attachments
 - A Revised Site Plan received 3/5/14
 - B Annotated Site Plan
 - C Letter to Scott Riefsteck dated 3/4/14
11. Revised Site Plan received 5/12/14
12. Revised Site Plan received 6/5/14

13. Supplemental Memorandum for Cases 766-AM-13 and 767-AM-13 dated June 6, 2014, with Attachments
 - A Approved Minutes of January 30, 2014, ZBA Meeting for Cases 766-AM-13 and 767-S-13 (included separately)
 - B Revised Site Plan received 6/5/14
 - C Preliminary Draft Summary of Evidence and Finding of Fact for Case 767-S-13
 - D Revised Draft Finding of Fact for Case 766-AM-13

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 767-S-13 held on **January 30, 2014; March 13, 2014; and June 12, 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*}*:

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

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

PRELIMINARY

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

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

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

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location.
 - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *{IS/ IS NOT}* an existing nonconforming use 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 767-S-13 is hereby *{GRANTED/ GRANTED WITH SPECIALCONDITIONS/ DENIED }* to the applicant to Eric L. Sebens to authorize the following in the B-1 District:

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

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

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