

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

NOTICE OF REGULAR MEETING

Date: **July 31, 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 (June 26, 2014)
5. Continued Public Hearings

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

Case 769-AT-13

Petitioner: Zoning Administrator

Request:

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

- I. **Revise existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to have authority to prevent pollution of any stream or body of water. (Part A of the legal advertisement)**
- II. **Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be new Section 2 and add purpose statements related to preventing soil erosion and preventing water pollution and fulfilling the applicable requirements of the National Pollutant Discharge System (NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement)**
- III. **Add new Section 3 titled Definitions to include definitions related to fulfilling the applicable requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of the legal advertisement)**
- 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)**

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
JULY 31, 2014

- Case 773-AT-14 Petitioner: **Zoning Administrator**
Request: **Amend the Champaign County Storm Water Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by adding the following:**
- A. **Add a requirement for a Grading and Demolition Permit for any grading or demolition that disturbs one acre or more of land or for any grading or demolition that is part of a larger common plan of development in which one acre or more of land disturbance will occur, and that is not related to any proposed construction.**
 - B. **Add fees for Grading and Demolition Permits.**
 - C. **Add required information to be provided in the application for a Grading and Demolition Permit.**
 - D. **Add a requirement that any grading or demolition pursuant to a Grading or Demolition Permit shall comply with the Illinois Environmental Protection Agency's ILR 10 General Storm Water Permit for Construction.**
 - E. **Add a requirement that any demolition pursuant to a Demolition Permit shall comply with the Illinois Environmental Protection Agency's regulations enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos.**
 - F. **Add prohibitions against changing the flow of water and blocking the flow of water.**
 - G. **Add other requirements related to Grading and Demolition Permits**

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

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

*Case 772-S-13 Request: **On the subject property described below, authorize the following as a Special Use in the B-4 General Business Zoning District:**

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

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

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

Location: **An 11.8 acre tract of land in the North Half of the Northwest Quarter of the Northeast Quarter of Section 24 of Hensley Township and commonly known as the plant nursery and self-storage warehouse located at 31 East Hensley Road, Champaign, and an adjacent tract of farmland.**

- 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.**

1 **MINUTES OF REGULAR MEETING**

3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

4 1776 E. Washington Street

5 Urbana, IL 61801

7 **DATE:** June 26, 2014

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

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

Urbana, IL 61802

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

14 **MEMBERS ABSENT :** Roger Miller

16 **STAFF PRESENT :** Connie Berry, Susan Chavarria, John Hall

18 **OTHERS PRESENT :** Dennis Wandell, Lucy Whalley, Breanna Pedigo, Keith Pedigo, Delaney
19 Pedigo, Charles Stites, Mary Ellen Stites

22 **1. Call to Order**

24 The meeting was called to order at 7:01 p.m.

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

28 The roll was called and a quorum declared present with one member absent.

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

34 **3. Correspondence**

36 None

DRAFT

38 **4. Approval of Minutes (May 29, 2014)**

40 Mr. Thorsland entertained a motion to approve the May 29, 2014, minutes as submitted.

42 **Mr. Passalacqua moved, seconded by Mr. Randol to approve the May 29, 2014, minutes as submitted.**

44 Mr. Thorsland asked the Board if there were any additions or corrections to the minutes and there were
45 none.

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

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5. **Continued Public Hearing**

None

6. **New Public Hearings**

Case 778-S-14 Petitioner: Charles and Mary Ellen Stites Request to authorize continued use of a Major Rural Specialty Business in the CR District on the following property as previously approved for a limited time in Special Use Permit 610-S-08. Location: A 5.0 acre tract in the East Half of the Southeast Quarter of the Northeast Quarter of Section 1, Township 18 North, Range 10 East of Sidney Township and commonly known as River Bend Wild Game and Sausage Company at 1161 CR 2400E, St. Joseph.

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

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

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

Mr. Charles Stites, who resides at 1161 CR 2400E, St. Joseph, stated that he and his wife, Mary Ellen Stites, own River Bend Wild Game and Sausage Company. He said that five years ago they went through the Special Use Permit process and tried to make conditions at their facility that were suitable for the way the property was zoned and allow them to do business with minimum impact on the area and the surroundings. He said that at that time the ZBA indicated that they wanted to approve the use with a five year contingency that they could revisit the case so that if there were any special conditions that were outlined five years ago that were or weren't working the ZBA could revisit those conditions at the end of that five years. He said that the special conditions that were approved five years ago have proven to be effective and was conditions that he and his wife were able to deal with.

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

1 Ms. Lee stated that the memorandum indicates that Mr. Stites was supposed to apply for a Special Use
2 Permit by November 15, 2013, although it appears that he waited until March 31, 2014. She asked Mr.
3 Stites if there was a reason why he waited so long to apply.
4

5 Mr. Stites stated that last fall he received a letter from the Department of Planning and Zoning indicating that
6 there was language in the original document from five years ago that had conflicting dates and that one of
7 those dates was April 1, 2014.
8

9 Mr. Thorsland asked the Board if there were any additional questions for Mr. Stites and there were none.
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11 Mr. Thorsland called John Hall to testify.
12

13 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated June 26, 2014,
14 and the approved Findings of Fact for Case 610-S-08 for the Board's review. He said that staff thought that
15 the Board should have at least the first two findings from the previous case because those are the two
16 findings that the Board has to construct for each case. He said that Finding #1 is necessarily a specific
17 finding that the Board creates each time and in Finding #2 the Board added a lot of information based on the
18 facts of the case. He said that whatever the Board decides for this case staff thought that the Board should
19 have the previous findings in front of them so that whatever the changes the Board feels are necessary could
20 be added. He said that Findings #3, #4 and #5 are typically just yes, no, will, will not, and the Board can
21 easily work through those with this case. He said that the special conditions are included in the Preliminary
22 Memorandum dated June 20, 2014, and staff has not included special conditions that related to proposed
23 construction because there is no proposed construction for this special use permit and everything that was
24 authorized to be built was built therefore the only special conditions included were those that have to do with
25 ongoing operations. He said that Finding #1 relates to item #7 in the Summary of Evidence and Finding #2
26 relates to item #8 in the Summary of Evidence.
27

28 Ms. Lee asked Mr. Hall if there will be an expiration date for this special use permit as well.
29

30 Mr. Hall stated no. He said that no expiration date is proposed because none of the special conditions
31 suggest that an expiration date is necessary but it is entirely up to the Board.
32

33 Ms. Lee stated that an expiration date would not be necessary unless Mr. and Mrs. Stites cease to own the
34 property.
35

36 Mr. Hall stated that Ms. Lee was correct.
37

38 Mr. Thorsland asked Ms. Lee if she was satisfied with the explanation from the petitioner regarding the date
39 differences in the memorandums.
40

41 Ms. Lee stated that she was just wondering if the date in November was when staff wanted the application so

1 that the Board could act on it before the date in April.

2
3 Mr. Hall stated that the original condition was complicated and he would be happy to review the letter in the
4 file but as he recalls the required date for application was in April and Mr. Stites submitted his application in
5 March so he is completely satisfied.

6
7 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall and there were none.

8
9 Mr. Thorsland requested that Mr. Stites return to the witness microphone.

10
11 Mr. Thorsland asked the Board if there were any additional questions for Mr. Stites from staff or the Board.

12
13 Mr. Thorsland asked Mr. Stites if he had received any complaints from neighbors that may have not been
14 reported to staff since the special use was granted.

15
16 Mr. Stites stated that he did have two conversations with his neighbor. He said that one conversation took
17 place a couple of years ago during the firearm deer season when he was out by the woodpile collecting wood.
18 Mr. Stites said that his neighbor informed him that he was noticing an odor and requested that he check the
19 smokehouse. Mr. Stites stated that he informed the neighbor that he was not using the smokehouse and that
20 the only smoke odor that he had noticed was coming from another neighbor who was burning trash and
21 brush. Mr. Stites said that either last winter or the winter before he received a letter from a neighbor
22 indicating that the sign for River Bend Wild Game and Sausage Company had been damaged and that the
23 sign had obscured their vision while pulling out of their driveway. Mr. Stites said that his neighbor
24 requested that when he replaces the sign that he considers their visibility concern therefore when he replaced
25 the sign he investigated the neighbor's complaint and agreed that it could have interrupted their vision to the
26 south. Mr. Stites stated that when he replaced the sign he made sure that it was placed in a location that
27 would not interfere with the neighbor's visibility.

28
29 Mr. Thorsland asked Mr. Stites if any of the complaints were submitted to staff.

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31 Mr. Stites stated that he had not received any communication from staff indicating that they had received any
32 complaints.

33
34 Mr. Thorsland stated that the Preliminary Memorandum dated June 20, 2014, indicates that no complaints
35 have been received. He asked Mr. Hall if the Preliminary Memorandum was still current.

36
37 Mr. Hall stated that no complaints were received except for the two complaints that were received
38 immediately after approval of the special use permit and staff believes that both of those complaints were
39 resolved and staff has not received any communication from the complainants since. He said that he did
40 receive a call yesterday from a neighbor who had not previously submitted any complaints regarding the
41 petitioner but did have concerns regarding the current special use permit.

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

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

Mr. Thorsland called Dennis Wandell to testify.

Mr. Dennis Wandell, who resides at 1161 CR 2400E, St. Joseph, stated that he and his wife live directly north of the subject property and their building is approximately five feet from their property line. He said that some good things have happened since the last hearing and he would like to thank the Board and Mr. Stites. He said that he does not receive the septic smell anymore because Mr. Stites installed a new septic system with a lift station and they do not find deer parts on their property anymore and they are happy about that as well. He said that he and his wife do not smell the stench of decaying meat anymore because Mr. Stites keeps the deer part barrels inside the building.

Mr. Wandell stated that on November 17, 2012, there was a strong odor of cooking sausage and his wife mentioned that in her garden room she could smell wet garbage or some kind of a metallic smell coming from the south. He said that the problems that are not addressed or new items which need to be considered will be discussed tonight. He said that the 8 foot fence has not been completed. He said that on days of the deer hunt River Bend Wild Game and Sausage Company works late because the hunters have to have something done with their deer and that is fine but he and his wife were wondering if there could be set hours of operation during the rest of the season because during this time there are a number of truck doors slamming and it gets pretty noisy.

Mr. Wandell stated that he does have a concern about the lighting for the subject property. He said that when the new building was built there were no new lights for awhile but then very bright lights, comparable to those on a school or fire station building, were installed. He said that the lights on the house and the shop were also increased to a point that they are really bright. He said that he and his wife enjoy the night and watching the stars therefore they are hopeful that something can be done about the light intrusion. He said that one other issue is the cooling units and even though they are inside, the windows are always open and the noise that the compressors make is heard. He requested that the Board consider requiring another expiration date for this special use permit, perhaps in five years, to make sure that there are no problems and if there are they can be rectified at that time.

Mr. Wandell stated that he has recently retired from his business and began keeping a log regarding any concerns that he and his wife had about the subject property and the odors. He said that on November 12, 2012, he spoke with Mr. Stites about an odor and Mr. Stites indicated that he was not cooking any sausage at that time and that perhaps it was their wood stove that he was smelling. Mr. Wandell stated that he has a fireplace and he knows of others that have a wood stove and the odor was not the kind of odor, cooked meat, normally emitted from either one of those items.

1 Mr. Wandell stated that he worked in the landscape business for many years and he worked around many
2 residences and he would smell a perfume odor from the dryer vents but recently he and his wife have been
3 getting a very strong perfume type odor and when he asked Mr. Stites about the odor he did not respond.
4 Mr. Wandell stated that he assumed that the odor was being caused by the cleaning of the chimney for the
5 smoker because Mr. Stites testified at the last hearing they would receive a whiff now and then, which is
6 fine, but when Mr. Wandell and his wife continuously smell the odor during the morning hours it is
7 intrusive. He asked the Board if they would like to have the log as evidence.

8
9 Mr. Hall stated that Mr. Wandell should read the log in to the record.

10
11 Mr. Wandell stated that he can read the log but he understands that the Board is busy.

12
13 Mr. Thorsland stated that by reading the log the text will be incorporated in to the minutes.

14
15 Mr. Wandell read the log as follows: November 8, 2012: Heavy Odor; November 17, 2012, 11:00 a.m.:
16 strong sausage cooking odor at Lucy's garden room strong rotten odor like wet garbage and slightly metallic.
17 Occurred for several days; November 25, 2012, 10:00 a.m.: heavy odor; November 28, 2012, 5:30 a.m.:
18 heavy odor; November 29, 2012: morning odor; November 30, 2012, all morning odor. I talked to Chuck
19 about this odor. I ask that he check his air cleaning equipment when he has the time. He said no cooking
20 since November 29, 2012. Chuck said that it was his wood stove that was making the odor. He has made
21 this same claim in the past. December 11, 2012: morning odor; January 3, 2013, 9:00: heavy odor; January
22 12, 2013: odor so strong this morning Lucy observed it inside the office; January 25, 2013, at 2:00 p.m.:
23 return from Kentucky vacation, strong odor until 5:30 p.m.

24
25 Mr. Hall stated that Mr. Wandell has mentioned three types of odors in the log, a metallic odor, a rotten odor
26 and a strong perfume odor but he has not heard him say the odor of smoking sausage.

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28 Mr. Wandell stated that every heavy odor that he is speaking about, other than the perfume odor, is in
29 relation to the odor of smoking sausage.

30
31 Mr. Hall asked Mr. Wandell if that was by memory or was it actually noted in the log.

32
33 Mr. Wandell stated that it was by memory because he did not take the time for each entry to write down that
34 the odor smelled like meat cooking. He said that all of the heavy odors refers to sausage cooking.

35
36 Mr. Wandell continued reading the logs as follows: April 30, 2013: the odors of cooking sausage returning.
37 5:20 a.m. to leaving at 8:20 a.m. odor. There seems to be a very strong smell of laundry dryer freshener.
38 Way too much for simply doing clothes. March 13, 2014, 10:00 a.m.: strong sausage cooking odor in office
39 and shed; March 14, 2014: strong perfume odor in office and shed; March 15, 2014, 3:00 p.m.: heavy
40 perfume odor at area east of office as I started burning white pine branches from winter ice and snow
41 damage. When I started burning weathervane on shed showed wind out of the east and it remained that way

1 until about 4:30 p.m. I quit burning about 6:00 p.m.; April 9, 2014, 9:00 p.m.: same old heavy perfume
2 odor in office area.

3
4 Mr. Wandell stated that there are two types of odors that they deal with currently, the heavy perfume odor
5 which is like what people put in their dryers and the heavy odor of sausage cooking.

6
7 Mr. Thorsland requested that the log be submitted as a Document of Record.

8
9 Ms. Griest asked Mr. Wandell if, after he spoke to Mr. Stites about the odor and Mr. Stites indicated that the
10 odor was coming from an adjacent neighbor burning trash and debris, had he checked to see if an adjacent
11 neighbor was actually burning anything.

12
13 Mr. Wandell stated that Mr. Stites did not tell him that an adjacent neighbor was burning.

14
15 Ms. Griest stated that she thought that she heard Mr. Wandell indicate such during the reading of the log.

16
17 Mr. Wandell stated that on November 30, 2013, he spoke to Mr. Stites about the odor and Mr. Stites
18 indicated that it was his wood stove that was making the odor and that he hadn't cooked since November
19 28th. Mr. Wandell stated that there was no conversation related to a neighbor burning.

20
21 Ms. Griest stated that perhaps she was mistaken. She asked Mr. Wandell if he had ever checked out the
22 possibility of anyone else burning something in the area therefore producing an odor.

23
24 Mr. Wandell stated no.

25
26 Mr. Thorsland asked the Board if there were any additional questions for Mr. Wandell.

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28 Mr. Randol asked Mr. Wandell to indicate how close his personal structures are to the property line.

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30 Mr. Wandell stated that they have three buildings on their property.

31
32 Mr. Randol asked Mr. Wandell to indicate how close those structures were to the property line.

33
34 Mr. Wandell stated that the closest structure, the office/guest house, is probably 40 to 50 feet from the
35 property line.

36
37 Mr. Thorsland asked if staff had any questions for Mr. Wandell.

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39 Mr. Hall stated that he is disappointed that a log was evidently required by Mr. Wandell but he never called
40 the office.

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1 Mr. Wandell stated that Mr. Hall was correct.

2
3 Mr. Hall asked Mr. Wandell why he never called the office about the odor that he was obviously
4 experiencing.

5
6 Mr. Wandell asked Mr. Hall if he is asking why he never called the office.

7
8 Mr. Hall stated yes.

9
10 Mr. Wandell stated that in 2008 he was given the impression that he and his wife didn't really matter
11 therefore why suffer more abuse.

12
13 Mr. Hall stated that he is sorry that Mr. Wandell received that impression.

14
15 Mr. Thorsland stated that the reason why the Board includes special conditions in a case is because they
16 anticipate a lot of their work to be driven by complaints from someone because staff and the Board can't
17 drive out to the property all of the time. He said that the previous case was a very complex case which was
18 evident by the number of special conditions that were placed upon it. He said that since Mr. Wandell felt the
19 need to construct a log and there was a time when the odor was going on for a long time it would have been
20 an important time for Mr. Wandell to have called the office to report the occurrences so that someone from
21 the office could have gone out to the property to check out the complaint. He said that he was not the chair
22 of the ZBA at that time but he was a member of the ZBA during 2008 and the ZBA does as much as possible
23 to make sure that not one of the witnesses felt as though they were being abused. He said that they took a lot
24 of time with the previous special use case for this petitioner, which Mr. Wandell knows because he was
25 present, and the Board was not particularly delicate with the petitioner either due to the volume of conditions
26 that were placed on the approval and the fact that we are here tonight after five years. He said that he is glad
27 that Mr. Wandell kept a log of the concerns but as a citizen of the County if he feels the need to call the
28 office then he should definitely call the office next time.

29
30 Mr. Wandell stated that when he would call the office Mr. Hall would indicate that he needed to come out
31 although there is a very good chance that when Mr. Hall got to the property there would not be an odor
32 therefore causing a wasted trip. He said that Mr. Hall has to verify the complaint and this problem occurred
33 before the previous case came before the Board. He said that when he called Mr. Hall about the odor due to
34 the barrels sitting outside with deer parts in them and Mr. Hall came out to the property to witness the
35 complaint personally. He said that the intermittent problems regarding odor are hard to verify unless the
36 staff can come out within the next hour after calling the office.

37
38 Mr. Thorsland stated that as a personal observation of living in the country, when he left his home this
39 morning someone in the neighborhood decided that a giant pile of wet leaves was a perfect thing to burn
40 therefore everyone in the area was given the opportunity to smell those leaves burning. He said that it is part
41 of country life to smell the burning of limbs, leaves, etc. He said that he appreciates the fact that Mr.

- 1 Wandell kept a log regarding his concerns and that the log has been submitted as a Document of Record.
2
- 3 Ms. Griest stated that when the Board heard this case in 2008 the Board was pretty tough on this petitioner,
4 as the Board is with most, by the volume of special conditions that were imposed on the petitioner based on
5 the concerns that Mr. Wandell expressed at the hearing. She said that she is sorry that Mr. Wandell felt
6 diminished or under-valued during the public hearing process because that is never the Board's intent. She
7 said that at the risk of doing that again, she asked Mr. Wandell why his log does not begin until November 8,
8 2012. She asked Mr. Wandell if he had no concerns between 2008 and that time during 2012 or what
9 changed during that period.
10
- 11 Mr. Wandell stated that he was busy running his business and he spent a lot of his time doing that therefore
12 he did not have a chance to write all of his concerns down. He said that he regrets not taking the time to start
13 the log sooner.
14
- 15 Mr. Thorsland asked Mr. Wandell if he would categorize the submitted log as typical for any period from
16 when the special use permit was approved until today.
17
- 18 Mr. Wandell stated yes, but bear in mind that this was over a three year period and not an everyday
19 occurrence.
20
- 21 Mr. Randol asked Mr. Wandell if he kept the log mainly during the time when Mr. Stites was processing the
22 meat.
23
- 24 Mr. Wandell stated that it is his understanding that Mr. Stites freezes and processes the meat during the year
25 and cooks the sausage throughout the year.
26
- 27 Mr. Randol asked Mr. Wandell to describe the metallic smell.
28
- 29 Mr. Wandell stated that the metallic smell was his wife's description.
30
- 31 Mr. Randol stated that he has never smelled a metal that has an offensive smell to it.
32
- 33 Mr. Thorsland reminded Mr. Randol and the Board that smells are subjective to each individual.
34
- 35 Mr. Thorsland asked Mr. Wandell if he would like to add any further testimony.
36
- 37 Mr. Wandell stated no.
38
- 39 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Wandell and there was no one.
40
- 41 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony

1 regarding Case 778-S-14 and there was no one.

2

3 Mr. Thorsland closed the witness register.

4

5 Mr. Thorsland called Charles Stites to the witness microphone to address the Board.

6

7 Mr. Thorsland asked the Board if there were additional questions for Mr. Stites.

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9 Ms. Griest asked Mr. Stites if they smoke meat throughout the year or only during the hunting season.

10

11 Mr. Stites stated that the times that they process, smoking of the meat, would occur from the beginning of
12 archery season which is October 1st until they get done processing all of the boneless meat into the sausage
13 which generally has been the month of April. He said that with the number of deer that comes in during
14 hunting season the volume of meat is too great to cook and make into sausage therefore they freeze that meat
15 and thaw it out as they process the product into sausage. He said that this process occurs after hunting
16 season in the middle of January until April.

