

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: September 11, 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 (July 31, 2014 and August 14, 2014)
5. Continued Public Hearings

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

**NOTE MEETING TIME: 7:00 P.M.**

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

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

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

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

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

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

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

Case 769-AT-13 Petitioner: **Zoning Administrator**  
Request: **Amend the Champaign County Zoning Ordinance by amending the Champaign County Stormwater Management Policy by changing the name to Storm Water Management and Erosion Control Ordinance and amending the reference in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control Ordinance as described in the legal advertisement which can be summarized as follows:**

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

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**  
**NOTICE OF REGULAR MEETING**  
*September 11, 2014*

Case 769-AT-13 cont:

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

Case 773-AT-14 Petitioner:  
Request:

**Zoning Administrator**

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

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

6. New Public Hearings

7. Staff Report

8. Other Business

A. Review of Docket

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

10. Adjournment

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

1 **MINUTES OF REGULAR MEETING**

2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

3 **1776 E. Washington Street**

4 **Urbana, IL 61801**

5 **DATE: July 31, 2014**

6 **PLACE: Lyle Shield's Meeting Room**  
7 **1776 East Washington Street**  
8 **Urbana, IL 61802**

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

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

12 **MEMBERS ABSENT :** Roger Miller

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

14 **OTHERS PRESENT :** Herb Schildt, Randy Hopkins, Sue Hopkins

15 **1. Call to Order**

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

**DRAFT**

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

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

19 **3. Correspondence**

20 None

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

24 **4. Approval of Minutes (June 26, 2014)**

25 Mr. Thorsland entertained a motion to approve the June 26, 2014, minutes.

26 **Mr. Passalacqua moved, seconded by Mr. Randol to approve the June 26, 2014, minutes.**

27 Mr. Thorsland stated that Ms. Lee noted to staff that the sentence beginning on Line 32 on Page 20  
28 should be revised as follows: She said that if there is a southwest wind, which would be prevailing, she  
29 would believe that the neighbors to the northwest would smell odors from the subject property at their  
30 residence which is fairly close by.

31 Mr. Thorsland stated that Ms. Lee also noted a minor correction on Line 11 on Page 5 that the word

1 “small” should be changed to “smell”.

2  
3 Mr. Thorsland asked the Board if there were any additional corrections to the minutes and there were none.

4  
5 **The motion carried by voice vote.**

6  
7  
8 **5. Continued Public Hearing**

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

38  
39 **Case 773-AT-14 Petitioner: Zoning Administrator Request to amend the Champaign County Storm**  
40 **Water Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by**  
41 **adding the following: A. Add a requirement for a Grading and Demolition Permit for any grading or**  
42 **demolition that disturbs on acre or more of land or for any grading or demolition that is part of a**

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

11  
12 Mr. Thorsland called Cases 769-AT-13 and 773-AT-14 concurrently.

13  
14 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign  
15 the witness register for that public hearing. He reminded the audience that when they sign the witness  
16 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this  
17 time.

18  
19 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding the requests.

20  
21 Mr. Hall stated that no new memorandums are available for the Board’s review tonight. He said that shortly  
22 after the last public hearing Mr. Andrew Levy has left employment with the Regional Planning Commission  
23 but before Mr. Levy left he provided Mr. Hall with the revisions to the Technical Appendices, a draft  
24 handout and the other changes that were previously discussed. Mr. Hall stated that it has been such a busy  
25 summer since the last public hearing regarding these cases that he has not had a chance to work on either of  
26 these cases. He requested that the Board continue Cases 769-AT-13 and 773-AT-14 to the September 11,  
27 2014, public meeting. He said that there is a very good chance that the Board could take final action on  
28 these cases at the September 11<sup>th</sup> meeting.

29  
30 Mr. Thorsland entertained a motion to continue Cases 769-AT-13 and 773-AT-14 to the September 11,  
31 2014, meeting.