17

18 Ms. Griest stated that there has been some mention of a wood burning stove. She asked Mr. Stites if he had
19 a wood burning stove on the property used for heating purposes and if so where is it located, what is it
20 designed to heat and what is Mr. Stites using for the fuel source in the wood burning stove.

21

22 Mr. Stites stated that there are two wood burning stoves on the property. He said that one of the wood
23 burning stoves is located in the shop area of River Bend Wild Game and Sausage Company and is used for
24 heating that area. He said that there is no other heating in the refrigerated areas of the building therefore the
25 wood stove would run from the time that it gets cool in the fall until it warms back up in the spring. He said
26 that the wood stove will run through the night but will be choked down enough so that pipes do not freeze
27 and it is bearable out there. He said that there is another wood stove that they use in the house and when
28 they first moved out to the property they used it very often but now it is easier to use the electric ceiling heat
29 and the wood stove is used when it gets really cold plus it feels good to have the fire going. He said that the
30 fuel source is normal hardwood and the last couple of years he has had a customer who cuts down trees and
31 he generally brings Mr. Stites a trailer load of wood. He said that other wood that he may burn is from trees
32 that fall on his property such as black cherry, maple and locust.

33

34 Ms. Griest asked Mr. Stites if any of the exhaust from the wood stoves would put off a perfumed aroma
35 which would account for the dryer sheet odor that has been reported.

36

37 Mr. Stites stated that there is no product or wood being used that has any kind of perfumed odor at all other
38 than the hand soap that they might use. He said that his wife does use some stuff for the laundry that does
39 indeed have a perfumed odor and he too can smell it outside of the house. He said that if the dryer is running
40 in the house he can smell the perfume odor as well when he goes up to the front door.

41

1 Mr. Thorsland asked Mr. Stites if the lighting that was mentioned in previous testimony was recently
2 installed or did it exist before the previous special use permit case.
3

4 Mr. Stites stated that there is one exterior light which is on the east side of the cooler that they hang deer in
5 that has not changed other than changing it with a like kind since they started doing their operation as a
6 home occupation. He said it's a regular wall mount 70 watt sodium light like you can buy at Menards and it
7 has not changed. He said that when he built the metal building in which a portion is used for a cooler for the
8 bone barrels he had an electrician put in a light that is the same type as the light on the hanging cooler and
9 there is one that faces toward the north and two that face toward the east. He said that he found that those
10 lights would broadcast out and he had a problem that when the cooler would kick on in the shed the lights
11 would shut off due to a voltage drop and the electrician could not figure out the issue therefore they were
12 replaced with LED lights which are sconces that shine down. He said that the lights are like the ones that
13 would be over the doorway of a building and most of the light is directed downward and goes out about 30 to
14 40 feet. He said that after the building was built he installed the sodium lights and after a year or two the
15 lights were replaced with the down facing lights.
16

17 Mr. Thorsland asked Mr. Stites if he would consider the replacement lights to be full cut-off lights or did the
18 literature indicate that they were full cut-off lights.
19

20 Mr. Stites stated that he does not know what full cut-off means exactly.
21

22 Mr. Thorsland stated that it means that no light goes to the side. He said that if this was a brand new case
23 and Mr. Stites was building something new the Ordinance requires that all lighting be full cut-off to prevent
24 glare onto adjacent properties and the wattage is limited. He said that any lighting that Mr. Stites had before
25 would not be subject to the amended Ordinance but perhaps there is a way that Mr. Stites could investigate
26 the lighting to see if it does indeed trespass onto adjacent properties. He said that with new special use
27 permits screening is required to prevent light trespass. He said that the lighting appears to fall into the realm
28 of what is asked for but it would be helpful if Mr. Stites would investigate the lighting concern to see if some
29 wattage exchange or shielding is necessary. He said that the LED lights are really great because they do not
30 draw any insects but they are really bright.
31

32 Mr. Stites stated that he has an asphalt driveway that runs east and west and the lights do not illuminate the
33 driveway and it is dark when he walks from the building to the house. He said that the lights do not shine
34 out to the property lines.
35

36 Mr. Hall asked Mr. Stites if the replacement lights are wall mounted.
37

38 Mr. Stites stated that the lights are wall mounted and are just above where the 10 foot garage doors are
39 located and the lights shine downward.
40

41 Mr. Hall stated that in the past we have had people experiment with an aftermarket shroud that goes around

1 the light and the thing with full cut-off lights is that it positions the lamp above the edge of the fixture so that
2 unless someone at some distance is below the fixture they cannot see the lamp. He said that he does not
3 know how much the shrouds cost but he does not believe that they are too expensive and they tend to work
4 unless the building is light in color and then they have the opposite affect and make the light more intense.
5 He said that if Mr. Stites' building is not light colored he might consider these shrouds which would solve
6 Mr. Wandell's concern. He said that Mr. Stites indicated that he replaced the light fixtures approximately
7 two years after the building was constructed in 2009 or 2010. Mr. Hall noted that the Ordinance was
8 amended in August of 2010 and there should have been something included in the amendment regarding
9 special uses that were already in place. He said that previous special use petitioners who add new lighting
10 would have no way of knowing about the new requirement for full cut-off but nonetheless it is up to the
11 Board. He said that he would be happy to research our files to see if we have the names of the shrouds that
12 have been utilized during other projects.

13
14 Mr. Hall stated that when the Board is ready he has some questions for Mr. Stites regarding the smoker.

15
16 Mr. Passalacqua stated that the Board received testimony regarding noise from the compressors. He asked
17 Mr. Stites if he could hear the compressors in his own house.

18
19 Mr. Stites stated no.

20
21 Mr. Passalacqua asked Mr. Stites to explain the layout of the building which houses the compressors. He
22 said that testimony indicates that the building is open.

23
24 Mr. Stites stated that when they moved into the property in 1992 there was an existing 24' x 30' detached
25 garage and onto that was a metal lean-to that was built along the north and west sides of the garage. He said
26 that the refrigeration units for the operation are stored within the lean-to except for the refrigeration unit for
27 the bone barrel building. He said that on the north side the shed is built like a metal pole barn with a metal
28 roof and sides but the west side is built more like a house that was built in the 70's with black fiber board
29 and masonite siding. He said that there are some windows in the west side of the building and they are the
30 kind that can be cranked open and indeed when it is warm it becomes hot in the shed and he will open the
31 windows to let air flow come in so that the units can operate more efficiently.

32
33 Mr. Passalacqua asked Mr. Stites if they have hours of operation where people can drop off their deer.

34
35 Mr. Stites stated yes. He said that during the hunting season they are opened Monday through Friday 5 p.m.
36 to 8 p.m., and 9 a.m. to 5 p.m. on Saturday and 2 p.m. to 5 p.m. on Sunday. He said that during the warm
37 weather months when it is imperative that the hunter gets their deer cooled down properly they will go ahead
38 and take deer up to 8 or 9 p.m. but that is during the archery season when it is one or two hunters who may
39 come in. He said that during the firearm season when most of the deer come in during a very short period of
40 time they will generally shut down around 6 or 7 p.m.

41

1 Ms. Lee asked Mr. Stites if he knows the distance between his house and the shed with the windows that
2 houses the compressor units.

3
4 Mr. Stites stated that he does not know the exact measurement but he would estimate that the distance
5 between that part of the operation and his house is very similar to the distance from the building to the
6 neighbors to the north's house and his personal house may be closer.

7
8 Ms. Lee asked Mr. Stites to indicate how much of the fence is incomplete at this point.

9
10 Mr. Stites stated that when the special use permit was approved five years ago they had a six foot high board
11 fence between their property and the property to the north which extended east several feet. He said that
12 after review of the special conditions Mr. Hall suggested that there was not enough vegetative screening to
13 the east therefore a screening fence was needed and at that time he asked if he could construct an 8 foot
14 fence therefore he did place the screening from the six foot fence to the road to the east. He said that there is
15 some section that has six foot panels and another section that has 8 foot panels.

16
17 Ms. Griest asked Mr. Stites if the fence is now complete but some of it is 6 foot tall and some is 8 foot tall.

18
19 Mr. Stites stated that next to the road near the right-of-way there is approximately 16 feet that has the posts
20 but not the fence panels but there is vegetative screening, evergreens, which are taller than him at that
21 location. He said that it is one of those things that needs to be done but there should not be any disturbance
22 from lights or sound near the road that would make him out of compliance.

23
24 Ms. Griest asked Mr. Stites if the area by the road without the two or three fence panels is the only area that
25 does not have actual fencing and the rest of the area has fencing and may have vegetation.

26
27 Mr. Stites stated that there is vegetation on the property to the north near the property line and the 8 foot
28 fence is right next to it.

29
30 Mr. Thorsland asked the Board if there were any additional questions for Mr. Stites.

31
32 Ms. Lee asked Mr. Stites if the fence extends to the west property line.

33
34 Mr. Stites stated no. He said that the fence goes from the building all the way to the east because at the time
35 the issue was noise and lights from vehicles entering the driveway that would shine on to the neighboring
36 property.

37
38 Mr. Passalacqua asked Mr. Stites if there was some sort of scrubbing device on the discharge from the
39 smoker and the cooker.

40
41 Mr. Stites stated that after the special conditions for the previous case he investigated the possibility of

1 finding something that would resolve the concerns. He said that they purchased a system from a company in
2 Oregon that has an electrostatic deionizer and any particulate matter that goes through that is burnt like a bug
3 zapper and following that is a pleated paper filter and 4 inches of activated charcoal and every bit of air that
4 goes through the smokehouse goes through that machine and he cannot operate the smokehouse without
5 having that machine on.

6
7 Mr. Passalacqua asked Mr. Stites if the deionizer is a maintenance item and has it been maintained.
8

9 Mr. Stites stated yes. He said that the paper filter is changed monthly because they get wet and they need to
10 catch the particulate matter that escapes the electrostatic deionizer. He said that the activated charcoal has to
11 be replaced as well.

12
13 Ms. Lee asked Mr. Stites to indicate how far the neighbor's house is from the business building.
14

15 Mr. Stites stated that there are two buildings on the neighbor's property that appear to be residences although
16 one used to be the residence but they moved it from the location of the new house to a location which is
17 directly north of his building and their residence is north and west of the building.
18

19 Mr. Hall asked Mr. Stites how often the activated charcoal needs replaced.
20

21 Mr. Stites stated that it depends upon the use. He said that it is suggested that it is checked every month or
22 so for the type of operation that he has.
23

24 Mr. Hall asked Mr. Stites to explain how the activated charcoal is tested to make sure that it is still active.
25

26 Mr. Stites stated that if he were outside and he was able to smell the odor coming from the smokehouse at a
27 level that seems like it is not being filtered then the charcoal needs replaced. He said that he tries to be pro-
28 active and maintains the equipment to avoid issues.
29

30 Mr. Hall asked Mr. Stites if there was a warranty for the electrostatic deionizer.
31

32 Mr. Stites stated that he is sure that there is a warranty but he does not have any idea of the time period.
33

34 Mr. Hall stated that the submitted log indicates odors and perhaps if it had been started earlier there may
35 have been more notes about odor complaints. He asked Mr. Stites if given the dates and what he recalls with
36 weather patterns is there anything that may explain why there were so many days with more odor than what
37 the neighbor believed there should have been.
38

39 Mr. Stites stated that he does not know how the odor could have been from the smokehouse because if the
40 wind is from the west, which is predominant, he is going to smell it from 20 feet away as he walks back and
41 forth from the shop. He said that other than a faint whiff, as if you stuck your nose right under the exhaust

1 on the side of the building, you can't smell it on the property. He said that he is as cognizant about that as
2 Mr. Wandell is because he knows the issues that they have had in the past and he does not want to cause any
3 more fuel for the fire.
4

5 Mr. Stites stated that he is interested to know if the reference from Mr. Wandell regarding the lighting which
6 supposedly comes from Mr. Stites property is from the new building. Mr. Stites stated that the lighting has
7 not changed since they have been doing anything out there. He said that Mr. Hall suggested the block out
8 shields for the building but if those are not the lights that Mr. Wandell is concerned about he does not want
9 to purchase something that is not going to resolve Mr. Wandell's concerns. He said that it may be if a light
10 that is on the new building is placed on the shop it might alleviate his concerns. He said that this is the first
11 time that he has heard any complaints about lighting and he has tried to be compliant with the County and as
12 accommodating to the neighbors as he can.
13

14 Mr. Thorsland stated that he will call Mr. Wandell back to the witness microphone to discuss the lighting
15 concerns.
16

17 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Stites and there were
18 none.
19

20 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Stites and there was no one.
21

22 Mr. Thorsland requested that Mr. Wandell go to the witness microphone but informed him that he can
23 decline to testify if desired.
24

25 Mr. Wandell stated that the lots are very long and narrow and the lights on the new building are very bright
26 and he mentions those lights because he and his wife like to take walks at night when the moon is out. He
27 said that the lights that are on the house are very bright and have been changed and do not appear to be
28 average 100 watt bulbs. He said that the lights on the new pole building are high in the air and broadcast
29 further out.
30

31 Mr. Thorsland asked Mr. Wandell if he is indicating that the lights on the original building are okay but the
32 lights on the new building are the ones at issue.
33

34 Mr. Wandell stated yes, the lights on the new building and the house are the lights that cause great concern
35 and the lights on the house appear to be different than they used to be.
36

37 Mr. Thorsland asked the Board and staff if they had any questions for Mr. Wandell and there were none.
38

39 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Wandell and there was no one.
40

41 Mr. Thorsland called Mr. Stites to the witness microphone.

1

2 Mr. Stites stated that he heard Mr. Wandell's concerns about the sconce type lights on the new building and
3 if they are an issue then he will review any information that Mr. Hall can provide regarding shields for those
4 lights. He said that the lights were purchased from Tepper Electric therefore perhaps they have options as
5 well. He said that when the lights were purchased they looked at all of the options available that would suit
6 their needs for illuminating the area around the building but not be visible for miles. He said that if the light
7 is blinding then that is something that he will remedy. He said that the three lights on the house have not
8 been changed and they are 100 watt incandescent lights that provide light at the front porch and the garage
9 area. He said that the 70 watt sodium light has always been there and the bulb was only changed because it
10 burned out once.

11

12 Mr. Randol stated the site plan indicates a proposed 40' x 60' building. He asked Mr. Stites if this is the
13 building with the lighting concerns or is it the building labeled for the business.

14

15 Mr. Stites stated that the site plan that Mr. Randol is reviewing is from the previous case. He said that there
16 should be a more recent site plan in the packet.

17

18 Mr. Thorsland noted that the previous case occurred five years ago and only a few of the Board members
19 were present for the previous case therefore they are more familiar with the case. He said that it is important
20 that all of the Board members are up to speed with the current case.

21

22 Mr. Randol asked Mr. Stites if the newer shed is the one with the lighting that is in question.

23

24 Mr. Stites stated yes. He said that there is one light on the north side and there are two lights on the east side
25 and to comply with trying to stay out of the floodplain the proposed building on the previous site plan the
26 building was running north or south or east and west, he can't remember at this time, but its current location
27 is running at an angle which is the same as the house.

28

29 Ms. Lee asked Mr. Stites if the new building which was constructed at an angle is where the compressors are
30 located.

31

32 Mr. Stites stated that the new building in question has a walk-in cooler and there is a condensing unit that
33 sits beside it and both of those items are within the building. He said that this particular cooler unit will only
34 run during deer season which is October 1st to mid-January. He said that even though they were allowed to
35 have a window air conditioner to keep the area cool they decided that a window unit was not the best option
36 so they decided to install the compressor unit. He said that the compressor unit cannot be heard outside of
37 the building because the shed is fully insulated and lined with metal. He said that the compressor units that
38 are of concern are located in the lean-to along the north and west side of the shop building.

39

40 Mr. Thorsland asked if staff had any further questions for Mr. Stites and there were none.

41

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

2
3 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Stites and there was no one.

4
5 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
6 testimony for Case 778-S-14 and there was no one.

7
8 Mr. Thorsland closed the witness register at this time.

9
10 Mr. Hall stated that he has no additions although hearing the comments about the air cleaner for the smoker
11 he can imagine beefing it up with some condition regarding proper maintenance. He said that if this case is
12 continued he can imagine some minor changes there but he does not know what the Board is going to do
13 other than what had been done for odor concerns.

14
15 Mr. Passalacqua stated that looking at the special conditions for the case in 2008 it appears that the
16 Department of Planning and Zoning was given the criteria or tools to address a complaint although even
17 though there is a submitted log tonight no complaints were voiced. He said that it isn't like staff did not
18 address any odor or lighting concerns it was not addressed because no complaints were being received.

19
20 Mr. Hall stated that the he hopes that the Board saw that in January 2009 staff did receive a complaint about
21 odor and staff went out to follow up on the complaint and to a certain extent there is a timing issue because
22 by the time that staff got to the property the odor was very faint and in their opinion did not constitute an
23 actionable complaint. He said that staff did find out later that there was a delay in receipt of the electrostatic
24 deionizer from Oregon and Mr. Stites could not get it installed. He said after the electrostatic deionizer was
25 hooked up no complaints were received and all problems appeared to be resolved. He said that he can
26 appreciate that in the beginning Mr. Wandell probably became frustrated about calling with complaints that
27 were happening at that time and staff would get to the property as soon as possible and once staff did drop
28 everything in the office that they were doing and went out to visit the property but that is not something that
29 can occur every time a complaint is received.

30
31 Mr. Passalacqua asked Mr. Hall if it would be possible for staff to visit the property during the full swing of
32 business in the fall.

33
34 Mr. Hall stated that staff could do that if it would help. He said that he is willing to do that but he does not
35 know what that means for the special use except that staff could verify whether or not the odor is at a
36 magnitude to determine that it is a problem. He asked Mr. Passalacqua what he would like staff to do at the
37 point of determination that the odor is an issue.

38
39 Mr. Passalacqua stated that if in fact the scrubber is advertised to clean the matter and elements that cause
40 the odor then that would be the first step in assuring that the scrubber is working and if it isn't then it either
41 needs maintained or replaced.

1

2 Mr. Thorsland stated that if it is a piece of equipment that isn't doing what it was advertised to do what is the
3 Board supposed to do about it other than require that the technology needs to be updated.

4

5 Mr. Passalacqua stated that in the 2008 case the petitioner was required to install a device that would clean
6 the air and if the device is not doing what it is required to do then the device either needs replaced or
7 repaired to do what it is required to do. He said that he is not against the business by any means and it
8 sounds as though Mr. Stites is trying to make his business in compliance with the Ordinance but he would
9 not want to live beside it either if the odor became a continuous nuisance. He said that the tools for staff
10 were there during the first approval although the tools cannot be used if staff is not made aware of any
11 issues. He said that the majority of the complaint appears to be odor and there are also concerns voiced
12 about noise and lighting.

13

14 Mr. Thorsland asked Mr. Passalacqua if staff needs to take the time to beef up the special condition. He said
15 that there is no immediate need to complete this case this evening therefore if the Board would like to have
16 some additional strength added to the special condition then staff could do so.

17

18 Mr. Passalacqua stated that he is not saying that staff needs to visit the property every month but perhaps the
19 next time that Mr. Stites plans to cook sausage a site visit could be scheduled. He said that he is not aware
20 of the relationship between the neighbors but perhaps they could get together to brainstorm about the
21 concerns and present suggestions as to how to remedy those concerns. He said that it sounds like the fence
22 needs to be completed unless it will present the same issues as the previous location of the sign. He said that
23 perhaps a site visit and a maintenance schedule would be beneficial to determine if the activated charcoal is
24 doing its job although he does not know how to tell if it is or isn't.

25

26 Mr. Hall stated that going out at the beginning of every season at the height of smoking the meat to have
27 staff verify what the situation is a great idea. He requested that Mr. Wandell call every time he has a
28 complaint because the two instances of complaints after the special use permit was approved were
29 investigated and it was very helpful and staff is willing to do that and eventually he would hope that they can
30 get all of the bugs out of the system.

31

32 Mr. Passalacqua asked how staff would abate the complaint that a livestock operation was broadcasting
33 odor.

34

35 Ms. Griest noted that a livestock operation is considered agriculture and is exempt.

36

37 Mr. Passalacqua asked how staff would abate odor for a different case.

38

39 Mr. Hall stated that what he would like the Board to consider is at what point does this situation become
40 serious enough that he is either authorized to inform Mr. Stites that he has to stop smoking the meat until he
41 acquires a new device or stop smoking meat until he receives a new authorization from the Zoning Board of

1 Appeals. He said that staff needs clear guidance as to when this becomes a big problem but going out every
2 year to complete a site visit and following up on any complaint are great ideas.

3
4 Mr. Passalacqua stated that it may be that the device is not performing properly and the complaint dates have
5 something to do with the wind being out of the right direction.

6
7 Mr. Thorsland stated that part of one of the complaints did relate to wind direction. He said that as he
8 recalled the times of smoking the meat did have to do with the wind direction so that it did not affect the
9 neighbor to the south but perhaps that did not become part of any special conditions.

10
11 Mr. Passalacqua asked if there were neighbors on either side of the property.

12
13 Mr. Hall stated yes but the neighbors to the south are not as close. He said that it is unfortunate that in this
14 location that the two dwellings are very close and they are located in a river valley therefore the odor is going
15 to hang around.

16
17 Ms. Lee asked if Mr. Stites has the times that he completed the smoking of the meat so that it could be
18 compared to the times that are indicated on Mr. Wandell's log.

19
20 Mr. Thorsland stated that the times might be somewhat hard to pin due to wind direction. He said that Mr.
21 Stites made an effort to smoke the meat, before there were scrubbers were installed, when the wind was not
22 towards the north.

23
24 Ms. Griest stated that it is important to note that the Board reviewed the scrubber technical material very
25 thoroughly and even the material indicated that it is not guaranteed to remove all odors. She said that unless
26 the County invests in an electronic nose to determine the level of odor there is no other way to determine
27 what the level is at that time. She said that odor is a personal preference and what she may smell versus
28 what someone else might smell is not objective because our bodies function differently. She said that the
29 only true test would be an electronic test. She said that she would like Mr. Hall to review the list that Mr.
30 Wandell cited because she does not believe that any of those instances were from the Wandell's residence
31 itself and were from the office/garden room area and the home was the Board's primary objective.

32
33 Mr. Thorsland stated that the Wandell's office building/garden room is very close to the line and the house is
34 more centered on the property.

35
36 Ms. Griest stated that she recalls that the house and office/garden room are approximately 20 to 30 feet apart.

37
38 Mr. Hall stated that perhaps the Board requires a demonstration of the air cleaning unit.

39
40 Ms. Griest asked if the Board would be taking a field trip to the site.

41

- 1 Mr. Hall stated yes.
2
- 3 Mr. Thorsland stated that the Board did have the manual or brochure for the air cleaning unit and it was
4 considered to be “top of the line” at the time.
5
- 6 Ms. Griest stated that as she recalls it was one of the most premier products available at the time but even the
7 special conditions indicate that the Board did not expect to eliminate all odors.
8
- 9 Mr. Passalacqua asked if anyone knows how the odors from Herriott’s Columbia Street Roastery or Kraft
10 Foods are handled because residential areas are nearby.
11
- 12 Mr. Hall stated that he is not familiar with any of those standards and both of those things, in his opinion, are
13 controlled as well as the odors in this case are controlled.
14
- 15 Mr. Passalacqua stated that he thought that there may be a comparable City of Champaign ordinance.
16
- 17 Ms. Lee stated that Allen’s Meat Locker is within close proximity of the subject property although she is not
18 sure if they smoke any of their meats. She said that she would think that Allen’s Meat Market has meat for
19 sale as retail therefore they are a different aspect but she would think that they would have some
20 requirements.
21
- 22 Mr. Randol stated that if the Board has the guidelines for when this use was first established and no
23 complaints have been received since approval then there should be no issue. He said that Mr. Stites is not
24 burning leaves but is burning wood therefore it could be compared to Lil’ Porgy’s or any of the other
25 smokehouses in town therefore if nothing else is going on he is not in favor of doing anything any different
26 than perhaps a yearly visit.
27
- 28 Mr. Thorsland stated that he agrees with the annual visit and perhaps some sort of log regarding maintenance
29 of the scrubber unit.
30
- 31 Ms. Lee stated that over the years she has driven past the subject property several times and she has never
32 smelled any odors coming from the property. She said that if there is a southwest wind, which would be
33 prevailing, she would believe that she would smell odors from the subject property at her residence which is
34 fairly close by.
35
- 36 Mr. Thorsland stated that he would like to see some language regarding the scrubbing unit and some sort of
37 log regarding maintenance indicating when the charcoal and filters were changed.
38
- 39 Mr. Hall clarified that the smoking is not burning wood but is actually a liquid that is applied in the
40 smokehouse.
41

1 Mr. Thorsland stated that this is not like Lil' Porgy's and as he recalls there is heat applied to the meat and at
2 some point, which is a short period of time, there is a liquid flavoring applied. He said that this is not a 12
3 hour pig roast that is going on in the back of the shop but is a heat process and then the flavor is infused and
4 the unit was installed to take care of that short period of time when the flavoring is infused.
5

6 Ms. Griest stated that she is not in favor of adding an additional special condition but she is less in favor of
7 restricting this to a five year renewal. She said that having participated in the previous case and seeing the
8 performance of this petitioner, as compared to other petitioners that the Board has seen over time, she
9 believes that this petitioner has done a marvelous job on compliance. She said that the fact that there were
10 no complaints directly to the petitioner or to the zoning office that were not specifically addressed or
11 resolved cannot be faulted on behalf of the petitioner, regardless of who the petitioner may be. She said that
12 she would be reluctantly willing to support continuing this case and adding a special condition monitoring
13 maintenance and she would need to eliminate the five year renewal. She said that if adding the maintenance
14 monitoring requirement is the price that has to be paid for eliminating the five year renewal requirement then
15 she will support continuing the case to a later date. She said that she believes that the Board could simply
16 ask the petitioner to send in the maintenance records and the petitioner would comply instead of adding
17 another condition. She said that a visit can be scheduled if need be but if Mr. Hall requires an enforcement
18 tool then she will stand behind that 100% if it is actually something that can or should be enforced but the
19 idea of no odor is not an option for enforcement.
20

21 Mr. Thorsland stated that currently the consensus of the Board is to have an annual check on the entirety of
22 the smoke/odor removal and perhaps some suggested language regarding a maintenance log. He said that as
23 he previously stated he does not believe that the case needs to be finished tonight.
24

25 Ms. Lee stated it will take at least 30 minutes for staff to get to the property and so much can change in 30
26 minutes time.
27

28 Mr. Thorsland suggested to the audience that if they believe that there is something happening on the subject
29 property that appears wrong then a phone call to the zoning department should occur and staff can decide
30 whether or not to send someone to the subject property to investigate the complaint. He said that no one will
31 know about what is going on if a phone call is not made to the zoning office.
32

33 Mr. Thorsland entertained a motion to continue Case 778-S-14 to the August 14, 2014, meeting.
34

35 **Mr. Passalacqua moved, seconded by Ms. Griest to continue Case 778-S-14 to the August 14, 2014,**
36 **meeting. The motion carried by voice vote.**
37

38 Mr. Thorsland stated that the Board will take a five minute break.
39

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

41 **The Board resumed at 8:46 p.m.**

1
2 **Case 779-S-14 Petitioner: Keith Pedigo Request to authorize a Special Use Permit for the conversion**
3 **of an existing single family residence to a two family residence in the R-2, Single Family Residence**
4 **Zoning District that is also the subject of related Case 780-V-14. Location: Lot 6 in Block 2 of**
5 **Commissioner's Addition to the Village of Seymour in the Northeast corner of Section 17 in Scott**
6 **Township and commonly known as the residence at 202 South Sheridan Street, Seymour.**
7

8 **Case 780-V-14 Petitioner: Keith Pedigo Request to authorize the following variance for an existing**
9 **single family residence on a corner lot in the R-2, Single Family Zoning District: 1) a proposed porch**
10 **with a setback which falls within, in lieu of outside of, the visibility triangle established for corner lots**
11 **defined as the area bounded by the street right-of-way lines of corner lots and a straight line joining**
12 **points along said street right-of-way lines 50 feet from the nearest point of intersection; and 2) a**
13 **proposed porch with a front yard facing Sheridan Street of 6 feet in lieu of the minimum required 25**
14 **feet; and 3) a proposed porch with a front yard facing South Street of 14.5 feet in lieu of the minimum**
15 **required 25 feet; and 4) an existing nonconforming side yard of 6 feet in lieu of the minimum required**
16 **10 feet for both the dwelling and the garage. Location: Lot 6 in Block 2 of Commissioner's Addition**
17 **to the Village of Seymour in the Northeast corner of Section 17 in Scott Township and commonly**
18 **known as the residence at 202 South Sheridan Street, Seymour.**
19

20 Mr. Thorsland informed the audience that these are Administrative Cases and as such the County allows
21 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
22 of hands for those who would like to cross examine and each person will be called upon. He requested that
23 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
24 those who desire to cross examine are not required to sign the witness register but are requested to clearly
25 state their name before asking any questions. He noted that no new testimony is to be given during the cross
26 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
27 from cross examination.
28

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

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

35 Mr. Keith Pedigo, who resides at 202 S. Sheridan Street, Seymour, stated that he and his wife purchased the
36 house seven years ago and there is a lot of room inside but what he did not know is that they do not have a
37 lot of room outside, which seems to be the problem. He said that the yard extends past his property line and
38 that is an area that he has been taking care of but it appears that he has been naïve and the lot does not go
39 where he believed it did. He said that the house is large inside with an open basement but the main problem
40 is that the yard is not large enough for current septic standards and according to the information before the
41 Board tonight he does not have enough room for the current system. He said that if the Board has to go by

1 the numbers then it appears that the possibility of a duplex is over and if the Board has to deny his request
2 then that is fine. He said that he is fairly certain that his current septic field does go past the property line but
3 he is not certain. He said that the neighbors who received the notice that was sent out were trying to decide
4 what he was doing along South Street and he believes that it is the fact that the house is already too close to
5 South Street and the porch that they desire to attach to the house will be straight off of South Street and will
6 not be any further to the north of the house. He said that his request is pretty straight forward but he would
7 like to ask the Board one question and that is whether or not everything would be fine and dandy for a
8 duplex if Seymour installed a public sewer system.
9

10 Mr. Thorsland stated that the County Health Department regulates the septic system and not the Board. He
11 said that the Board only reviews the property for adequate room for the required septic system.
12

13 Mr. Pedigo stated that the all of the neighbors to the north, northwest and southwest have properties that
14 encroach into the visibility triangle. He said that the Summary of Evidence indicates that the most recent
15 ADT data is 175 near the subject property. He said that he believes that 175 is very high because there are
16 only 375 people who live in Seymour therefore the data is indicating that more than half of the town drives
17 past his house every day and that certainly is not accurate.
18

19 Mr. Thorsland asked the Board if there were any questions for Mr. Pedigo.
20

21 Mr. Randol asked Mr. Pedigo to indicate the dimension from the front of his house to the street line.
22

23 Mr. Pedigo stated that he believes that it is 14 or 16 feet. He said that the end of the proposed porch will be
24 six feet off of the property line.
25

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

28 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum dated June 26, 2014, to the
29 Board for review. He said that included with the Supplemental Memorandum is an email from Mr. Pedigo
30 indicating that he had arranged to have the septic tank pumped but they could not find the septic tank when
31 they were there and will continue to work on that issue. Mr. Hall said that the last attachment is a diagram
32 that Ms. Chavarria made which is based on the information provided by Mike Flanagan, Champaign County
33 Public Health Department. Mr. Hall said that according to Mr. Flanagan this property has a 50' x 55' area
34 on the south where you would expect a septic system would be located or could be located but we are more
35 interested in knowing if a new system could fit on the property. He said that in order for Mr. Flanagan to
36 approve a septic system on this property he would require soil data from three spots and he was only
37 provided data on one spot. Mr. Hall said that based upon the one soil data investigation Mr. Flanagan
38 determined that a curtain drain would be required and the curtain drain can be no closer than 10 feet to the
39 leach field so you start out with a 50' x 55' area and quickly narrow it down to a 23.5' x 27' septic field and
40 using the most technology that would result in the smallest leach field he would have to invest in an aeration
41 tank not just a septic tank. Mr. Hall said that an aeration tank costs a lot more than a septic tank and has

1 costs of operation because it is processing the waste and hopefully being able to install the septic field as
2 high in the soil profile as possible so that it is getting the best soil for the smallest system. He said that the
3 house, as it currently sits, would require 155 linear feet of this low profile stuff that Mr. Flanagan assumed
4 because it gives the smallest required area. He said that 155 linear feet is required but staff could only get
5 148 linear feet on the property by using all of the requirements that staff had. He said that regarding the
6 curtain drain, if Mr. Pedigo could obtain permission from the highway commissioner and the neighbors he
7 could put the curtain drain right up to the property line provided that they let him do whatever excavation
8 that he needs to do. He said that the curtain drain would add another 8' and the trenches for the septic field
9 material would require 9 feet on-center spacing. He said that using actual dimensions and not going by the
10 aerial and putting the curtain drain on the property line Mr. Pedigo might be able to install another run of this
11 trench material therefore he might be able to install a new system to serve the three bedroom but using this
12 technology there is no way Mr. Pedigo could install a septic system for a four bedroom duplex. He said that
13 he does not know if a sand filter would help and he doesn't know if they allow surface discharging sand
14 filters anymore but it is something that Mr. Pedigo could investigate with Mike Flanagan and ask him if
15 there are other options that would require less area. Mr. Hall said that at this point it is up to the Board but
16 he does not see how Mr. Pedigo is going to get a septic system on the property for a duplex, at least not with
17 the information that is before us today.

18
19 Mr. Thorsland noted that to be clear the Champaign County Health Department has to sign off on the septic
20 system.

21
22 Mr. Hall stated that the Health Department would need to sign off on a new septic system or any other
23 significant change. He said that what the Board requires for the special use permit is up to the Board but
24 normally the Board would require the Health Department's sign off.

25
26 Mr. Thorsland asked Mr. Hall if the Board's job would be much easier if public sewer was available.

27
28 Mr. Hall stated that he is assuming that it would make the Board's job easier.

29
30 Mr. Randol stated that the Seymour Water District is pursuing grants and the whole scope of installing a
31 public sewer system has been in process for three or four years. He said that public sewer in Seymour is
32 going to happen but he cannot indicate when it will happen. He said that it all leads back to the EPA's
33 requirements and the Seymour Water Board is hoping that they will have something definite in five years or
34 at least that is their goal.

35
36 Ms. Lee asked Mr. Hall how much a curtain drain costs.

37
38 Mr. Hall stated that he is not sure but he does not believe that it is greatly expensive.

39
40 Ms. Lee asked if the curtain drain would cost at least \$1000.

41

1 Mr. Hall stated that he is fairly sure that it would because you would have to trench all the way around it.

2

3 Ms. Lee asked Mr. Hall to indicate the type of the other system that might be available.

4

5 Mr. Hall stated that the other system that he discussed was an aeration system or multi-flow type unit.

6

7 Ms. Lee asked if an aeration system would cost \$10,000.

8

9 Mr. Hall stated that an aeration system is very expensive. He said that Mr. Pedigo will need to have a
10 sewage ejector in the basement to get the waste up to the elevation of the septic system.

11

12 Mr. Pedigo stated that he has already purchased a sewage ejector and it is sitting in his basement waiting for
13 installation.

14

15 Mr. Randol stated that the house directly south of Mr. Pedigo's property has a multi-flo system and that
16 property has less yard and space than Mr. Pedigo's property. He said that the system is new and they ran the
17 discharge to the storm drain. He said that at the far northeast corner of that block away a multi-flo system
18 was discovered to be having issues and he found that it was over the water main and the highway
19 commissioner ran a line to the street so that the system could discharge into the storm drain system. He said
20 that there is a way for Mr. Pedigo to get rid of the discharge if he pursues an aeration system.

21

22 Mr. Hall stated that the rules for an aeration system changed in February 2014. He asked Mr. Pedigo if he
23 discussed an aeration system with Mr. Flanagan.

24

25 Mr. Pedigo stated that he did discuss an aeration system with Mr. Flanagan and he indicated that it would be
26 the best way to go if you have limited space.

27

28 Mr. Hall asked Mr. Pedigo if Mr. Flanagan discussed having an aeration system that fed into a leach field.

29

30 Mr. Pedigo stated that he mentioned a traditional system but when they discussed the limited space he said
31 that a traditional system was not an option.

32

33 Mr. Hall stated that he was curious if Mr. Flanagan mentioned that it would be possible to have an aeration
34 system that discharged to the surface of the ground.

35

36 Mr. Pedigo stated that he does not think that Mr. Flanagan knew of that. Mr. Pedigo stated that he spoke to a
37 neighbor that did that and she did not know the specifics but she indicated that she did not believe that there
38 was much of a septic system on her property at all.

39

40 Mr. Hall stated that if the neighbor's system was installed prior to February 2014 then that is probably what
41 she has but systems like that cannot be installed currently unless the property owner can prove that such a

1 system is the only feasible approach. He said that just going through the process of proving that it is the only
2 feasible approach costs money. He said that he does not know what the Board will suggest that Mr. Pedigo
3 should do but Mr. Pedigo could talk to Mr. Flanagan or his installer.
4

5 Mr. Pedigo stated that he does not have an installer in mind yet.
6

7 Ms. Lee asked if there was a difference between an aeration system and a multi-flo system.
8

9 Mr. Hall stated that an aeration system and multi-flo system are one in the same. He said that this system
10 uses an aeration system to feed into a leach field rather than an aeration system that just discharges to the top
11 of the ground.
12

13 Mr. Passalacqua stated that Multi-flo or Jet are brand names but they are all aeration systems. He said that
14 his discharges into the leach field that has an overflow at the end and he has never seen anything come out of
15 the overflow. He noted that he has a lot of leach field area and only two people in his household but he does
16 not know if it is true or not but the discharge is supposed to be clear water.
17

18 Ms. Griest asked Mr. Hall if the width of the lot is 50 feet or 55 feet. She said that the lot for the visibility
19 triangle diagram appears to be 50 feet and the lot on the diagram for the septic appears to be 55 feet. She
20 requested clarification.
21

22 Mr. Hall stated that the 50 feet indicated on the visibility triangle diagram is the visibility triangle itself. He
23 said that the lot is 55 feet wide.
24

25 Mr. Randol stated that regarding the ADT data, there are probably not 10 cars per day that goes around the
26 corner where Mr. Pedigo resides because no matter whether you go south or west you are one block from a
27 corn field.
28

29 Mr. Thorsland noted that the traffic data comes from some mathematical formula and he is not that worried
30 about the ADT. He said that the two cases should be separated because the visibility triangle for the porch is
31 a fairly straight forward variance case. He said that the case regarding the request for the duplex cannot be
32 decided upon tonight because the petitioner needs to discover where the septic system is located. He
33 suggested that the petitioner use a tile probe to find the septic system.
34

35 Mr. Randol stated that there is a possibility that the septic tank is located on the neighbor's property. He said
36 that both of those homes were close family and it was not unusual for those homes to have a shared well and
37 septic tank. He said that part of the leach field could be on the neighbor's property therefore Mr. Pedigo
38 should not be shy in investigating his neighbor's property for the location of his system.
39

40 Mr. Thorsland stated that the Board requires additional information.
41

1 Ms. Lee stated that there have been cases where septic systems are located underneath garages.

2
3 Mr. Thorsland stated that nothing is surprising with these small towns. He said that he personally would like
4 to have more information regarding Case 779-S-14. He asked Mr. Hall if the cases could be separated and
5 how does one have anything to do with the other.

6
7 Mr. Hall suggested that the Board not make a determination on the variance until the Board decides the
8 special use because in case the special use does get approved, approving the variance at the same time makes
9 it very clear that the variance is anticipating a duplex.

10
11 Mr. Randol asked Mr. Hall if the porch is part of the duplex.

12
13 Mr. Hall stated that the house without the porch needs a variance and approving the variance at the same
14 time makes it clear that the Board approved the variance for a duplex and not just for a single family home.
15 He said that it is a fine point but from the Zoning Administration perspective it makes all of the difference in
16 the world.

17
18 Ms. Griest stated that the fine point being if the structure were destroyed at a later date and time they might
19 need to come back and get a variance for the house.

20
21 Mr. Hall stated that it is even possible for a neighbor to take issue with the duplex if there was any question
22 whether this was a variance considered a duplex or a single family home.

23
24 Ms. Lee stated that without knowing where the septic system is located Mr. Pedigo could discover that it is
25 located under where the proposed porch is to be located.

26
27 Mr. Pedigo stated that it is impossible that the septic system is located where the porch is proposed because
28 grade goes uphill to where his sewer drain is located.

29
30 Mr. Randol asked Mr. Pedigo where the drain goes through the wall.

31
32 Mr. Pedigo stated that the drain goes through the southwest corner of the wall.

33
34 Mr. Randol stated that the system could be under the driveway or the garage. He said that the porch is to be
35 located at the northwest corner.

36
37 Mr. Pedigo asked the Board or staff to clarify what his current septic system has to do with the porch
38 because according to Mr. Flanagan until the current system fails he has no laws requiring the location.

39
40 Mr. Hall stated that Mr. Flanagan is going by his regulations and the Board has to follow their regulations
41 and in approving the duplex the Board has to find that it doesn't create any problems for public health and

1 safety and at this point approving a doubling of the septic load without even knowing if there is a septic tank
2 would be irresponsible.

3
4 Mr. Pedigo stated that certainly the determination of the fact that he can have an upgraded system is based on
5 the square footage of the yard and if it is inadequate then there is no reason to move forward.

6
7 Mr. Hall stated that staff's determination is based on the information provided by Mr. Flanagan and whether
8 or not Mr. Pedigo can have an upgraded system is entirely up to Mr. Flanagan. Mr. Hall stated that this is
9 what is difficult about a case like this because staff is trying to provide the best information we can to the
10 Board and Mr. Flanagan is simply enforcing his ordinance and until he is presented with a permit he cannot
11 do much. He said that staff was willing to take the time to draw the illustration so that the Board has some
12 ideas whether this is going to work or not.

13
14 Mr. Thorsland stated that he understands Mr. Pedigo's frustration because he has a perfectly functioning
15 system now and as far as he knows the system could be located on the entire lot except for where the house
16 is but the Board does not know its exact location. He said that if the Board approves the duplex they have to
17 assure that there is adequate room for a replacement unit in case the existing unit fails. He said that the
18 Board just reviewed a previous case and the site plan indicated a space where a new system could be built
19 and this is something that the Board does for every case to assure that the use can properly function for many
20 years. He said that at this stage the Board does not have enough information about what is on the property
21 now to further discuss the case. He said that he does not want to go too far down the path to find out that
22 there is an adequate system that goes underneath everything else on the property or extends into the
23 neighbor's yard and that information would be helpful for the Board's consideration. He said that if it is in
24 the neighbor's yard and the Board approved the duplex request knowing this information and the neighbor's
25 yard explodes due to over use then the Board will have approved a duplex on this lot which has somehow
26 affected the neighbor. He said that he hopes that Mr. Pedigo has a great neighbor if that is the case but it is a
27 known fact that neighbors do not always get along therefore it would be nice to know what the current
28 situation is before we go any further with the special use.