32  
33 **Ms. Griest moved, seconded by Ms. Capel to continue Cases 769-AT-13 and 773-AT-14 to the**  
34 **September 11, 2014, meeting. The motion carried by voice vote.**

35  
36 **Case 771-AM-13 Petitioner: Randy and Sue Hopkins, d.b.a. Atlantic Services, Inc. Request to amend**  
37 **the Zoning Map to change the zoning district designation from the B-3 Highway Business Zoning**  
38 **District to the B-4 General Business Zoning District in order to authorize the proposed Special Use in**  
39 **related zoning Case 772-S-13. Location: A five acre tract of land in the North Half of the Northwest**  
40 **Quarter of the Northeast Quarter of Section 24 of Hensley Township and commonly known as the**  
41 **plant nursery and self-storage warehouse located at 31 East Hensley Road, Champaign.**  
42

1 **Case 772-S-13 Petitioner: Randy and Sue Hopkins, d.b.a. Atlantic Services, Inc. Request: Authorize**  
2 **the following as a Special Use in the B-4 General Business Zoning District: Part A. Authorize multiple**  
3 **principal buildings on the same lot consisting of the following: (1) Self-Storage Warehouses providing**  
4 **heat and utilities to individual units, as a special use that was previously authorized in Case 101-S-97;**  
5 **and (2) a Landscaping and Maintenance Contractor’s Facility with outdoor storage as proposed in**  
6 **Part B. Part B. Authorize the construction and use of a Landscaping and Maintenance Contractor**  
7 **Facility. Location: An 11.8 acre tract of land in the North Half of the Northwest Quarter of the**  
8 **Northeast Quarter of Section 24 of Hensley Township and commonly known as the plant nursery and**  
9 **self-storage warehouse located at 31 East Hensley Road, Champaign, and an adjacent tract of**  
10 **farmland.**

11  
12 Mr. Thorsland informed the audience that Case 772-S-13 is an Administrative Case and as such the County  
13 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a  
14 show of hands for those who would like to cross examine and each person will be called upon. He requested  
15 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said  
16 that those who desire to cross examine are not required to sign the witness register but are requested to  
17 clearly state their name before asking any questions. He noted that no new testimony is to be given during  
18 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are  
19 exempt from cross examination.

20  
21 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign  
22 the witness register for that public hearing. He reminded the audience that when they sign the witness  
23 register they are signing an oath.

24  
25 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

26  
27 Mr. Randy Hopkins, who resides at 1014 W. South Street, Mansfield, stated that he and his wife are the  
28 owners of Atlantic Services, Inc. He said that on April 17<sup>th</sup> he and his wife started a petition to rezone the  
29 property from B-3 to B-4 and at the public hearing the Board had some questions which required answers.  
30 He said that he and his wife have addressed all of the Board’s questions to the best of their ability for  
31 tonight’s public hearing.

32  
33 Mr. Thorsland called John Hall to testify.

34  
35 Mr. John Hall, Zoning Administrator, stated that there is no new information regarding the case other than  
36 the memorandum that was included in the mailing. He said that a special condition is proposed for Case  
37 771-AM-13 recognizing the Right to Farm Resolution 3425 and as with any special condition in order for it  
38 to apply the petitioner must agree to that special condition.

39  
40 Mr. Thorsland stated that the July 24, 2014, Supplemental Memorandum indicated that the Petitioners have  
41 added 6.8 acres of land to the petition therefore through no fault of the petitioners the legal advertisement  
42 was published on Wednesday, July 30, 2014, which would not allow a final determination at tonight’s

1 meeting. He said that the Board could work through all of the findings tonight so that the cases could be  
2 continued to a future date where the Board could take final action within a short period of time.  
3

4 Ms. Griest asked Mr. Hall if the proposed special condition for Case 771-AM-13 refers to farming the  
5 additional 6.8 acres.  
6

7 Mr. Hall stated that the special condition mainly refers to the adjacent farmland across the street and to the  
8 east of the subject property which is zoned B-3 because it literally pertains to farming regardless of the  
9 zoning district but it would not apply to farming on the petitioner's land.  
10

11 Ms. Griest stated that when the petitioner added the 6.8 acres of land the petition had to be re-advertised.  
12 She asked Mr. Hall if the 6.8 acres is the land to the east side. She said that she believed that the special  
13 condition was giving the petitioner the right, under the new zoning classification, to farm the 6.8 acres.  
14

15 Mr. Hall stated that the petitioner can always farm the 6.8 acres but the special condition is mainly so that  
16 the Board can make a definitive recommendation on the one LRMP Policy which discusses the right to farm.  
17 He said that this is a condition that does not do a whole lot but nonetheless if we do not include it, it could  
18 always be challenged under that one policy.  
19