29
30 Mr. Hall stated that whoever Mr. Pedigo has to help him locate the tank there is always a risk of damaging
31 the system. He said that if the system is damaged Mr. Pedigo will be required to repair the entire system to
32 the new standards therefore Mr. Pedigo should have confidence in whoever he has locating the tanks so that
33 he does not inadvertently have to do something even without having a duplex. He said that he has been told
34 that this is a tricky practice.

35
36 Ms. Lee asked Mr. Hall to indicate the difference in the previous aeration requirements and the current
37 aeration requirements.

38
39 Mr. Hall stated that it is his understanding that a surface discharging aeration unit cannot be installed now if
40 one was not on the property previously although there is a way to justify it economically but he does not
41 recall if that is for entirely new systems or replacing old systems. He said that the intent is to stop surface

1 discharging and that is not due to any concern about public health but is related to water quality. He said that
2 Illinois has been the last state to come into line with what the USEPA wants in that regard. He said that our
3 Department of Public Health has fought for years to continue allowing these systems so that the people in
4 Illinois had a viable alternative but they are not going to be able to continue doing that and will have to
5 develop community systems because it will be the only real alternative in the future.
6

7 Mr. Randol stated that Mr. Flanagan has indicated that he has to look at requests as case by case issues
8 therefore he would not rule out the possibility of him working with Mr. Pedigo to determine some type of
9 system that can be upgraded. He said that the other systems have probably been failing which makes a
10 difference but Mr. Randol knows that Mr. Flanagan has been working on case by case issues when problems
11 arise.
12

13 Mr. Thorsland stated that perhaps the question to Mr. Flanagan should be if a duplex was on the lot now
14 what type of system would he recommend and is that something that Mr. Pedigo could pursue. He suggested
15 that Mr. Pedigo have someone assist him with finding his current system and then speak with Mr. Flanagan
16 about what options he may have so that the Board has something to work with for the duplex request and
17 then the variance case will fold into that nicely.
18

19 Mr. Hall asked Mr. Pedigo if the porch that he has purchased is on the property currently.
20

21 Mr. Pedigo stated that the porch is currently sitting at Wonderful World of Homes in Mahomet.
22

23 Mr. Hall asked Mr. Pedigo if it is a problem to keep the porch at that location.
24

25 Mr. Pedigo stated that it is somewhat stuck there currently because there are other things that need to be
26 moved on their property but the porch does need to be moved soon, which will be in his yard.
27

28 Mr. Randol noted that Wonderful World of Homes is going out of business therefore they want to get the lot
29 emptied.
30

31 Mr. Hall stated that if it is a real hardship then perhaps the Board could give Mr. Pedigo some guidance on
32 what to do with the porch in the mean time.
33

34 Mr. Randol stated that he would not have a problem with separating the two cases and moving forward with
35 the variance request for the porch. He said that the description of the case reads that the variance is for an
36 existing single family residence on a corner lot.
37

38 Mr. Thorsland agreed. He requested that Mr. Hall explain his concern about approving it in this form and
39 then approving the special use for a duplex with the porch.
40

41 Mr. Randol stated that there is a chance that Mr. Pedigo won't be able to move forward with his duplex

1 request due to the septic system in which case the porch will just be sitting there in limbo.

2
3 Ms. Griest asked Mr. Hall if it would be feasible to go ahead and approve the porch on the single family
4 residence and then advertise a second variance case for the property to be authorized as a duplex at no
5 additional cost to the petitioner so that we can pull these two cases apart and make it clear for anyone who
6 would revisit the cases that when the Board approved the case for a duplex that the Board also included a
7 variance in case the structure needs to be rebuilt.

8
9 Mr. Hall stated that we would allow the porch to be stored on the property but his concern was whether or
10 not that would cause any undue weathering. He said that the porch just sitting on the property is perfectly
11 fine because we do that all of the time and his concern was that once Mr. Pedigo takes the porch out of
12 storage that he would want to have it connected to the house in a weather tight manner as it is supposed to
13 be.

14
15 Ms. Griest stated that Mr. Pedigo has already purchased the porch and is not taking it back to the seller if his
16 request is denied whereas if the case were denied he may not complete the purchase contract.

17
18 Mr. Hall stated that his presumption is that if this is nothing more than a variance for the porch and a single
19 family home then he sees no reason why that would not be approved and then converting it to a duplex is a
20 completely different matter and re-advertising it at no cost to the petitioner is going beyond the Ordinance
21 but if that is what the Board wants he is willing to do it. He said that approving a variance for a single
22 family home at one meeting and then approving a special use permit to make it a duplex at the next meeting,
23 he would urge the Board not to do that without re-advertising. He said that this type of matter is not a
24 benefit that is granted by the Ordinance but if that is what the Board thinks is reasonable then that is what he
25 will do.

26
27 Mr. Randol stated that he would be in favor of re-advertising and letting them proceed with the fact that they
28 want to place a porch on a single family dwelling.

29
30 Mr. Thorsland stated that the Board has heard staff's concerns but he is not uncomfortable with continuing
31 forward with the variance case because he does not believe that it is in play with the septic which is the
32 driver for the duplex case. He said that he would flip a coin to decide whether or not the duplex can be
33 approved until the Board finds out about the septic or a public sewer system is available. He said that if
34 there is some period of time in between the two cases, two or three years, and the Board comes back and
35 approves the duplex this single family home with a porch does not cause the same sort of conundrum that
36 doing it a month apart from each other would cause.

37
38 Mr. Hall stated that it may not sound logical but he would not have the same concerns then.

39
40 Mr. Thorsland stated that he completely understands staff perspective. He said that he understands the
41 situation with Wonderful World of Homes and the fact that they want to get the lot cleared. He asked Mr.

1 Pedigo if he owns the porch currently.

2

3 Mr. Pedigo stated yes.

4

5 Mr. Thorsland stated that it could be argued that for some economical benefit to the petitioner that the cases
6 need to be separated. He said that the Board would probably agree that approving the porch for a single
7 family home is probably not dependent upon any other conditions than the visibility triangle.

8

9 Ms. Lee asked Mr. Hall if the only reason why he does not want to do the porch case now and then the
10 duplex case at the next meeting is the re-advertising or is there anything else.

11

12 Mr. Hall stated that if he were back at the beginning he might have revised the legal advertisement for the
13 variance to include the proposal for a duplex because if you have a building that is a single family home and
14 it is nonconforming you can't make it into a duplex without approving a variance for a duplex because
15 making it into a duplex makes it more nonconforming than if it is just a single family home. He said that it
16 is a complicated issue and writing legal advertisements to make that clear is just a challenge and the re-
17 advertising is the easiest thing to do in this instance. He said that the Board would approve the variance
18 request for a single family home and if there is reason to believe that the duplex is feasible he would say then
19 advertise the variance for the duplex but if that is years in the future then he thinks that it could just be the
20 special use permit. He said that mostly this is an issue of not creating any legal problems that someone could
21 challenge and he is completely serious that converting a single family home to a duplex when the single
22 family is nonconforming must be dealt with somehow. He said that this is an issue that does not happen
23 very frequently but it is an issue that came up in another instance at the office recently which is why he is
24 sensitive to it now and he hates to see the Board do something when he is not comfortable about how that all
25 works out. He said that clearly re-advertising is easier and if the Board is ready to take action on this
26 variance tonight then that would be the easiest thing to do.

27

28 Mr. Thorsland asked Mr. Hall if the Board looks at it as a single family home for the variance for the porch
29 and it should be approved does it make more significantly noncompliant.

30

31 Mr. Hall stated no.

32

33 Mr. Thorsland stated that he is happy to go forward with the variance case if the rest of the Board is
34 comfortable as well. He said that if the Board is uncomfortable now is the time to discuss it.

35

36 The consensus of the Board was to move forward with Case 780-V-14.

37

38 Mr. Thorsland stated that he would like to add that the petitioner has possession of the porch and it is located
39 at a different location.

40

41 Mr. Hall asked if that information was relevant to granting the variance.

1
2 Mr. Thorsland stated probably not.

3
4 Ms. Capel stated that the information is already implied in the Summary of Evidence under Item #7.D.(3).

5
6 Mr. Thorsland stated that there are no new Documents of Record.

7
8 **Findings of Fact for Case 780-V-14:**

9
10 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
11 780-V-14 held on June 26, 2014, the Zoning Board of Appeals of Champaign County finds that:

- 12
13 **1. Special conditions and circumstances DO exist which are peculiar to the land or structure**
14 **involved, which are not applicable to other similarly situated land and structures elsewhere in**
15 **the same district.**

16
17 Ms. Griest stated that special conditions and circumstances DO exist which are peculiar to the land or
18 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
19 same district because the lot sizes in Seymour are extremely narrow and this lot is only 55 feet wide. The
20 existing home already encroaches on the visibility triangle however there is at least 15 feet between the edge
21 of the pavement and the right-of-way line.

22
23 Ms. Capel stated that the purchased porch railings are less than 50% opaque.

- 24
25 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
26 **sought to be varied WILL prevent reasonable or otherwise permitted use of the land or**
27 **structure or construction.**

28
29 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict letter of the
30 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
31 or construction because the limited size of the corner lot prevents them from altering their home and would
32 prevent the addition of the porch without the variance.

- 33
34 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result from**
35 **actions of the applicant.**

36
37 Mr. Thorsland stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
38 result from actions of the applicant because the lot and the home existed prior to the adoption of zoning on
39 October 10, 1973.

- 40
41 **4. The requested variance IS in harmony with the general purpose and intent of the Ordinance.**

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Ms. Capel stated that the requested variance IS in harmony with the general purpose and intent of the Ordinance because it conforms to the general layout of the neighborhood.

Mr. Thorsland stated that the lot to the south has a similar configuration and lot usage.

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

Mr. Randol stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because it conforms with other residences in the area.

Ms. Capel stated that the Township Highway Commissioner and the Fire Protection District have been provided notice of the variance and no comments have been submitted.

Ms. Griest stated that each of the streets involved dead end within one block of the residence.

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

Ms. Griest stated that the variance IS the minimum variation that will make possible the reasonable use of the land/structure.

7. No special conditions are hereby imposed.

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

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

Mr. Thorsland entertained a motion to move to the Final Determination for Case 780-V-14.

Ms. Griest moved, seconded by Ms. Capel to move to the Final Determination for Case 780-V-14. The motion carried by voice vote.

Mr. Thorsland informed the petitioner that one Board member was absent therefore it is at his discretion to either continue Case 780-V-14 until a full Board is present or request that the present Board move forward to the Final Determination. He informed the petitioner that four affirmative votes are required for approval.

Mr. Pedigo requested that the present Board move to the Final Determination.

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Final Determination for Case 780-V-14:

Ms. Griest moved, seconded by Mr. Passalacqua that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C. HAVE been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County finds that the variance requested in Case 780-V-14 is hereby GRANTED to petitioner Keith Pedigo to authorize the following variances in the R-2 Residential Zoning District:

- Part 1. A setback which falls within, in lieu of outside of, the visibility triangle established for corner lots defined as the area bounded by the street right-of-way lines of corner lots and a straight line joining points along said street right-of-way lines 50 feet from the nearest point of intersection.**
- Part 2. A front yard facing Sheridan Street of 6 feet in lieu of the minimum required 25 feet.**
- Part 3. A front yard facing South Street of 14.5 feet in lieu of the minimum required 25 feet.**
- Part 4. A side yard of 6 feet in lieu of the minimum required 10 feet for both the dwelling and the garage.**

Mr. Thorsland requested a roll call vote.

The roll was called as follows:

Capel-yes	Lee-yes	Miller-absent
Passalacqua-yes	Randol-yes	Griest-yes
Thorsland-yes		

Mr. Hall informed Mr. Pedigo that he has received approval of the variance request and staff will contact him regarding the required paperwork for the porch.

Mr. Thorsland requested a date for continuance of Case 779-S-14.

Mr. Hall recommended that Case 779-S-14 be continued to the August 14, 2014, meeting.

Mr. Thorsland asked Mr. Pedigo if he would be available on August 14, 2014.

1 Mr. Pedigo stated yes.

2

3 Mr. Thorsland entertained a motion to continue Case 779-S-14 to the August 14, 2014, meeting.

4

5 **Ms. Griest moved, seconded by Ms. Lee to continue Case 779-S-14 to the August 14, 2014, meeting.**
6 **The motion carried by voice vote.**

7

8 **8. Staff Report**

9

10 Mr. Hall stated that the Department of Planning and Zoning now has two interns assisting with enforcement
11 cases with good results.

12

13 **8. Other Business**

14 **A. Review of Docket**

15

16 Ms. Griest stated that she will be absent from the July 17, 2014, meeting

17

18 Ms. Capel stated that she will be absent from the August 14, 2014, meeting.

19

20 Mr. Thorsland stated that Mr. Miller has been habitually absent from the meetings. Mr. Thorsland stated
21 that he has ceased making phone calls or sending notes to Mr. Miller regarding his attendance because the
22 efforts were not gaining any results. Mr. Thorsland stated that Mr. Miller's term ends November 30, 2014,
23 therefore he would encourage members of the Board to encourage others to apply. He said that the Board
24 could remove Mr. Miller from his seat, as the By-laws allow, but it probably would not make a big
25 difference in having a seat filled for a few months. Mr. Thorsland stated on record that Mr. Miller has been
26 very inconsistent in attendance to the meetings for the past year or so and that absence has been a detriment
27 to the Board. He said that there have been times when the Board has been very tight on a quorum which is
28 unfair to the petitioners because they have paid money to be before this Board and worry whether or not they
29 will have four affirmative votes due to a perpetually absent member.

30

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

32

33 None

34

35 **10. Adjournment**

36

37 Mr. Thorsland entertained a motion to adjourn the meeting.

38

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

40

41 The meeting adjourned at 9:47 p.m.

ZBA

DRAFT

SUBJECT TO APPROVAL

DRAFT

6-26-14

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Respectfully submitted

Secretary of Zoning Board of Appeals

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

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

SUPPLEMENTAL MEMORANDUM

July 24, 2014

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

Case 771-AM-13

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

Case 772-S-13

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

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

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

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

Location: An 11.8 acre tract of land in the North Half of the Northwest Quarter of the Northeast Quarter of Section 24 of Hensley Township and commonly known as the plant nursery and self storage warehouse located at 31 East Hensley Road, Champaign, and an adjacent tract of farmland.

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 April 17, 2014, meeting. An excerpt from the Approved minutes for these cases from that meeting is attached.

A Revised Site Plan was received on May 30, 2014, and a written update was received on June 25, 2014. See attached and the new evidence in item 5 of the Revised Summary of Evidence.

A special condition of approval is proposed for Case 771 (see item 22 of the Revised Finding of Fact) and a new special condition of approval for Case 772 is proposed based on the need for a septic system and some of the previous special conditions are proposed to no longer be necessary. See items 12 and 13 of the Revised Summary of Evidence.

The Petitioners have added the 6.8 acres of land to the petition. Through no fault of the petitioners the legal advertisement will be published on Wednesday, July 30, 2014, which will not allow a final determination at the meeting.

FINDING OF FACT

Staff has not made a recommendation for achievement of any of the LRMP Goals. This is due primarily to the level staffing in the Department.

ATTACHMENTS

- A Approved ZBA Minutes of 4/17/14 Public Hearings for Cases 771-AM-13 and 772-S-13
- B Revised Site Plan received May 30, 2014
- C Written Update on Concerns Regarding Zoning Changes received June 25, 2014
- D Aerial photograph of subject property, I-57 interchange, and Beaver Lake Drainage Ditch
- E Champaign County Right to Farm Resolution # 3425
- F Preliminary Draft Finding of Fact for Case 771-AM-13
- G Preliminary Draft Summary of Evidence and Finding of Fact for Case 772-S-13

1 significant correction because there is a big difference between a six inch tile and an eight inch tile.

2
3 Mr. Thorsland read the corrected version as follows: Ms. Lee asked Mr. Reifsteck if he paid for the eight
4 inch tile that was installed. Mr. Reifsteck stated that the tile is only a six inch tile and yes he paid for the tile.

5
6 Ms. Lee agreed with the corrected version.

7
8 **The motion carried by voice vote.**

9
10 **5. Continued Public Hearing**

11
12 None

13
14 **6. New Public Hearings**

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

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

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

1 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
2 the witness register for that public hearing. He reminded the audience that when they sign the witness
3 register they are signing an oath.
4

5 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.
6

7 Mr. Randy Hopkins, who resides at 101 West South Street, Mansfield, stated that he and his wife own
8 Atlantic Services, Inc. He said that he and his wife purchased a five acre parcel in 2013 from Tom Courson
9 which included storage buildings. Mr. Hopkins stated that they would like to construct a 100' x 150' metal
10 building with a small 30' x 40' office building attached to it. He said that they would like to sell landscape
11 supplies which will include mulch, rock, pavers, etc.
12

13 Mr. Thorsland asked the Board if there were any questions for Mr. Hopkins.
14

15 Ms. Lee stated that material that was included in the mailing indicated that drainage flowed to the South and
16 traveled under I-57. She asked Mr. Hopkins if he has addressed any of the issues regarding the drainage
17 flowing onto farmland that is South of I-57.
18

19 Mr. Hopkins stated no. He said that currently the plan is in the preliminary stages. He said that MSA
20 Professional Services printed the plan indicating a retention pond in case one was required.
21

22 Ms. Lee stated that the LRMP states that uses should not negatively impact the operation of agricultural
23 drainage systems. She said that there is agricultural land to the south therefore this is an issue which must be
24 addressed.
25

26 Mr. Thorsland asked the Board if there were additional questions for Mr. Hopkins.
27

28 Ms. Griest stated that Mr. Hopkins indicated in his testimony that he would like to sell a few items on site.
29 She asked Mr. Hopkins if the site will be a retail sale facility.
30

31 Mr. Hopkins stated that he can perceive customers coming in with a truck to purchase river rock or mulch
32 although he does not believe that there would be a high volume of sales because most of their landscaping
33 work is done on site.
34

35 Mr. Thorsland asked Mr. Hopkins if the pile of dirt will remain on the property.
36

37 Mr. Hopkins stated that the dirt was present when they purchased the property. He said that Mr. Courson,
38 the previous owner, had a screen which sifted out the rocks and other debris therefore making the dirt nice
39 and fluffy and then sold for top soil. He said that he does plan to relocate the pile of dirt.
40

41 Mr. Thorsland stated that the site plan should indicate the new location for the pile of dirt. He asked Mr.

- 1 Hopkins if the new location for the dirt pile is intended to be between the detention basin and the building.
2
- 3 Mr. Hopkins stated yes.
4
- 5 Mr. Thorsland stated that the new location could affect drainage on the property. He said that it may also be
6 helpful if Mr. Hopkins would estimate the percentage of the overall operation that will be retail sales.
7
- 8 Mr. Hopkins stated that the percentage will be very minimal and he only anticipates 5 to 10 customers per
9 week. He said that during the winter months he does not anticipate any customers.
10
- 11 Mr. Thorsland asked Mr. Hopkins if the office will be located inside the building or will it be an addition to
12 the building.
13
- 14 Mr. Hopkins stated that the office will be an addition to the building and centered on the north side.
15
- 16 Mr. Thorsland stated that there was discussion during the previous case for the subject property regarding the
17 5 ton load limit on the road. He asked Mr. Hopkins if he had spoken with the Hensley Township Highway
18 Commissioner regarding the proposed use.
19
- 20 Mr. Hopkins stated that he has not spoken with the Hensley Township Highway Commissioner.
21
- 22 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hopkins.
23
- 24 Mr. Randol asked Mr. Hopkins if he will be conducting a business which is similar to the landscape business
25 located at the interchange of US 150 and Prairieview Road. He said that most of the supplies on the subject
26 property are used for the landscape business but people can come in and buy mulch, etc.
27
- 28 Mr. Hopkins stated that his business will be similar. He said that he expects to have a few different styles of
29 mulch and river rock. He said that he would like to keep all of his equipment inside the building.
30
- 31 Mr. Randol stated that he assumes that the existing detention basin will be filled with the dirt from the new
32 detention basin.
33
- 34 Mr. Hopkins stated that he does intend to swap out the dirt.
35
- 36 Ms. Lee asked Mr. Hopkins to indicate the depth of the new detention basin.
37
- 38 Mr. Hopkins stated that he does not know the depth of the new detention basin and he assumes that MSA
39 Engineering will determine the appropriate depth.
40
- 41 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hopkins and there were none.

1

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

3

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

5

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

8

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

19

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

21

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

24

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

41

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

12
13 Mr. Hopkins stated that there is a detention pond by the campground and the ditch follows it.

14
15 Mr. Hall stated that the detention pond by the campground is located on the other side of the road and he
16 does not how the drainage from Mr. Hopkins' property gets to that drainage.

17
18 Ms. Lee stated that information in the mailing material indicates that it drains to the south and goes
19 underneath I-57.

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

26
27 Mr. Hopkins stated that he will have the engineer review the drainage and submit their findings.

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

1 regarding the proposed use. He said that sometimes it is hard to coordinate with township plan commissions
2 and it isn't like they are not trying to include the petitioner but they do have a system set up that they
3 normally follow and he does not believe that they are not required to send out notices of their meetings. He
4 said that coordination with the township plan commission is important so that Mr. Hopkins could answer
5 any questions that they may have could prevent a protest.