20 Mr. Passalacqua asked Mr. Hall if he is worried that the petitioner's activity may hinder farming across the  
21 street.  
22

23 Mr. Hall stated no, his only worry is being able to absolutely knock out that policy by having this special  
24 condition.  
25

26 Ms. Griest stated that this is really a technical condition rather than something that is going to be restrictive  
27 on the petitioner.  
28

29 Mr. Hall stated yes. He said that regardless the Right to Farm Resolution applies.  
30

31 Mr. Passalacqua asked Mr. Hopkins if he understood the reason for the proposed special condition.  
32

33 Mr. Hopkins stated no.  
34

35 Mr. Passalacqua explained that the proposed special condition does not restrict the right to farm on the  
36 subject property. He said that the proposed special condition is a technicality because part of the Board's  
37 goals is to ensure that no one has their right to farm their ground taken away. He said that the proposed  
38 special condition will have no effect on this petition whatsoever.  
39

40 Ms. Capel stated that the special condition acknowledges the Policy that the County has regarding a farmer's  
41 right to farm their land and the special condition makes the petitioner aware of that right.  
42

1 Mr. Hopkins thanked the Board for their clarification of the special condition.

2  
3 Mr. Randol informed Mr. Hopkins that if he chooses to farm the 6.8 acres then he can.

4  
5 Mr. Hopkins stated that the 6.8 acres is being farmed currently.

6  
7 Ms. Lee stated that the minutes of the previous public hearing for this case indicates that she questioned the  
8 depth of the detention basin. She said that Mr. Hopkins indicated at the last public hearing that he would  
9 have his engineer address and indicate the depth of the detention basin on the revised drawing she does not  
10 see the depth of the detention basin indicated on the revised drawing.

11  
12 Mr. Hopkins stated that he thought that they depth was indicated on the revised drawing.

13  
14 Mr. Hall stated that the Board has no information regarding the detention basin other than its location. He  
15 said that without doubt there is plenty of room on the subject property to build a detention basin and the  
16 outlet is not to the drainage ditch but to the road ditch along the interstate. He said that he could imagine  
17 that this is a situation where Mr. Hopkins will be meeting the IDOT standards for detention. He said that the  
18 IDOT standards apply across the state therefore they are not especially troublesome but Mr. Hopkins will  
19 need to make sure that he receives IDOT approval for the outlet.

20  
21 Ms. Griest stated that she assumed that the detention basin will be at a depth of 20 feet because there were  
22 four rings indicated on the drawing and each ring is generally delineated as five feet on a contour map.

23  
24 Mr. Hall stated that such is possible but he has no data to prove it.

25  
26 Ms. Griest stated that it appears that the existing driveway is outside of the boundary of the subject property.

27  
28 Mr. Thorsland stated that this may be a depiction of the driveway for the tire company.

29  
30 Ms. Griest asked Mr. Hopkins to clarify the location of the driveway.

31  
32 Mr. Hopkins stated that the depiction of the driveway is for the tire company. He said that the existing  
33 concrete paving, as indicated on the drawing, is the existing driveway for the subject property.

34  
35 Mr. Thorsland asked Mr. Hopkins if the gate has been taken down.

36  
37 Mr. Hopkins stated that the gate still exists but it is left open.

38  
39 Ms. Griest asked Mr. Hall if the property not being gated is why some of the previous conditions from Case  
40 576-S-07 are not necessary for this case.

41  
42 Mr. Hall stated that the proposed changes were based on the Board's recent handling of security issues at



1 self-storage warehouses. He said that the Board tends to not want certain things but it is true that the  
2 Sebens' case involves limited access but it is a much larger set of storage units with a different kind of  
3 access than what exists at this location.  
4

5 Mr. Passalacqua asked Mr. Hopkins if the drive on the east side of the property will remain.  
6

7 Mr. Hopkins stated he does not believe so.  
8

9 Mr. Passalacqua stated that if the drive will remain then it should be reflected on the drawing. He asked Mr.  
10 Hall if there is a problem with the subject property having two drives.  
11