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

13
14 Mr. Hopkins stated that he intends to leave the gate opened or closed. He said that the gate can be moved
15 further back off the road if required.

16
17 Mr. Thorsland stated that if no self-storage is proposed then the gate may be removed.

18
19 Mr. Hopkins stated that at this point and time he would indicate that they will have some self-storage.

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

28
29 Mr. Thorsland asked the Board if there were any other items which the Board or staff required.

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

1 provide a written certification at the end. He asked Mr. Hopkins if he understood the requirement.

2
3 Mr. Hopkins stated that he understood the requirement.

4
5 Mr. Hall stated that it may appear that he is going overboard but he was amazed recently when he found out
6 that staff had this problem with a building when the requirements were discussed at the public hearing for
7 the ZBA and still no one inspected it.

8
9 Ms. Griest asked Mr. Hall who typically does the inspection. She asked if the builder has the licensing and
10 certification or is there a special office within the County or State that performs those inspections.

11
12 Mr. Hall stated that it is the building owner's responsibility and every building like that has to have plans
13 drawn by an Illinois Licensed Architect but that Illinois Licensed Architect might be working out of
14 Missouri, Minnesota or Washington. He said that they are licensed in the State of Illinois but you can't pay
15 them enough to come and inspect the building therefore the owner could hire a building inspector qualified
16 in commercial buildings or the owner could hire a local architect to do it. He said that frankly in his mind
17 nothing beats hiring a local architect to design it and hiring the same architect to inspect it during
18 construction on behalf of the owner but that is an old fashioned way of doing things and it hardly ever
19 happens. He said that it is not only architects who can perform the inspection but they must be scheduled
20 early so you know what they need and staff does not have a list of qualified inspectors and the Capital
21 Development Board is the state agency to refer questions and he is sure that they do not have a list
22 qualified inspectors either.

23
24 Ms. Griest asked Mr. Hall if the sign-off that staff is looking for comes from the architect or what does he
25 accept.

26
27 Mr. Hall stated that he will accept any statement by a licensed architect or certified building inspector.

28
29 Mr. Thorsland stated that a lot of information is being thrown at the petitioner tonight but any questions can
30 be answered by calling staff at the office.

31
32 Mr. Hall stated that a lot of the information is included in the Finding of Fact and no permit will be issued
33 without this detail.

34
35 Mr. Randol asked Mr. Hall if the petitioner decides to keep the existing self-storage does he have to have it
36 inspected as well.

37
38 Mr. Hall stated that our records indicate approval of the construction of the building although it was built as
39 a different use before it was authorized for self-storage and staff has no record of it being converted to self-
40 storage. He said that it is fine that it was converted because it was approved by the ZBA as a special use
41 permit. He said that if Mr. Hopkins wants to keep the self-storage warehouse then he may want to change

1 the security rules that Mr. Courson, previous owner, had approved and change the understanding about the
2 gate. He said that Mr. Hopkins can call staff at any time to work through any questions that he may have so
3 that it is no more demanding than it needs to be and Mr. Hopkins ends up with what he really wants rather
4 than something that he didn't want and it just got real complicated.
5

6 Mr. Thorsland stated that the Board will not finish this case tonight.
7

8 Mr. Hopkins stated that his main goal is to build a building that he can use to store his equipment. He said
9 that if it is deal breaker with the storage units then that is fine and he can just use the building himself.
10

11 Mr. Thorsland stated that using the building for his own storage would change the case because there are
12 elements which would require to be changed or waived. He said that because the case currently indicates
13 self-storage there are conditions which would not apply if there is no self-storage.
14

15 Mr. Hall stated that his biggest concern for this case is exactly what he discussed with Mr. Hopkins on the
16 telephone about three weeks ago. He said that we have a record of Hensley Township being concerned about
17 just the simple things that the previous owner was doing and now we have a proposed rezoning to B-4 which
18 is really only for Atlantic Services but it raises this realm of other activities that could happen in the event
19 that Atlantic Services ever closes or decided to relocate. He said that the subject property will remain B-4
20 and someone could agree to pay a lot of money for the property therefore he can understand why a business
21 man would rather have B-4 zoning because it has more options even though Mr. Hopkins is only wanting to
22 do a contractor's facility right now. He said that he spent today trying to revise the Finding of Fact for the
23 rezoning case to make it clear that B-1 is a zoning district which would allow a self-storage warehouse and a
24 contractor's facility and wouldn't raise the concerns that B-4 raises. He said that as the County Planner his
25 only real concern about B-4 is how the township might respond to it. He said that in his view the property is
26 700 feet away from a County Highway and the property is already zoned B-3 and B-4 should not be that big
27 of a problem. He said that he has learned upon many occasions that he thinks much differently than the folks
28 in Hensley Township and he does not know what opinion the Board may have about being so close to a
29 County Highway and the property already being zoned B-3. He said that B-3 does not allow a contractor's
30 facility so the petitioner could down zone to B-1 or up zone to B-4 and when you up zone to B-4 there are all
31 of these other things that could happen. He said that the property is only 700 feet away from the County
32 Highway therefore, is it really that big of a problem but the Board is going to have its own opinion about that
33 and so is Hensley Township.
34

35 Mr. Thorsland suggested that Mr. Hopkins drive past Hensley Township's Town Hall and read the bulletin
36 board to determine when their next meeting will be held or to obtain a contact number to find out if they
37 received his letter and the County's letter. He said that Mr. Hopkins will want to attend the township's next
38 meeting to address all of their concerns and questions and hopefully this process will prevent a protest. He
39 said that it would be wonderful if the township would like to send a letter to staff indicating their concern or
40 lack of concern regarding the petitioner's request or they could attend the next meeting to address the Board.
41

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

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

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

11
12 Mr. Hopkins stated that he might as well shoot for B-4 and see what happens.

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

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

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

31
32 Mr. Thorsland stated that four handicap parking spots are indicated on the current site plan.

33
34 Mr. Hall stated that there is an accessible space on the north side indicated by the crossbar.

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

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

1

2 Mr. Thorsland stated that he does not believe that the Board has any issue with the reuse of a lot that is
3 already in use. He said that screening is another possible requirement that should be considered therefore if
4 services will be available that require screening the screening and type of screening should be indicated on
5 the site plan. He said that staff should be consulted regarding these requests prior to the next meeting so that
6 everything has been covered prior to the next meeting.

7

8 Mr. Thorsland requested a continuance date.

9

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

12

13 Mr. Hopkins stated that he will be out of the country on June 9th through July 14th. He said that perhaps a
14 representative could attend the meeting.

15

16 Mr. Hall stated the Board could continue the cases as late as July 17th with no problem and they could even
17 go beyond that if required.

18

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

22

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

25

26 Mr. Thorsland stated that there is an issue with the May 15th meeting and there is a concern that Mr. Hopkins
27 will not be able to submit the required information in time for the mailing for the meeting.

28

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

30

31 Ms. Griest asked Mr. Hopkins if the July 31st meeting would be better for him since he will just be getting
32 back home on July 14th.

33

34 Mr. Hopkins indicated that July 31st would be more desirable.

35

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

37

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

40

41 Mr. Thorsland entertained a motion to suspend the 100 day rule for continuance of Cases 771-AM-13 and

1 772-S-13 to the July 31st meeting.

2
3 **Mr. Randol moved, seconded by Ms. Griest to suspend the 100-day rule for continuance of Cases 771-**
4 **AM-13 and 772-S-13 to the July 31st meeting. The motion carried by voice vote.**

5
6 Mr. Hall noted that all materials should be submitted to staff no later than two weeks prior to the meeting.
7 He said that if Mr. Hopkins has any questions he should contact staff.

8
9 Mr. Hopkins stated that he will get the information to staff as soon as possible.

10
11 Ms. Lee asked Mr. Hall if he could indicate where the drainage district is located on the other side of I-57.
12

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

15
16 Ms. Lee asked Mr. Hall if farmland is south of the Central Illinois Trucks' property.

17
18 Mr. Hall stated yes, and there is no road access.

19 20 **7. Staff Report**

21
22 Mr. Hall informed the Board that on May 19th the Department of Planning and Zoning will have an intern
23 although the intern's hours will be limited for a while.

24
25 Ms. Griest requested the intern's name.

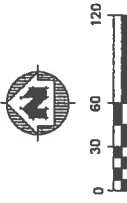
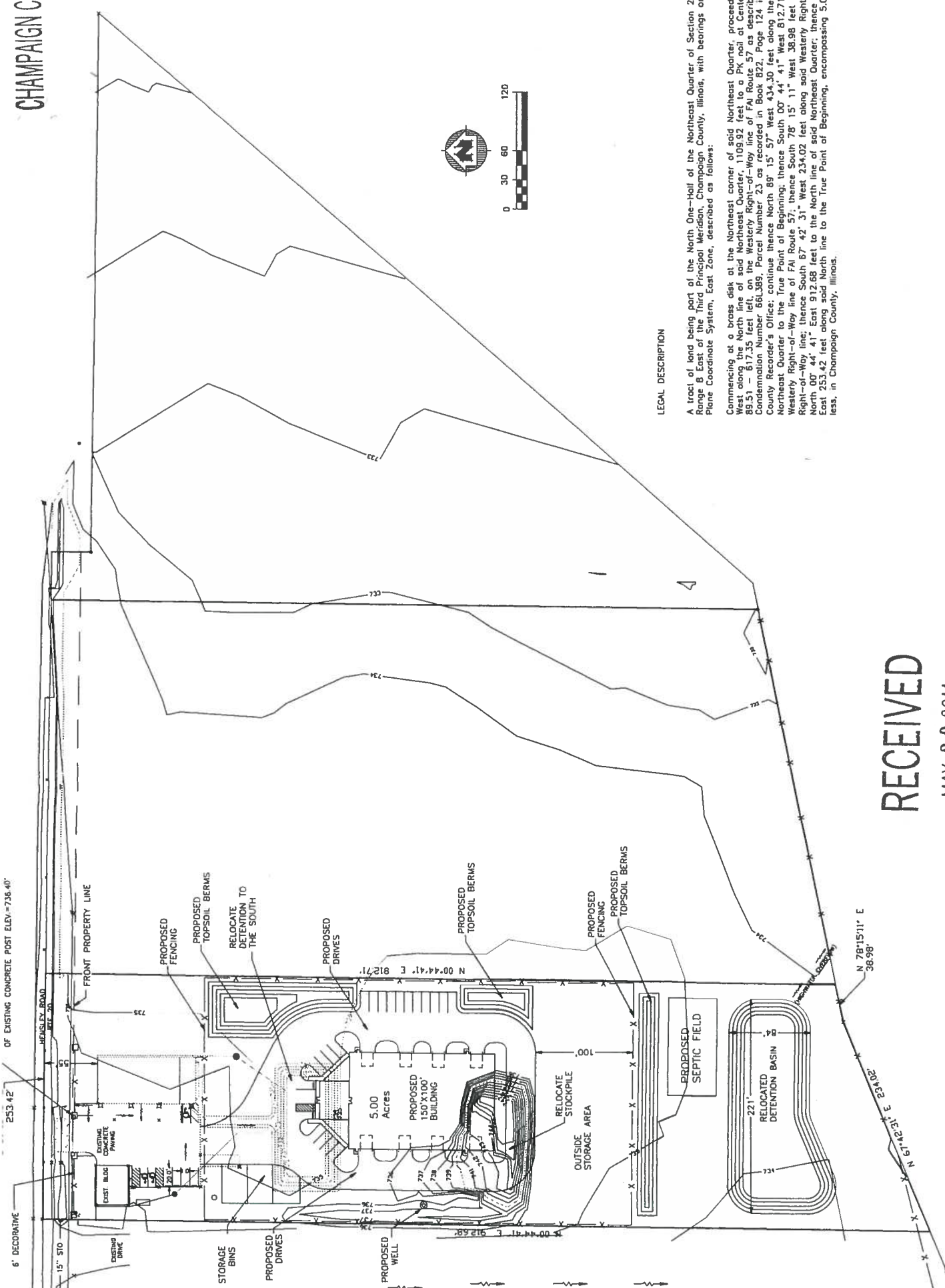
26
27 Mr. Hall stated that the intern's name is Jessica Gal.

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

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

39
40 Ms. Lee asked Mr. Hall if she could come to the office to review the comments.

41



LEGAL DESCRIPTION

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

Commencing at a brass disk at the Northeast corner of said Northeast Quarter, proceed North 89° 15' 57" West along the North line of said Northeast Quarter, 1109.92 feet to a PK nail at Center Line Station 779 + 89.51 - 617.35 feet left, on the Westerly Right-of-Way line of FAI Route 57 as described in US - Pendens Condemnation Number 66L389, Parcel Number 23 as recorded in Book 822, Page 124, in the Champaign County Recorder's Office; continue thence North 89° 15' 57" West 434.30 feet along the North line of said Northeast Quarter to the True Point of Beginning; thence South 00° 44' 41" West 812.71 feet to said Westerly Right-of-Way line of FAI Route 57; thence South 78° 15' 11" West 36.98 feet along said Westerly Right-of-Way line; thence South 67° 42' 31" West 234.02 feet along said Westerly Right-of-Way line; thence North 00° 44' 41" East 912.68 feet to the North line of said Northeast Quarter; thence South 89° 15' 57" East 253.42 feet along said North line to the True Point of Beginning, encompassing 5.00 acres, more or less, in Champaign County, Illinois.

RECEIVED

MAY 30 2014

CHAMPAIGN CO. P & Z DEPARTMENT

ATLANTIC Services, Inc.

2706B N. Mattis Ave
Champaign, IL 61822
(217) 356-8665
www.atlanticsvcs.com

Petitioners: Randy & Sue Hopkins d.b.a Atlantic Services, Inc.
Property: 31 E Hensley Road, Champaign

Concerns Regarding Zoning Changes:

1. We expect no more than 1-2 customers at a time with the retail of landscaping materials. We plan to sell, Mulch, River Rock, and other Landscaping Rock. Most orders will be phoned in and then delivered. Also, we have 8 parking spaces in the front and 1 ADA space, which will be for customers only, no employees will park in this area.
2. We will be purchasing the 6.8 acres next to our current property. By purchasing this property we are able to relocate our top soil pile to that location, creating room for our retention pond to be relocated per our plan drawn out by the engineer.
3. The detention basin and water run-off are on the submitted plans. The overflow will go into the drainage ditch to the South of the property.
4. We will be installing a fence for the entire rear of the property.
5. We do not plan on renting any of the current storage units at this time. These units will be used for our own Atlantic Services, Inc. equipment storage purposes. We have no plans to rent out the units in the future, but we would like to keep the special use permit on both properties.

RECEIVED

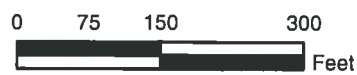
JUN 25 2014

CHAMPAIGN CO. P & Z DEPARTMENT



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

For questions regarding availability of geo-data or the CCGIS, contact [redacted]



1 inch = 200 feet
 1 inch = 0.04 miles



RESOLUTION NO. 3425

A RESOLUTION PERTAINING TO THE
RIGHT TO FARM IN CHAMPAIGN COUNTY

WHEREAS, the Chairman and the Board of Champaign County have determined that it is in the best interest of the residents of Champaign County to enact a Right to Farm Resolution which reflects the essence of the Farm Nuisance Suit Act as provided for in the Illinois Compiled Statutes, 740 ILCS 70 (1992); and

WHEREAS, the County wishes to conserve, protect, and encourage development and improvement of its agricultural land for the production of food and other agricultural products; and

WHEREAS, when nonagricultural land uses extend into agricultural areas, farms often become the subject of nuisance suits. As a result, farms are sometimes forced to cease operations. Others are discouraged from making investments in farm improvements.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Chairman and the Board of Champaign County as follows:

1. That the purpose of this resolution is to reduce the loss to the county of its agricultural resources by limiting the circumstances under which farming operations are deemed a nuisance.
2. That the term "farm" as used in this resolution means that part of any parcel of land used for the growing and harvesting of crops, for the feeding, breeding, and management of livestock; for dairying or other agricultural or horticultural use or combination thereof.
3. That no farm or any of its appurtenances should be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation.

RESOLUTION NO. 3425

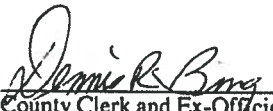
Page 2

4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 24th day of May, A.D., 1994.



Chairman, County Board of the
County of Champaign, Illinois

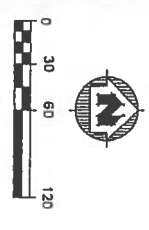
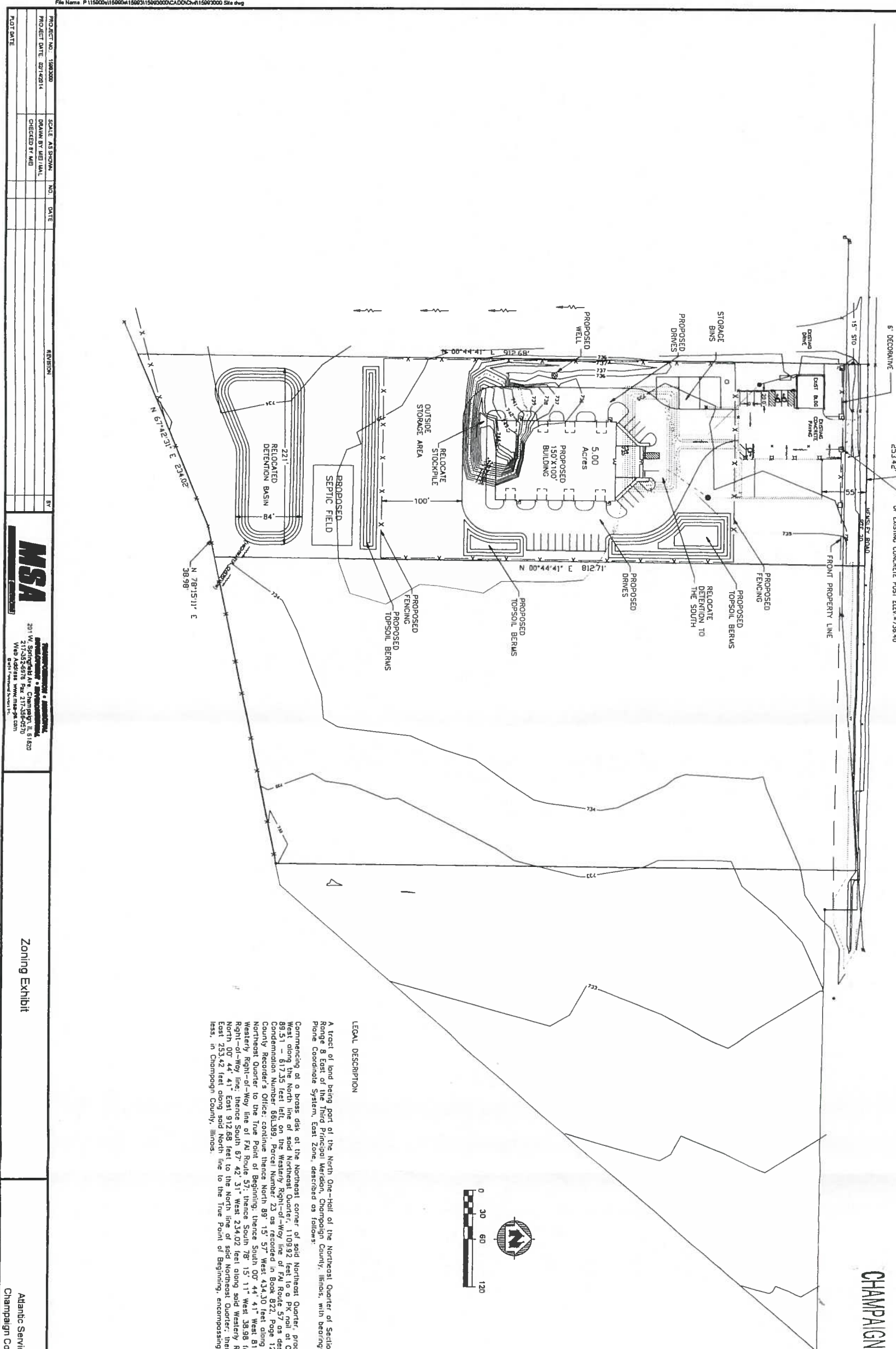
ATTEST: 

County Clerk and Ex-Officio
Clerk of the County Board

RECEIVED

MAY 30 2014

CHAMPAIGN CO. P & Z DEPARTMENT



LEGAL DESCRIPTION

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

Commencing at a brass disk at the Northeast corner of said Northeast Quarter, proceed North 89° 15' 57" West along the North line of said Northeast Quarter, 1109.92 feet to a P.K. nail at Center Line Station 779 + 89.51 - 617.35 feet left, on the Westerly Right-of-Way line of FM Route 57 as described in JS Penders Condemnation Number 68,389, Parcel Number 23 as recorded in Book 822, Page 124 in the Champaign County Recorder's Office; continue thence North 89° 15' 57" West 434.30 feet along the North line of said Northeast Quarter to the True Point of Beginning; thence South 00° 44' 41" West 812.71 feet to said Westerly Right-of-Way line of FM Route 57; thence South 78° 15' 11" West 38.98 feet along said Westerly Right-of-Way line; thence South 87° 42' 31" West 234.02 feet along said Westerly Right-of-Way line; thence North 00° 44' 41" East 912.68 feet to the North line of said Northeast Quarter; thence South 89° 15' 57" East 253.42 feet along said North line to the True Point of Beginning, encompassing 5.00 acres, more or less, in Champaign County, Illinois.

PROJECT NO. 15993000	SCALE AS SHOWN	NO. 1	DATE	REVISION	BY
PROJECT DATE 02/14/14	DRAWN BY MJB/ML				
	CHECKED BY MJB				
PLAT DATE					

MSA
 201 W. South Main Street
 317-243-5871 Fax 317-243-6471
 Web Address: www.msa-pe.com

Zoning Exhibit

Atlantic Services
 Champaign County

Scale
 1" = 15993000'

7/25/14 REVISED DRAFT

771-AM-13

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

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

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

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

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

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FINDING OF FACT

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

- *1. The petitioners Randy and Sue Hopkins d.b.a. Atlantic Services, Inc., own the subject property.
- *2. The subject property is ~~a five~~ an 11.8 acre tract of land in the North Half of the Northwest Quarter of the Northeast Quarter of Section 24 of Hensley Township and commonly known as the plant nursery and self-storage warehouse located at 31 East Hensley Road, Champaign and an adjacent tract of farmland.
- *3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning. The City of Champaign has been notified of this case.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 5 acre tract and is currently zoned B-3 Highway Business. The subject property was previously used to operate a plant nursery and a self-storage warehouse with heat and utilities as authorized in Case 576-S-07 but is now proposed to be a self-storage warehouse with heat and utilities and a contractor facility with outdoor storage in related Case 772-S-13, pending approval of this case.
 - B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:
 - (1) Land on the north is zoned AG-1 Agriculture, and is in agricultural production.
 - (2) Land on the south is zoned B-3 Highway Business and is an interchange for Interstate 57.
 - (3) Land west of the subject property is zoned B-3 Highway Business and is used for a tire distribution warehouse for Tire Central stores.
 - (4) Land east of the subject property is zoned B-3 Highway Business and is in agricultural production.

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

5. Regarding comments by the petitioner on the Petition for Amendment:
 - A. When asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner indicated the following:

“Would like to build a contractor’s warehouse, shop, and office. Currently contractor’s facilities are not allowed in B-3.”

- B. When asked on the petition what other circumstances justify the rezoning, the petitioner indicated the following:
“Current location is too congested and located on Mattis Avenue that is heavily traveled”
- C. Additional comments on the petition by the petitioner are as follows: None
6. Previous zoning cases in the vicinity are the following:
- A. Case 576-S-07 authorized the current plant nursery and self-storage warehouse with heat and utilities on the subject property.
- B. Case 555-AM-06 was a proposed rezoning from the B-3 District to the B-4 District on the adjacent property to the east. The ZBA recommendation was “Recommend Approval” and ELUC upheld that recommendation but the County Board failed to override a protest from Hensley Township and the map amendment was not approved.
- C. Case 504-AM-05 established the current B-4 District (from the previous B-3 District) on the east side of the interchange. This District fronts CH20 (Leverett Road).
- D. Case 294-AM-01 established the I-1 District (from the previous B-3 District) southwest of CH20 and the Market Street overpass.
- E. The original zoning at this interchange was AG-2 Agriculture and was changed to the B-3 District in Cases 688-AM-89, 636-AM-88, 360-AM-79, and 151-AM-76.
- *7. Regarding the site plan and operations of the proposed Special Use in related Case 772-S-13:
- *A. Site plans were received on December 31, 2013; February 14, 2014; and May 30, 2014. The revised site plan received February 14, 2014, May 30, 2014, indicates the following existing and proposed improvements:
- (1) The existing self-storage warehouse and the building used for the previous plant nursery are at the north end of the subject property and as documented in Case 576-S-07 include the following:
- a. The revised Site Engineering Plans received on March 15, 2007 indicates the following:
- (a) There are two buildings on the subject property. The 40 feet by 32 feet existing building in the northwest corner of the property is associated with the tree nursery.
- (b) The proposed self-storage warehouse is located on the east edge of the developed portion of the subject property and is 100 feet by 48 feet.
- (c) The separation distance between the two buildings is indicated as 64 feet.

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

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

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

- (4) 11 Parking spaces on the east side of the warehouse portion of the contractor facility building.
 - (5) Outdoor storage consisting of 3 Storage bins located north of the new building and an outside storage area located south of the proposed new building.
 - (6) A fence surrounding the proposed new contractor facility building, parking spaces, and outdoor storage areas.
- B. A written update on Concerns Regarding Zoning Changes received June 25, 2014, stated as follows:
- (1) We expect no more than 1-2 customers at a time with the retail of landscaping materials. We plan to sell mulch, river rock, and other landscaping rock. Most orders will be phoned in and then delivered. Also, we have 8 parking spaces in the front and 1 ADA space which will be for customers only, no employees will park in this area.
 - (2) We will be purchasing 6.8 acres next to our current property. By purchasing this property we are able to relocated our topsoil pile to that location, creating room for our retention pond to be relocated per our plan drawn out by the engineer.
 - (3) The detention basin and water run-off area are on the submitted plans. The overflow will go into the drainage ditch to the South of the property.
 - (4) We will be installing a fence for the entire rear of the property.
 - (5) We do not plan on renting any of the current storage units at this time. These units will be used for our own Atlantic Services, Inc. equipment storage purposes. We have no plans to rent out the units in the future but we would like to keep the special use permit on both properties.

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

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

8. Regarding the existing and proposed zoning districts:
 - A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - (1) The B-3, Highway Business DISTRICT is intended to provide areas for commercial establishments which primarily serve the needs of motorists and are intended for application only adjacent to major thoroughfares in the COUNTY.
 - (2) The B-4, General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.

- B. Regarding the general locations of the existing and proposed zoning districts:
- (1) The B-3 District is generally located throughout the county near major thoroughfares.
 - (2) The B-4 District is generally located in areas adjacent to urbanized areas suitable for commercial activity.
- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 48 types of uses authorized by right in the B-3 District and there are 114 types of uses authorized by right in the B-4 District:
 - a. The following 45 uses are authorized by right in both the B-3 District and the B-4 District:
 - Hotel – no more than 15 lodging units;
 - Hotel – over 15 lodging units;
 - Subdivisions of three lots or less;
 - Subdivisions totaling more than three lots or with new streets or private accessways;
 - Agriculture;
 - Minor Rural Specialty Business;
 - Major Rural Specialty Business;
 - Commercial Greenhouse;
 - Greenhouse (not exceeding 1,000 square feet);
 - Garden Shop;
 - Plant Nursery;
 - Municipal Government Building;
 - Township Highway Maintenance Garage (must meet separation requirements of Special Use Permit in B-3);
 - Police Station or Fire Station;
 - Public Park or Recreational Facility;
 - Parking Garage or Lot;
 - Telephone Exchange;
 - Telegraph Office;
 - Motor Bus Station;
 - Roadside Produce Stand;
 - Artists Studio;
 - Restaurant (indoor service only);
 - Supermarket or Grocery Store;
 - Drive-In Restaurant;
 - Tavern or Night Club;
 - Bakery (less than 2,500 square feet);
 - Dairy Store;

- Delicatessen;
 - Confectionary Store;
 - Retail Liquor Store;
 - Locker, Cold Storage for Individual Use;
 - Major Automobile Repair;
 - Minor Automobile Repair;
 - Gasoline Service Station;
 - Automobile Washing Facility;
 - Automotive Accessories (new);
 - Antique Sales and Service;
 - Lawnmower Sales and Service;
 - Bait Sales;
 - Outdoor Commercial Recreational Enterprise (except amusement park);
 - Private Indoor Recreational Development;
 - Commercial Fishing Lake;
 - Christmas Tree Sales Lot;
 - Off-Premises Sign; and
 - Temporary Uses
- b. The following 3 uses are authorized by right in the B-3 District but not at all in the B-4 District:
- TRAVEL TRAILER Camp;
 - Roadside Stand operated by Farm Operator; and
 - Public CAMP or Picnic Area
- c. The following 69 uses are authorized by right in the B-4 District but not in the B-3 District (Note that “PS” indicates uses listed in Sec. 5.2 under the heading “Personal Services” and “BS” indicates uses listed in Sec. 5.2 under the heading “Business, Private, Educational, and Financial Services”, and “RT” indicates uses listed in Sec. 5.2 under the heading “Retail Trade”):
- Institution of an Educational, Philanthropic or Eleemosynary Nature;
 - Church, Temple or church related Temporary Uses of Church Property;
 - Library, Museum or Gallery;
 - Radio or Television Station;
 - Railway Station;
 - Truck Terminal;

- Barber Shop (PS);
- Beauty Shop (PS);
- Reducing Salon (PS);
- Dressmaking Shop (PS);
- Drycleaning Establishment (PS);
- Laundry and/or Drycleaning Pick-up (PS);
- Millinery Shop (PS);
- Self-Service Laundry (PS);
- Shoe Repair Shop (PS);
- Tailor and Pressing Shop (PS);
- Diaper Service Establishment (PS);
- Clothing Repair and Storage (PS);
- Mortuary or Funeral Home (PS);
- Medical and Dental Clinic (PS);
- Farm Equipment Sales and Service;
- Feed and Grain (sales only);
- Artist Studio (BS)
- Banks, Savings and Loan Associations (BS);
- Insurance and Real Estate Offices (BS);
- Business Office (BS);
- Professional Office; (BS)
- Private Kindergarten or Day Care Facility (BS);
- Vocational, Trade or Business School (BS);
- Meat and Fish Market;
- Automobile, Truck, Trailer and Boat Sales Room (all indoors)
- Automobile or Trailer Sales area (open lot);
- Building Materials Sales (excluding concrete or asphalt mixing) (RT);
- Hardware Store (RT);
- Electrical or Gas Appliance Sales and Service (RT);
- Department Store (RT);
- Apparel Shop (RT);
- Shoe Store (RT);
- Jewelry Store (RT);
- Stationery-Gift Shop-Art Supplies (RT);
- Florist (RT);
- Newsstand-Bookstore (RT);
- Tobacconist (RT);
- Variety-Drygoods Store (RT);
- Music Store (RT);
- Drugstore (RT);

- Photographic Studio and Equipment Sales and Service (RT);
 - Furniture Store – Office Equipment Sales (RT);
 - Used Furniture Sales and Service (RT);
 - Pet Store (RT);
 - Bicycle Sales and Service (RT);
 - Fuel Oil, Ice, Coal, Wood (sales only) (RT);
 - Monument Sales (excluding stone cutting) (RT);
 - Pawn Shop (RT);
 - Sporting Goods Sales and Service (RT);
 - Heating, Ventilating, Air Conditioning Sales and Service (RT);
 - Billiard Room;
 - Bowling Alley;
 - Dancing Academy or Hall;
 - Lodge or Private Club;
 - Indoor Theater;
 - VETERINARY HOSPITAL (no outdoor areas and no animal boarding);
 - Wholesale Business;
 - Warehouse;
 - Self-Storage Warehouse, providing heat and utilities to individual units;
 - Self-Storage Warehouse, not providing heat and utilities to individual units;
 - Auction House (non-animal);
 - Sexually Oriented Business (subject to minimum separation requirements including no less than 1,000 feet from a residential District);
 - Contractors Facilities (with no outdoor storage nor outdoor operations);
 - Small Scale Metal Fabricating Shop
- (2) There are 11 types of uses authorized by Special Use Permit (SUP) in the B-3 District and 11 types of uses authorized by SUP in the B-4 District:
- a. The following 4 uses may be authorized by SUP in both the B-3 District and B-4 District:
- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
 - Electrical Substation; and
 - HELIPORT-RESTRICTED LANDING AREAS

- b. The following 7 uses may be authorized by SUP in the B-3 District and all but two may be authorized by right but not in the B-4 District:
- Radio or Television Station (by right in B-4);
 - VETERINARY HOSPITAL (by right in B-4);
 - Warehouse (by right in B-4);
 - Self-storage Warehouses, providing heat and utilities to individual units (by right in B-4);
 - Self-storage Warehouses, not providing heat and utilities to individual units (by right in B-4);
 - Gasoline and Volatile Oils Storage up to and including 80,000 gallons (also by Special Use Permit in B-4); and
 - Liquefied Petroleum Gases Storage (not at all in B-4).
- c. The following 7 uses may be authorized by SUP in the B-4 District but not at all in the B-3 District:
- HOSPITAL;
 - Bakery (more than 2,500 square feet);
 - Amusement Park;
 - Kennel;
 - Recycling of Non-Hazardous materials (all storage and processing indoors);
 - Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS (by right if all outdoor STORAGE is in the REAR YARD); and
 - LIGHT ASSEMBLY
 - ~~utilities to individual units;~~
 - ~~Storage of gasoline, volatile oils, and liquefied petroleum gases.~~

(3) In general, the differences between the types of uses that are authorized in the existing B-3 and the proposed B-4 zoning DISTRICTS can be summarized as follows:

a. The B-3 DISTRICT is a lower intensity business zoning DISTRICT than the B-4 DISTRICT based on the following:

(a) There are 48 types of uses authorized by right in the B-3 DISTRICT and there are 114 types of uses authorized by right in the B-4 DISTRICT.

(b) The only uses authorized in the B-3 DISTRICT that are not authorized by any means in the B-4 DISTRICT are the following (type of authorization in the B-3 DISTRICT in parentheses):

- TRAVEL TRAILER Camp (by right);
- Roadside Stand operated by Farm Operator (by right);
- Public CAMP or Picnic Area (by right);

- Gasoline and Volatile Oils Storage up to and including 80,000 gallons (by Special Use Permit);
 - Liquefied Petroleum Gases Storage (by Special Use Permit)
- (c) A great many types of uses are authorized in the B-4 DISTRICT that are not authorized by any means in the B-3 DISTRICT and it is difficult to characterize the differences. Some of the differences are as follows:
- i. Personal Service Uses; Business, Private, Educational, and Financial Services Uses; and Retail Trade Uses are authorized by right in the B-4 DISTRICT but not at all in the B-3 DISTRICT.
 - ii. In regards to Transportation types of uses, Railway Station and Truck Terminal are not authorized in the B-3 DISTRICT but are authorized by right in the B-4 DISTRICT. In a previous zoning case on this property, Hensley Township expressed a concern about “oversized traffic”. “Major AUTOMOBILE Repair (all indoors)” is also authorized by right in the B-4 DISTRICT but not at all in the B-3 DISTRICT.
- (4) The B-1 Rural Trade Center Zoning District is a lower intensity business zoning district even than the B-3 District and in which Contractor Facility is authorized by right, as amended in Case 734-AT-12 that was approved on May 23, 2013, and Self-Storage Warehouses are authorized by Special Use Permit and multiple principal buildings are also authorized by Special Use Permit. The Zoning Administrator discussed with the Petitioner the difference between the B-1 and B-4 Districts but the Petitioner elected to seek rezoning to the B-4 District.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

9. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:

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

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

- B. The LRMP defines Goals, Objectives, and 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.”
- D. Note that the Appendix in Volume 2 of the LRMP includes the following definitions:
- (1) Urban development is defined as “The construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system.”
 - (2) Discretionary development is defined as “A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.”

REGARDING LRMP GOALS & POLICIES

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

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

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

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

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

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

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

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

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

Goal 3 has three objectives and no policies. The proposed rezoning *{WILL/ WILL NOT} HELP ACHIEVE* the achievement of Goal 3 based on the following:

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

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

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

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

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

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

- (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 was no Section 22 Natural Resource Report for the subject property during the public hearing for Case 576-S-07 because the property already had business zoning and there is none at this time. The subject property is best prime farmland consisting of Drummer silty clay loam (relative LE of 100 in the Champaign County LESA System) and Elburn silt loam (relative LE of 100 in the Champaign County LESA System).
- b. The proposed rezoning is to accommodate non-residential discretionary development.
- c. The subject property is already zoned B-3 Highway Business and is not proposed to be expanded so there is no concern related to minimizing the conversion of farmland (item 4.1.6 iv.) or related to minimizing the disturbance of natural areas (item 4.1.6 v.).
- d. Achievement of Policy 4.1.6 items i., ii., and iii. 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 772-S-13 *{DOES/ DOES NOT}* support agriculture and *{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 existing Self-Storage Warehouses providing heat and utilities to individual units, is a USE that has been deemed appropriate for either the B-1 or the B-3 District provided that a Special Use Permit is authorized and appropriate for the B-4 DISTRICT by right. The existing Special Use Permit Self-Storage Warehouse providing heat and utilities to individual units has existed since 5/17/07 when Case 576-S-07 was approved by the ZBA.
- *c. Section 5.2 of the Zoning Ordinance authorizes “Contractor Facility with outdoor STORAGE and/or OPERATIONS” in the AG-1 and AG-2 Districts if a Special Use Permit is granted and is therefore a USE that has been determined to be appropriate in the rural area. “Contractor Facility with outdoor STORAGE and/or OPERATIONS” may also be authorized “by right” in the B-4 DISTRICT if all outdoor STORAGE is in the REAR YARD or otherwise by Special Use Permit. “Contractor Facility” is not authorized in the B-3 DISTRICT. “Contractor Facility with outdoor STORAGE and/or OPERATIONS” may also be authorized “by right” in the B-1 Rural Trade Center Zoning DISTRICT as amended in Case 734-AT-12. Note that the B-1 DISTRICT is a lower intensity business zoning DISTRICT than either the B-3 or the B-4 DISTRICT.
- *d. The subject property fronts both CR2100N (East Hensley Road) and Interstate 57 and is located about 700 feet east of County Highway 20 at the Market Street interchange.

*Identical to evidence in related Case 772-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 772-S-13 *{DOES / DOES NOT}* negatively affect agricultural activities, of *{IS / IS NOT}* located and designed to minimize exposure to negative effects of agricultural activities, and *{WILL / WILL NOT}* interfere with agricultural activities as follows:

- *a. The existing Self-Storage Warehouses providing heat and utilities to individual units, is a USE that has been deemed appropriate for the B-3 District provided that a Special Use Permit is authorized and appropriate for the B-4 DISTRICT by right. The existing Special Use Permit Self-Storage Warehouse providing heat and utilities to individual units has existed since 5/17/07 when Case 576-S-07 was approved by the ZBA.
- *b. Section 5.2 of the Zoning Ordinance authorizes “Contractor Facility” in the AG-1 and AG-2 Districts if a Special Use Permit is granted and is therefore a USE that has been determined to be appropriate in the rural area. “Contractor Facility with outdoor STORAGE and/or OPERATIONS” may also be authorized “by right” in the B-4 DISTRICT if all outdoor STORAGE is in the REAR YARD or otherwise by Special Use Permit. “Contractor Facility” is not authorized in the B-3 DISTRICT. “Contractor Facility with outdoor STORAGE and/or OPERATIONS” may also be authorized “by right” in the B-1 Rural Trade Center Zoning DISTRICT as amended in Case 734-AT-12. Note that the B-1 DISTRICT is a lower intensity business zoning DISTRICT than either the B-3 or the B-4 DISTRICT.
- *c. The subject property fronts both CR2100N (East Hensley Road) and Interstate 57 and is located about 700 feet east of County Highway 20 at the Market Street interchange.
- *d. Regarding the rural road at this location:
 - (a) The pavement surface of CR 2100N in the vicinity of the subject property is oil and chip. In previous zoning case 576-S-07 the pavement width (measured by staff) is 18 feet which would equate to a maximum recommended traffic volume of no more than 250 ADT.
 - (b) The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.
 - (c) The Township Highway Commissioner has been notified of this case, but no comments have been received yet.

- (d) The following evidence is from item 8.D. of the Summary of Evidence for the previous zoning case on the subject property, Case 576-S-07 (‡ indicates same lettering as in Case 576-S-07):
- ‡(6) In a letter from Brian T. Schurter, Hensley Township attorney, received on March 1, 2007 it was indicated that the township was opposed to the proposed Special Use because of the following:
- ‡(a) The subject property is currently served by a township road that has certain weight restrictions.
- ‡(b) The township anticipates that the proposed Special Use would result in a significant increase in oversized traffic.
- ‡(c) The township already has difficulties maintaining these roads due to heavily weighted traffic that uses the road.
- ‡(d) The proposed Special Use would only increase that burden without providing a corresponding benefit.
- ‡(e) There is a property in close proximity to the subject property that accommodates heavy equipment however that property is located on a section of state highway that is equipped to carry such loads.
- ‡(7) At this time staff has not tried to estimate the increase in traffic that would result from the proposed Special Use, but the increase should be small.
- ‡(8) Dave Atchley, engineer for the Petitioner, testified at the March 1, 2007 ZBA meeting that he would estimate that the traffic impact would be one trip per week per unit.
- ‡(9) As appears to be indicated on the Site Engineering Plans received on March 15, 2007, the dual swing gate appears to be only 20 feet from the pavement of CR 2100N. This distance is less than that required to allow a vehicle pulling a trailer to pull completely off the pavement of the CR 2100N.

*Identical to evidence in related Case 772-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 reason(s):

- a. There was no Section 22 Natural Resource Report for the subject property during the public hearing for Case 576-S-07 because the property already had business zoning and there is none at this time. The subject property is best prime farmland consisting of Drummer silty clay loam (relative LE of 100 in the Champaign County LESA System) and Elburn silt loam (relative LE of 100 in the Champaign County LESA System).
- b. The subject property is already zoned B-3 Highway Business.
- c. As determined for Policy 4.2.2, the proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.2.2 because based on the evidence, the proposed Special Use in related Case 772-S-13 *{DOES / DOES NOT}* negatively affect agricultural activities, of *{IS / IS NOT}* located and designed to minimize exposure to negative effects of agricultural activities, and *{WILL / WILL NOT}* interfere with agricultural activities.
- d. The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.3.3.
- e. The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.3.4.

- (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 in the B-3 Highway Business Zoning DISTRICT and has been proposed to be rezoned to the B-4 General Business Zoning DISTRICT in order to accommodate a proposed contractor facility in related Case 772-S-13. Section 5.2 of the Zoning Ordinance authorizes “Contractor Facility with outdoor STORAGE and/or OPERATIONS” in the AG-1 and AG-2 Districts if Special Use Permit is granted. “Contractor Facility with outdoor STORAGE and/or OPERATIONS” may also be authorized “by right” in the B-4 DISTRICT if all outdoor STORAGE is in the REAR YARD or otherwise by Special Use Permit. “Contractor Facility” is not authorized in the B-3 DISTRICT. “Contractor Facility with

outdoor STORAGE and/or OPERATIONS” may also be authorized “by right” in the B-1 Rural Trade Center Zoning DISTRICT as amended in Case 734-AT-12. Note that the B-1 DISTRICT is a lower intensity business zoning DISTRICT than either the B-3 or the B-4 DISTRICT.

- b. The existing Special Use Permit Self-Storage Warehouse providing heat and utilities to individual units has existed since 5/17/07 when Case 576-S-07 was approved by the ZBA. Section 5.2 of the Zoning Ordinance authorizes “Self-Storage Warehouse providing heat and utilities to individual units” by right in the B-4 DISTRICT and by Special Use Permit in both the B-1 Rural Trade Center and B-3 Highway Business Zoning DISTRICT.
- c. Regarding fire protection on the subject property, the subject property is located within the Thomasboro Fire Protection District. The FPD Chief has been notified of this case but no comments have been received. No comments were received from the Thomasboro FPD in Case 576-S-07.

- (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 is in the B-3 Highway Business Zoning DISTRICT and has been proposed to be rezoned to the B-4 General Business Zoning DISTRICT in order to accommodate a proposed contractor facility in related Case 772-S-13. Section 5.2 of the Zoning Ordinance authorizes “Contractor Facility” in the AG-1 and AG-2 DISTRICTS if a Special Use Permit is granted. “Contractor Facility with outdoor STORAGE and/or OPERATIONS” may also be authorized “by right” in the B-4 DISTRICT if all outdoor STORAGE is in the REAR YARD or otherwise by Special Use Permit. “Contractor Facility” is not authorized in the B-3 DISTRICT. “Contractor Facility with outdoor STORAGE and/or OPERATIONS” may also be authorized “by right” in the B-1 Rural Trade Center Zoning DISTRICT as amended in Case 734-AT-12. Note that the B-1 DISTRICT is a lower intensity business zoning DISTRICT than either the B-3 or the B-4 DISTRICT.
- b. The existing Special Use Permit Self-Storage Warehouse providing heat and utilities to individual units has existed since 5/17/07 when Case 576-S-07 was approved by the ZBA. Section 5.2 of the Zoning Ordinance authorizes “Self-Storage Warehouse providing heat and utilities to

individual units” by Special Use Permit in the B-1 Rural Trade Center Zoning DISTRICT.

- c. The subject property fronts both CR2100N (East Hensley Road) and Interstate 57 and is located about 700 feet east of County Highway 20 at the Market Street interchange.
- d. The pavement surface of CR 2100N in the vicinity of the subject property is oil and chip. In previous zoning case 576-S-07 the pavement width (measured by staff) is 18 feet which would equate to a maximum recommended traffic volume of no more than 250 ADT.
- e. The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.
- f. The Township Highway Commissioner has been notified of this case, but no comments have been received yet.
- g. The following evidence is from item 8.D. of the Summary of Evidence for the previous zoning case on the subject property, Case 576-S-07 (‡ indicates same lettering as in Case 576-S-07):
 - ‡(6) In a letter from Brian T. Schurter, Hensley Township attorney, received on March 1, 2007 it was indicated that the township was opposed to the proposed Special Use because of the following:
 - ‡(a) The subject property is currently served by a township road that has certain weight restrictions.
 - ‡(b) The township anticipates that the proposed Special Use would result in a significant increase in oversized traffic.
 - ‡(c) The township already has difficulties maintaining these roads due to heavily weighted traffic that uses the road.
 - ‡(d) The proposed Special Use would only increase that burden without providing a corresponding benefit.
 - ‡(e) There is a property in close proximity to the subject property that accommodates heavy equipment however that property is located on a section of state highway that is equipped to carry such loads.
 - ‡(7) At this time staff has not tried to estimate the increase in traffic that would result from the proposed Special Use, but the increase should be small.
 - ‡(8) Dave Atchley, engineer for the Petitioner, testified at the March 1, 2007 ZBA meeting that he would estimate that the traffic impact would be one trip per week per unit.

- ‡(9) As appears to be indicated on the Site Engineering Plans received on March 15, 2007, the dual swing gate appears to be only 20 feet from the pavement of CR 2100N. This distance is less than that required to allow a vehicle pulling a trailer to pull completely off the pavement of the CR 2100N.
- h. Regarding the previous concern of Hensley Township regarding oversize traffic, Sec. 5.2 of the Zoning Ordinance authorizes “truck terminal” “by right” in the B-4 DISTRICT and not at all in either the B-3 or the B-1 DISTRICT.
- (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 reason(s):

- a. There was no Section 22 Natural Resource Report for the subject property during the public hearing for Case 576-S-07 because the property already had business zoning and there is none at this time. The subject property is best prime farmland consisting of Drummer silty clay loam (relative LE of 100 in the Champaign County LESA System) and Elburn silt loam (relative LE of 100 in the Champaign County LESA System).
- b. The subject property is already zoned B-3 Highway Business.
- c. The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.2.1 because based on the evidence, the proposed Special Use in related Case 772-S-13 *{DOES/ DOES NOT}* support agriculture and *{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.
- d. The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.2.2, the proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.2.2 because based on the evidence, the proposed Special Use in related Case 772-S-13 *{DOES / DOES NOT}* negatively affect agricultural activities, of *{IS / IS NOT}* located and designed to minimize exposure to negative effects of agricultural activities, and *{WILL / WILL NOT}* interfere with agricultural activities.

e. The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.3.3.

f. The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.3.4.

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

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

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

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

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

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

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

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

a. The subject property is in the B-3 Highway Business Zoning DISTRICT and has been proposed to be rezoned to the B-4 General Business Zoning DISTRICT in order to accommodate a proposed contractor facility in related Case 772-S-13.

b. On the LRMP map Future Land Use -2030 the subject property is just beyond the extra-territorial jurisdiction area for the City of Champaign and located about a half-mile away from the nearest contiguous urban growth 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 5.1.4 for the following reason:

- a. The subject property is in the B-3 Highway Business Zoning DISTRICT and has been proposed to be rezoned to the B-4 General Business Zoning DISTRICT in order to accommodate a proposed contractor facility in related Case 772-S-13. Section 5.2 of the Zoning Ordinance authorizes “Contractor Facility” in the AG-1 and AG-2 Districts if Special Use Permit is granted and as amended by Case 734-AT-12, “by right” in the B-1 Rural Trade Center Zoning DISTRICT. Note that the B-1 DISTRICT is a lower intensity business zoning DISTRICT than either the B-3 or the B-4 DISTRICT.
- b. The existing Special Use Permit Self-Storage Warehouse providing heat and utilities to individual units has existed since 5/17/07 when Case 576-S-07 was approved by the ZBA. Section 5.2 of the Zoning Ordinance authorizes “Self-Storage Warehouse providing heat and utilities to individual units” by Special Use Permit in the B-1 Rural Trade Center Zoning DISTRICT.
- c. On the LRMP map Future Land Use -2030 the subject property is just beyond the extra-territorial jurisdiction area for the City of Champaign and located about a half-mile away from the nearest contiguous urban growth area.

- (3) Policy 5.1.5 states **“The County will encourage urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed rezoning **WILL HELP ACHIEVE** Policy 5.1.5 because a special condition has been proposed to require any use established on the subject property to explicitly recognize and provide for the right of agricultural activities on adjacent land.

- (4) Policy 5.1.6 states “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed urban development.”

The proposed rezoning {WILL / WILL NOT} HELP ACHIEVE Policy 5.1.6 for the following reasons:

- a. The subject property does not directly abut property that is zoned AG-1, AG-2, or CR but land on the opposite side of East Hensley Road (CR2100N) is zoned AG-1 Agriculture and is in agricultural production.
- b. The subject property is located adjacent to an interchange for Interstate 57 and is approximately 720 feet from the interchange and County Highway 20.
- c. The proposed activities at the subject property are landscape contracting activities that are generally compatible with agriculture.
- d. No additional buffer is necessary

- 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 NOT} HELP ACHIEVE Policy 5.3.1 for the following reason:

- a. See the evidence under Policy 4.3.3 (item 13.C.(2)).
- (2) Policy 5.3.2 states, “The County will:
 - a. **require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense; and**

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

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

- a. See the evidence under Policy 4.3.4 (item 13.C.(3)).

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

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

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

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

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

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

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

The proposed rezoning will *{WILL/ WILL NOT} HELP ACHIEVE* Policy 6.1.3 because of the following:

- a. Any new 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.

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

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

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

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

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

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

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

- (a) In a similar recent zoning case with a much greater amount of proposed self-storage warehouse area, staff from the Champaign Urbana Urbanized Area Transportation Study (CUUATS) evaluated the proposed Special Use in that Case (Case 759-S-13) for traffic impacts and determined that a Traffic Impact Analysis was not necessary because the number of weekday and weekend peak hour trips generated would 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.

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

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

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

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

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

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

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

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

GENERALLY REGARDING THE LaSalle Factors

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

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

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

Table 1. Land Use and Zoning in the Vicinity

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

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 relocate Atlantic Services, Inc. to a location with better access than the current location on Mattis Avenue.
 - (2) If the request is denied the hardship imposed on the property owner will be great given that the property will not be able to be used for the intended use.
 - (3) The proposed B-4 General Business Zoning District is not the only Zoning District that would provide for the proposed uses. The B-1 Rural Trade Center would also allow the proposed uses.
- 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 13.C. and 14 .B. above, the subject property *{IS / IS NOT} SUITABLE* for the proposed zoned purpose which is a self-storage warehouses and a contractor facility with outdoor storage.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**
- (1) The subject property is not vacant and the current Special Use was authorized in Case 576-S-07.
- G. **Sinclair factor: The need and demand for the use.**

The proposed contractor facility is a very successful enterprise that provides services to many Champaign County businesses but needs to relocate to a less congested location. 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) In regards to the Champaign County Land Resource Management Plan, the subject property already has B-3 Highway Business Zoning and is located at an Interstate interchange that is just outside of the City of Champaign's 1½ mile extra-territorial jurisdiction area and about ¾ mile from the Contiguous Urban Growth Area. There is at least one other Interstate interchange (the Monticello Road Interchange) that has some land in the B-4 Zoning District.
- (2) The proposed uses are not substantially different from what the property has been used for in the past .

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

21. The proposed amendment *{WILL/ WILL NOT} HELP ACHIEVE* the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

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

The proposed amendment is not directly related to this purpose. 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.

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

The proposed amendment is not directly related to this purpose. 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.

The proposed rezoning and the proposed Special Use seem unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.

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

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

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

~~The proposed amendment is not directly related to this purpose.~~

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

~~— The proposed amendment is not directly related to this purpose.~~

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

~~The proposed amendment is not directly related to this purpose.~~

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

~~The proposed amendment is not directly related to this purpose.~~

Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the

USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

- I. ~~Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses.~~
 - (1) ~~The proposed amendment is directly related to this purpose because the proposed contractor facility with outdoor storage and multiple principal buildings on the same lot are not authorized in the current B-3 District. The proposed B-4 District allows self-storage warehouse, contractor facility with outdoor storage, and multiple principal uses on the same lot to be authorized as Special Uses.~~
 - (2) ~~Harmony with this purpose requires that the special conditions of approval in the related Special Use Permit sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate noncompliant conditions.~~

- J. ~~Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.~~
 - (1) ~~Harmony with this purpose requires that the special conditions of approval in the related Special Use Permit sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate noncompliant conditions.~~

- K. ~~Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which buildings, structures, or uses therein shall conform.~~
 - (1) ~~Harmony with this purpose requires that the special conditions of approval in the related Special Use Permit sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate noncompliant conditions.~~

- ~~L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit uses, buildings, or structures incompatible with the character of such districts.~~
- ~~(1) Harmony with this purpose requires that the special conditions of approval in the related Special Use Permit sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate noncompliant conditions.~~

- 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.

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

- 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.

The proposed Special Use will not be remodeling or altering existing structures. This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- 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.

(1) The property has had business zoning for a long time.

(2) The proposed rezoning and proposed Special Use will not take any land out of production that is in the AG-1, AG-2, or CR Zoning Districts.

- J. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.
- The proposed amendment is not directly related to this purpose. The subject property does not contain any natural features.
- K. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.
- The proposed amendment is not directly related to this purpose. The proposed rezoning and the proposed Special Use will not require the development of public utilities or transportation facilities.
- L. 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) The property has had business zoning for a long time.
- (2) The proposed use will take any land out of production.
- M. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.
- The proposed rezoning and proposed Special Use will not hinder the development of renewable energy sources.

REGARDING SPECIAL CONDITIONS OF APPROVAL

22. Regarding proposed special conditions of approval:

- A. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

The above special condition is necessary to ensure the following:

Conformance with policies 4.2.3 and 5.1.5.

SUMMARY FINDING OF FACT

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

1. Regarding the effect of the proposed amendment on the Land Resource Management Plan (LRMP):
 - A. **Regarding Goal 3:**
 - B. **Regarding Goal 4:**
 - It **{WILL/ WILL NOT} HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because it will **{WILL/ WILL NOT} HELP ACHIEVE** the following:
 - Policy 4.3.5 requiring that a business or non-residential use on best prime farmland only if it serves surrounding agriculture and is appropriate in a rural area (see Item 14.C.(4)).
 - Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(3)).
 - Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(2)).
 - Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 14.C.(1)).
 - It **{WILL/ WILL NOT} HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because it **{WILL/ WILL NOT} HELP ACHIEVE** the following:
 - Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 14.B.(2)).
 - Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 14.B.(1)).
 - It **{WILL/ WILL NOT} HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it **{WILL/ WILL NOT} HELP ACHIEVE** the following:
 - Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 14.A.(1)).
 - Based on achievement of the above Objectives and Policies, the proposed map amendment **{WILL/ WILL NOT} HELP ACHIEVE** Goal 4 Agriculture.

C. **Regarding Goal 5:**

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

D. **Regarding Goal 6:**

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

E. **Regarding Goal 7:**

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

F. **Regarding Goal 9:**

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

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

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

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

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

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

DOCUMENTS OF RECORD

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

8. Revised Site Plan received May 30, 2014
9. Written Update on Concerns Regarding Zoning Changes received June 25, 2014
10. Supplemental Memorandum for Cases 771-AM-13 and 772-S-13 dated July 24, 2014, with attachments:
 - A Approved ZBA Minutes of 4/17/14 Public Hearings for Cases 771-AM-13 and 772-S-13
 - B Revised Site Plan received May 30, 2014
 - C Written Update on Concerns Regarding Zoning Changes received June 25, 2014
 - D Aerial photograph of subject property, I-57 interchange, and Beaver Lake Drainage Ditch
 - E Champaign County Right to Farm Resolution # 3425
 - F Preliminary Draft Finding of Fact for Case 771-AM-13
 - G Preliminary Draft Summary of Evidence and Finding of Fact for Case 772-S-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 771-AM-13 should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

7/25/14 REVISED DRAFT

772-S-13

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

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

Date: *{date of final determination}*

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

Request: Authorize the following as a Special Use in the B-4 General Business Zoning District:
Part A. Authorize multiple principal buildings on the same lot consisting of the following:

- (1) Self-Storage Warehouses providing heat and utilities to individual units, as a special use that was previously authorized in Case 576-S-07; and
- (2) a Landscaping and Maintenance Contractor's Facility with outdoor storage as proposed in Part B.

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

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 17, 2014; July 31, 2014**, the Zoning Board of Appeals of Champaign County finds that:

- *1. The petitioners Randy and Sue Hopkins d.b.a. Atlantic Services, Inc., own the subject property.
- *2. The subject property is ~~a five~~ an 11.8 acre tract of land in the North Half of the Northwest Quarter of the Northeast Quarter of Section 24 of Hensley Township and commonly known as the plant nursery and self storage warehouse located at 31 East Hensley Road, Champaign and an adjacent tract of farmland.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - (1) The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality. The nearest municipality is the City of Champaign but the City is located more than 1½ miles from the subject property.
 - (2) The subject property is located within Hensley Township which has a Planning Commission. Regarding Hensley Township Planning jurisdiction:
 - a. The Township has protest rights on the proposed Map Amendment. A Township protest must be signed and acknowledged by the Township Board and filed with the Champaign County Clerk within 30 days after the close of the public hearing at the Zoning Board of Appeals. In the event of a Township protest, a three-fourths majority of the County Board will be required to grant the Map Amendment request instead of a simple majority.
 - b. No comments have yet been received from Hensley Township.
 - c. In the previous zoning case 576-S-07 on this property Hensley Township provided the following comments in a letter received on March 1, 2007, from Brian Schurter, attorney for Hensley Township, stating that the township was opposed to granting the proposed Special Use Permit because of the following:
 - (a) The subject property is currently served by a township road that has certain weight restrictions. The township anticipates the proposed Special Use would lead to a significant increase in oversized traffic. The township already has difficulty maintaining the street due to the existing level of oversized traffic.
 - (b) There is a property in close proximity to the subject property that accommodates heavy machinery, however, that property is located on a County Highway that is equipped to carry such loads.

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

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *4. Land use and zoning on the subject property and in the vicinity are as follows:
- A. The subject property is a 5 acre tract and is currently zoned B-3 Highway Business but is proposed to be rezoned to B-4 General Business in related Case 771-AM-13. The subject property was previously used to operate a plant nursery and a self storage warehouse with heat and utilities as authorized in Case 576-S-07.
 - B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:
 - (1) Land on the north is zoned AG-1 Agriculture, and is in agricultural production.
 - (2) Land on the south is zoned B-3 Highway Business and is an interchange for Interstate 57.
 - (3) Land west of the subject property is zoned B-3 Highway Business and is used for a tire distribution warehouse for Tire Central stores.
 - (4) Land east of the subject property is zoned B-3 Highway Business and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- *5. Regarding the site plan and operations of the proposed Special Use:
- A. Site plans were received on December 31, 2013; February 14, 2014; and May 30, 2014. The revised site plan received February 14, 2014, May 30, 2014, indicates the following existing and proposed improvements:
 - (1) The existing self-storage warehouse and the building used for the previous plant nursery are at the north end of the subject property and as documented in Case 576-S-07 include the following:
 - a. The revised Site Engineering Plans received on March 15, 2007 indicates the following:
 - (a) There are two buildings on the subject property. The 40 feet by 32 feet existing building in the northwest corner of the property is associated with the tree nursery.
 - (b) The proposed self-storage warehouse is located on the east edge of the developed portion of the subject property and is 100 feet by 48 feet.
 - (c) The separation distance between the two buildings is indicated as 64 feet.
 - (d) The area between the buildings has been paved to act as a parking lot and vehicle maneuvering space.

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

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

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

- (j) Each bay will have an overhead door 12 feet wide by 14 feet tall.
 - (k) There will be gutters and downspouts along the east wall.
 - (l) Walls are insulated fiberglass with a vapor barrier type of insulations.
- d. The Gate and Fence detailed site plan received on March 9, 2007 indicates the following additional relevant information:
- (a) Four stone pillars will support a 6-foot tall fence and gate along the Hensley Road right-of-way.
 - (b) A dual swing gate that is 32 feet wide will limit access to the property.
 - (c) A 5-foot tall chain link fence is proposed to extend an unspecified distance south of Hensley Road on each side.
 - (d) A 4-foot tall berm with evergreen windbreak will be constructed along the west property line.
- e. The South bay floor plan and revised building elevations received on May 15, 2007, indicate the following:
- (a) The southern most bay in the building will be handicapped accessible from a door in the south wall of the building and will have an electric opener on the overhead door.
 - (b) There will be a handicapped reserved parking sign on the overhead door for that bay for the parking space in front of that bay.
 - (c) The door in the south wall of the building will be ADA compliant. There will be a 5 foot by 7 foot concrete pad in front of the door,
 - (d) The electric opener button and light switch will be located on the wall next to the door.
 - (e) This bay will be 16 feet wide but only 40 feet deep because the east 8 feet will be used as a mechanical room where the controls for the heating and electrical systems for the whole building will be located.
 - (f) The mechanical room will have a separate entrance from the south bay that will be located in the south wall. This door will also be ADA compliant and have a concrete pad identical to the one outside the bay entrance door, but will only be openable by the management.
- (2) The existing detention basin is proposed to be relocated to the south.

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

- (3) A proposed new contractor facility building consisting of a 100' by 150' warehouse portion and an approximately (not dimensioned on the plan) 30' by 40' office portion. The new building is surrounded by a proposed new drive. Parking spaces are indicated east and west of the office portion including one accessible parking space.
 - (4) 11 Parking spaces on the east side of the warehouse portion of the contractor facility building.
 - (5) Outdoor storage consisting of 3 Storage bins located north of the new building and an outside storage area located south of the proposed new building.
 - (6) A fence surrounding the proposed new contractor facility building, parking spaces, and outdoor storage areas.
- B. A written update on Concerns Regarding Zoning Changes received June 25, 2014, stated as follows:
- (1) We expect no more than 1-2 customers at a time with the retail of landscaping materials. We plan to sell mulch, river rock, and other landscaping rock. Most orders will be phoned in and then delivered. Also, we have 8 parking spaces in the front and 1 ADA space which will be for customers only, no employees will park in this area.
 - (2) We will be purchasing 6.8 acres next to our current property. By purchasing this property we are able to relocated our topsoil pile to that location, creating room for our retention pond to be relocated per our plan drawn out by the engineer.
 - (3) The detention basin and water run-off area are on the submitted plans. The overflow will go into the drainage ditch to the South of the property.
 - (4) We will be installing a fence for the entire rear of the property.
 - (5) We do not plan on renting any of the current storage units at this time. These units will be used for our own Atlantic Services, Inc. equipment storage purposes. We have no plans to rent out the units in the future but we would like to keep the special use permit on both properties.
- C. Previous Zoning Use Permits on the subject property are as follows:
- (1) Zoning Use Permit # 112-05-02 approved on 4/22/05 authorized construction of a storage building that was 40 feet by 32 feet in dimension (1,280 square feet in area) to house equipment for a tree farm. A fee was charged but was later refunded because a tree farm is considered to be agriculture.

- (2) Zoning Use Permit # 272-06-02 approved on 10/17/06 authorized construction of a storage building that was 48 feet by 100 feet in dimension (4,800 square feet in area).

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

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

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

- ii. The minimum depth of such OPEN SPACE, for the purpose of these standards, shall be measured at the closest point between BUILDINGS including any projecting eave, balcony, canopy, awning, or other similar projection.
 - iii. Single Family, Two Family, Multiple Family or institutional BUILDINGS shall be located on the LOT in conformance to the provisions of Section 4.2.2C.
 - iv. In the case of the B-4 General Business Zoning DISTRICT the required amount of open space is 20 feet.
- C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
 - (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:

- (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) "STREET" is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
 - (13) "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.
 - (14) "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.
 - (15) "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.
- F. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.

- b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- G. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“Location close to interstate to better serve clients ie public”**
 - B. The following evidence is from the previous zoning case on the subject property, Case 576-S-07 (‡ indicates same lettering as in Case 576-S-07):
 - ‡C. The subject property is located adjacent to an interchange with Interstate 57, and approximately 720 feet off of County Highway 20.
 - ‡D. The subject property has room to allow these uses to be established with more than the required open space between them.
 - ‡E. Part A is a request for a seven unit self-storage warehouse which is such a small number of storage units it is assumed there is a demand.
 - *C. Regarding whether the proposed use is better provided in a rural area:
 - (1) The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination much be made in each zoning case.
 - (2) The B-4 District is intended to accommodate a range of commercial uses and is intended for application only adjacent to the urbanized areas of the County.
 - (3) The existing Special Use Permit has existed since 5/17/07.
 - (4) The existing Self-Storage Warehouse is a USE that has been deemed appropriate for the rural area provided that a Special Use Permit is authorized.

- (5) The proposed contractor facility could be authorized in the AG-1 District if a Special Use Permit is granted.
- (6) The petitioner testified at the public hearing on 4/17/14 regarding proposed retail sales as follows:
- a. He would like to sell landscape supplies including mulch, rock, pavers, etc. to customers who come to the facility.
 - b. He does not believe there will be a high volume of retail sales.
 - c. He anticipates only about 5 to 10 retail customers per week and no retail customers during the winter months.
- (7) In a written update on Concerns Regarding Zoning Changes received June 25, 2014, the petitioner stated the following regarding retail sales:
- a. We expect no more than 1-2 customers at a time with the retail of landscaping materials. We plan to sell mulch, river rock, and other landscaping rock. Most orders will be phoned in and then delivered. Also, we have 8 parking spaces in the front and 1 ADA space which will be for customers only, no employees will park in this area.

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

- D. The evidence in related Case 771-AM-13 established that the proposed Special Use *{IS / IS NOT}* a service better provided in a rural area 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, **“location is next to a tire wholesaler, no dwelling within ½ mile. Property will be clean, well maintained, and professional. Would like to sell some landscaping materials/ mulch, river rock, etc. from property. Equipment will be stored in proposed building”**
 - B. The petitioner did not discuss retail sales with Department staff. Retail sales of materials are not specifically authorized at contractor facilities and if it occurs it must be insignificant in terms of both traffic and dollar volume.
 - C. There was no Section 22 Natural Resource Report for the subject property during the public hearing for Case 576-S-07 because the property already had business zoning and there is none at this time. The subject property is best prime farmland consisting of Drummer silty clay loam (relative LE of 100 in the Champaign County LESA System) and Elburn silt loam (relative LE of 100 in the Champaign County LESA System).

- D. Regarding surface drainage, the following evidence is from the previous zoning case on the subject property, Case 576-S-07 (‡ indicates same lettering as in Case 576-S-07):
- ‡(1) There is a berm on the west property line that could be a *de facto* violation of the Illinois drainage law. The berm is close to being on top of the property line and could block drainage for the neighboring property.
 - ‡(2) There is a detention pond on the subject property that the Petitioner intends to use for irrigation.
 - ‡(3) Drainage from the rest of the subject property travels south overland and eventually below I-57.
 - ‡(4) The subject property borders Interstate 57 and apparently drains to a ditch along Interstate 57.
- E. Regarding traffic, the following evidence is from the previous zoning case on the subject property, Case 576-S-07 (‡ indicates same lettering as in Case 576-S-07):
- ‡D. The subject property fronts the south side of CR 2100N. Regarding the general traffic conditions on CR 2100N at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- ‡(1) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2001 in the vicinity of the subject property. There is no ADT given on 2100N, but County Highway 10 has an ADT of 1000 near the subject property.
 - ‡(2) The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* are general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The *Manual* indicates the following pavement widths for the following traffic volumes measured in Average Daily Traffic (ADT):
 - ‡(a) A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
 - ‡(b) A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.
 - ‡(c) A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.
 - ‡(3) The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines

also recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. Local roads with greater ADT have progressively greater required minimum shoulder widths.

- ‡(4) The pavement surface of CR 2100N in the vicinity of the subject property is oil and chip. The pavement width (measured by staff) is 18 feet which would equate to a maximum recommended traffic volume of no more than 250 ADT.
 - ‡(5) The Township Highway Commissioner has been notified of this case, but no comments have been received yet.
 - ‡(6) In a letter from Brian T. Schurter, Hensley Township attorney, received on March 1, 2007 it was indicated that the township was opposed to the proposed Special Use because of the following:
 - ‡(a) The subject property is currently served by a township road that has certain weight restrictions.
 - ‡(b) The township anticipates that the proposed Special Use would result in a significant increase in oversized traffic.
 - ‡(c) The township already has difficulties maintaining these roads due to heavily weighted traffic that uses the road.
 - ‡(d) The proposed Special Use would only increase that burden without providing a corresponding benefit.
 - ‡(e) There is a property in close proximity to the subject property that accommodates heavy equipment however that property is located on a section of state highway that is equipped to carry such loads.
 - ‡(7) At this time staff has not tried to estimate the increase in traffic that would result from the proposed Special Use, but the increase should be small.
 - ‡(8) Dave Atchley, engineer for the Petitioner, testified at the March 1, 2007 ZBA meeting that he would estimate that the traffic impact would be one trip per week per unit.
 - ‡(9) As appears to be indicated on the Site Engineering Plans received on March 15, 2007, the dual swing gate appears to be only 20 feet from the pavement of CR 2100N. This distance is less than that required to allow a vehicle pulling a trailer to pull completely off the pavement of the CR 2100N.
- G. Regarding fire protection on the subject property, the subject property is located within the Thomasboro Fire Protection District. The FPD Chief has been notified of this case but no comments have been received. No comments were received from the Thomasboro FPD in Case 576-S-07.
- H. No part of the subject property is located within the mapped floodplain.

- I. Regarding outdoor lighting on the subject property, the following evidence is from the previous zoning case on the subject property, Case 576-S-07 (‡ indicates same lettering as in Case 576-S-07):
- ‡ (1) The only outdoor lighting shown on the revised Site Engineering Plans received March 15, 2007 is four proposed light poles outside the self-storage warehouse.
 - ‡(2) The Hensley Storage Security Notes received on March 9, 2007 indicate that the outdoor lights will be mounted on the self-storage warehouse.
 - ‡(3) There is no indication of whether the lights are full, partial, or no cutoff.
 - ‡(4) Tom Courson, the Petitioner, testified at the May 17, 2007 ZBA meeting that there would be one light fixture on the south side of the self-storage warehouse.
- J. Regarding wastewater treatment and disposal on the subject property:
- (1) There were no employees proposed to be onsite in Case 576-S-07 and there was no onsite wastewater treatment and disposal system proposed.
 - (2) A report titled *On-Site Evaluation for Septic Filter Field* by Roger D. Windholm was received on February 11, 2014, indicates that a septic system can probably be installed on the property.
 - (3) A special condition has been proposed regarding the septic system.
- K. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional

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

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“Yes, see Case 771-AM-13”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.
 - (2) Self-storage Warehouses, providing heat and utilities to individual units are authorized as a Special Use in the B-1, B-3, and B-5 Zoning DISTRICTS and by right in the B-4 DISTRICT.
 - (3) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-1, I-1, and I-2 Zoning DISTRICTS and by right in the B-4 DISTRICT provided that all Outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN.

The subject property has no rear yard because it fronts onto CR2100N (East Hensley Road) on the north and Interstate 57 on the south and therefore on this property a Contractor Facility with any outdoor STORAGE will require a Special Use Permit.
 - (4) Regarding compliance with Subsection 4.2.1F.2.:
 - a. The minimum required depth of the OPEN SPACE between the various uses on the subject property is 20 feet, and while the open space is not dimensioned on the site plan it appears to be about 85 feet.
 - (5) All existing and proposed structures meet setback and front, side and rear yard requirements.
 - (6) Regarding parking on the subject property:
 - a. Paragraph 7.4.1 C.1.e. requires ESTABLISHMENTS other than specified above: one such PARKING SPACE for every 200 square feet of floor area or portion thereof.
 - b. Paragraph 7.4.1D.1. requires for industrial uses that one space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one

space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.

- c. Regarding the number of required parking spaces for business vehicles and equipment and employees:
- (a) On the application the petitioner states that business equipment (and presumably business vehicles) will be stored inside the proposed contractor facility building.
- (b) The number of employees is unknown but the revised site plan received May 30, 2014, indicates 11 parking spaces located east of the proposed contract facility building and these spaces are presumably for employees.
- (7) Regarding loading berths on the subject property, paragraph 7.4.2 C.5. requires two loading berths of minimum 10' × 40' dimensions for commercial and industrial establishments of 10,000 to 24,999 square feet of floor area. There is adequate area to accommodate these loading berths as the site is developed.
- (8) Regarding screening of outdoor storage for Contractors Facilities:
- a. OUTDOOR STORAGE as an ACCESSORY USE is allowed by right when all OUTDOOR STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN meeting the provisions of Section 7.6.3.
- b. A Type D SCREEN is a landscaped berm, or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of eight feet as measured from the highest adjacent grade.
- c. A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for OUTDOOR STORAGE and/or OUTDOOR OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
- i. Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or
- ii. Any designated urban arterial street or MAJOR STREET. Interstate 57 is a MAJOR STREET.

- d. The Revised Site Plan received May 30, 2014, indicates outdoor STORAGE in the following locations:
 - (a) Outdoor storage bins are proposed north of the proposed contractor facility building. If the bins have walls eight feet tall the walls will act as a Type D Screen.
 - (b) An outside storage area is indicated south of the proposed contractor facility building. The outside storage area is surrounded by proposed fencing but no information is provided as to the height or style of fencing.
 - (c) The stockpile of earth on the property is considered outdoor STORAGE and may be relocated to the eastern parcel although "topsoil berms" are indicated northeast and southwest of the proposed contractor facility building. The stockpile of soil also requires a Type D screen.
- (9) Regarding other use of the east 6.8 acre parcel and the required zoning approvals:
 - a. The only use authorized in this Zoning Case 772-S-13 on the east 6.8 acre parcel is a stockpile of soil that is an accessory use to the Contractor Facility.
 - b. As long as there are no buildings and/or structures on the east parcel that are used for any use on the west parcel, a totally different principal use could be established by right on the east parcel and with buildings and/ or structures without requiring a Special Use Permit for multiple principal buildings and/or structures.
- C. Regarding compliance with the *Stormwater Management Policy*:
 - (1) The petitioner must comply with the *Stormwater Management Policy* because the amount of impervious area exceeds the minimum threshold.
 - (2) Before a Zoning Use Permit Application can be approved the petitioner must submit a stormwater management plan that is in compliance with the *Stormwater Management Policy*. A special condition has been proposed to ensure compliance.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.

- F. Regarding the requirement that the Special Use preserve the essential character of the B-4 General Business Zoning DISTRICT:
- (1) More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.
 - (2) Self-storage Warehouses, providing heat and utilities to individual units are authorized as a Special Use in the B-1, B-3, and B-5 Zoning DISTRICTS.
 - (3) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-4, Zoning DISTRICT provided that all Outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN.
 - (4) The proposed use will not hinder agricultural production on adjacent properties.
 - (5) The visual character of the subject property will change due to the size of the proposed contract facility building but it will be in harmony with other existing non-agricultural uses in the immediate vicinity.
 - (6) The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.
 - (7) There will be no significant drainage impacts because the proposed Special Use will comply with the *Stormwater Management Policy*.
 - (8) There will be no significant impact on public health and safety because the proposed buildings will comply with the International Building Code as required by Public Act 96-704 and the septic system will be approved by the County Health Department.
- G. Currently, the subject property is zoned B-3 Highway Business and the Petitioners have requested to rezone the property to B-4 General Business Zoning District in related Case 771-AM-13. Regarding whether or not the proposed Special Use will preserve the essential Character of the surrounding B-3 District:
- (1) As reviewed in Case 771-AM-13 the types of uses authorized by right in the B-3 DISTRICT are different from the by-right uses in the B-4 DISTRICT. Any proposed Special Use on the subject property should be evaluated for compatibility with the adjacent B-3 uses.
 - (2) Compatibility of the proposed Special Use with surrounding agriculture is evaluated in related Case 771-AM-13 under review of Land Resource Management Plan Objective 4.2 regarding interference with agricultural operations and the Zoning Board of Appeals found the proposed Special Use *{WILL / WILL NOT}* interfere with agricultural operations.

- (3) The proposed Special Use will have no significant impact on traffic, drainage, public health or safety, or visual character of the surrounding B-3 District.
 - (4) The subject property is located on East Hensley Road (CR2100N) and immediately adjacent to I-57. Land use and zoning in the immediate neighborhood area of the subject property are as follows:
 - a. Land on the north is zoned AG-1 Agriculture, and is in agricultural production.
 - b. Land on the south is zoned B-3 Highway Business and is an interchange for Interstate 57.
 - c. Land west of the subject property is zoned B-3 Highway Business and is used for a tire distribution warehouse for Tire Central stores.
 - d. Land east of the subject property is zoned B-3 Highway Business and is in agricultural production.
- H. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.
 - (1) Self-storage Warehouses, providing heat and utilities to individual units are authorized as a Special Use in the B-1, B-3, and B-5 Zoning DISTRICTS and by right in the B-4 DISTRICT.
 - (2) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-1, I-1, and I-2 Zoning DISTRICTS and by right in the B-4 DISTRICT provided that all Outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN. Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are also authorized by Special Use Permit in the AG-1 and AG-2 Zoning Districts and in the B-4 DISTRICT if all Outdoor STORAGE is not located in the REAR YARD.

- D. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
- (1) The subject property is currently zoned B-3 Highway Business and the Petitioners have requested to rezone the property to B-4 General Business Zoning District in related Case 771-AM-13. The current B-3 Zoning District does not allow Contractor Facilities but the proposed B-4 Zoning District does allow Contractor Facilities. Contractor Facilities are also authorized in the AG-1, AG-2, and B-1 Zoning Districts.
 - (2) Subsection 5.1.14 of the Ordinance states the general intent of the B-4 District and states as follows (capitalized words are defined in the Ordinance):

The B-4, General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.
 - (3) The types of uses authorized in the B-4 District are in fact the types of uses that have been determined to be acceptable in the B-4 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- E. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

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:

The requested Special Use Permit should not decrease the value of nearby properties.
 - (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.

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

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

- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

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

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

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

~~The proposed Special Use will not be remodeling or altering existing structures.~~
This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.
- a. The property has had business zoning for a long time.
 - b. The proposed use will not take any land out of production that is in the AG-1, AG-2, or CR Zoning Districts.
- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

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

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

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.
- a. The property has had business zoning for a long time.
 - b. The proposed use will take any land out of production.

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

The proposed use will not hinder the development of renewable energy sources.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: N/A
 - B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. The following special conditions were imposed in Case 576-S-07 but are not imposed in this Case 772-S-13:

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

The above conditions are required to ensure the following:

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

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

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

This condition is required to ensure the following:

Outside activities are monitored to help ensure public safety.

13. Regarding proposed special conditions of approval:

- A. **A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

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

That the drainage improvements conform to the requirements of the Stormwater Management Policy.

- B. The following special conditions were imposed in Case 576-S-07 and are retained as special conditions in this Case 772-S-13:

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

The above conditions are required to ensure the following:

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

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed self-storage warehouses until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with**

the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.

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

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

- D. **The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance .

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

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

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

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

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

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

- G. The County Health Department recommends that the area for the subsurface septic system be identified, marked off and protected from compaction prior to construction. The following condition will ensure that the recommendations of the County Health Department are a requirement for a Zoning Use Permit:

- (1) The Zoning Administrator shall not accept a Zoning Use Permit Application for the proposed contractor facility building unless there is a copy of an approved septic system permit by the Champaign County Health Department.
- (2) The area proposed for the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property and the site plan shall include notes to that effect.

(3) The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the approval of the as-built septic system by the Champaign County Health Department.

To ensure that:

The septic system meets the requirements of the Champaign County Health Ordinance.

H. If access to the subject property is restricted there should be no vehicles or trailers required to sit or stand on CR 2100N while access is provided (ie, a gate is unlocked and opened).

The above condition is required to ensure the following:

Restricting access by customers should not create a traffic safety problem on CR2100N.

DOCUMENTS OF RECORD

1. Application for Map Amendment received December 31, 2013, with attachments:
 - A Aerial photograph of subject property received 12/31/13
 - B Warranty Deed
 - C Site Plan
2. Special Use Permit application received December 31, 2013, with attachments:
 - A Aerial photograph of subject property received 12/31/13
 - B Warranty Deed
 - C Site Plan
3. Zoning Case 576-S-07 case file
4. On-Site Evaluation for Septic Filter Field by Roger D. Windholm received February 11, 2014
5. Isometric drawing of proposed building received February 11, 2014
6. Revised Site Plan received February 14, 2014
7. Preliminary Memorandum for Cases 771-AM-13 and 772-S-13 dated April 11, 2014, with attachments:
 - A Case Maps from Case 576-S-07 (Location, Land Use, Zoning)
 - B Pages from Atlantic Services Inc. website (www.atlanticsvcs.com)
 - C Approved Site Plan from Case 576-S-07 (seven sheets total) consisting of the following:
 1. Grading and Utility Sheet received 3/15/07
 2. Specifications and Details received 3/15/07
 3. Hensley Storage Security Notes received 3/09/07
 4. Elevation of typical overhead door received 3/09/07
 5. South bay floor plan received 5/15/07
 6. Revised building elevations received 5/15/07
 7. Gate & Fence detail site plan received 3/09/07
 - D Excerpt of Draft minutes of 5/17/07 ZBA Public Hearing for Case 576-S-07 with As-Approved Finding of Fact, Special Conditions, and Final Determination
 - E Aerial photograph of subject property received 12/31/13
 - F Revised Proposed Site Plan received February 14, 2014 (Reduced to 8½x 11; Board members also received 11 x 17 copy)
 - G Isometric drawing of proposed building received February 11, 2014
 - H On-Site Evaluation for Septic Filter Field by Roger D. Windholm received February 11, 2014
 - I LRMP Land Use Goals, Objectives, and Policies & Appendix (included separately)
 - J LRMP Land Use Management Areas Map (included separately)
Preliminary Draft Finding of Fact for Case 771-AM-13 (included with memo but not listed as an attachment)

Preliminary Draft Summary of Evidence and Finding of Fact for Case 772-S-13 (included with memo but not listed as an attachment)

8. Revised Site Plan received May 30, 2014
9. Written Update on Concerns Regarding Zoning Changes received June 25, 2014
10. Supplemental Memorandum for Cases 771-AM-13 and 772-S-13 dated July 24, 2014, with attachments:
 - A Approved ZBA Minutes of 4/17/14 Public Hearings for Cases 771-AM-13 and 772-S-13
 - B Revised Site Plan received May 30, 2014
 - C Written Update on Concerns Regarding Zoning Changes received June 25, 2014
 - D Aerial photograph of subject property, I-57 interchange, and Beaver Lake Drainage Ditch
 - E Champaign County Right to Farm Resolution # 3425
 - F Preliminary Draft Finding of Fact for Case 771-AM-13
 - G Preliminary Draft Summary of Evidence and Finding of Fact for Case 772-S-13

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 772-S-13 held on {date}, 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.

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

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

- (1) Self-Storage Warehouses providing heat and utilities to individual units, as a special use that was previously authorized in Case 576-S-07; and
- (2) a Landscaping and Maintenance Contractor's Facility with outdoor storage as proposed in Part B.

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

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date