12 Mr. Hall stated no.  
13

14 Mr. Passalacqua recommended that the second drive be indicated on the site plan.  
15

16 Mr. Hopkins stated that the driveway consists of millings and road pack.  
17

18 Mr. Passalacqua stated that if the driveway is used then it should be included on the plan.  
19

20 Ms. Griest asked Mr. Hopkins if the driveway is the access to the farmland.  
21

22 Mr. Hopkins stated that the tenant farmer does use the drive to access the farm ground.  
23

24 Ms. Lee asked Mr. Hopkins if he has contacted Hensley Township.  
25

26 Mr. Hopkins stated no.  
27

28 Mr. Hall stated that part of the re-advertisement includes sending out another round of notices to Hensley  
29 Township. He said that this will be the second notice to Hensley Township although he does not expect to  
30 hear anything from them but we want to make sure that we comply.  
31

32 Mr. Passalacqua stated that Hensley Township is generally pretty diligent about showing up if they have any  
33 concerns.  
34

35 Mr. Passalacqua asked Mr. Hall if the proposed building will require any additional ADA spots.  
36

37 Mr. Hall stated no.  
38

39 Mr. Thorsland stated that the depth of the detention pond should be indicated on the final plan as well as the  
40 addition of the existing driveway on the east side of the property.  
41

42 Mr. Passalacqua stated that if Mr. Hopkins has to comply with IDOT standards then the same information is

1 going to be required by them as well. He asked Mr. Hopkins if the engineering has been completed  
2 regarding the capacity of the detention pond.  
3

4 Mr. Hopkins stated that he will contact MSA regarding these items and will bring in a copy of the plan as  
5 soon as it is complete.  
6

7 Ms. Griest stated that if the driveway is indicated on the plan and Mr. Hopkins chooses to remove the  
8 driveway then that is okay but if the driveway is not included on the approved plan and he chooses to leave  
9 the driveway then Mr. Hopkins has a problem. Ms. Griest stated that it is the Board's recommendation that  
10 the driveway be included on the plan, since it already exists, and if Mr. Hopkins chooses to remove it he can  
11 at his leisure rather than being under some sort of a time constraint or he can leave the driveway in its current  
12 location.  
13

14 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Hopkins and there was no one.  
15

16 Mr. Hall stated that the only use that the petitioner is proposing on the 6.8 acres is to relocate the top soil  
17 stockpile and normally the site plan would reflect that relocation. He said that he has not made an issue of  
18 the top soil to date because it is just top soil but as Ms. Griest indicated it is generally better to show any  
19 future plans for the subject property so that there are no questions later. He said that the site plan would be  
20 more complete with an indication of the relocation of the top soil but he is not requiring it for his purposes.  
21

22 Mr. Passalacqua asked Mr. Hopkins if he is going to move the dirt processor and use that location for the  
23 new building.  
24

25 Mr. Hopkins stated yes.  
26

27 Mr. Passalacqua stated that if the dirt processor is going to be placed by the relocated top soil then it should  
28 be indicated on the revised plan. He said that it is better to have it on the plan so that the petitioner does not  
29 have to come back before the Board at a later date.  
30

31 Mr. Hall asked Mr. Hopkins if when he processes the top soil for a job site would it be hauled from the 6.8  
32 acre site or would the vehicle go back through the other property.  
33

34 Mr. Hopkins stated that the vehicle would go back through the other property.  
35

36 Mr. Hall stated that the gate for the perimeter fence and the drive should be indicated on the site plan. He  
37 said that a petitioner could work forever detailing a complete site plan but these are issues which should  
38 really be included.  
39

40 Mr. Passalacqua asked if Champaign County had any regulations for the top soil pile.  
41

42 Mr. Hall stated that Champaign County has no regulations and regarding ILR10 there is not one acre of

1    disturbed earth on the subject property therefore the property is complete within compliance. He said that  
2    during construction when the land is disturbed for the new contractor building, parking and detention basin  
3    the ILR10 will apply and he is sure the MSA will send in the application and fees. He said that he does not  
4    know if Champaign County will have any erosion control regulations adopted before construction or not.  
5

6    Mr. Randol asked if the plan will indicate whether or not the detention basin will have standing water in it or  
7    if it will only be utilized as an overflow for the subject property when it rains.  
8

9    Mr. Hopkins stated that MSA did not indicate such but MSA did indicate that the detention basin will be  
10   built to code.  
11

12   Ms. Lee stated that Page 6 of the minutes for the previous public hearing regarding this case indicates  
13   concerns that Mr. Hall had regarding drainage of the subject property. She asked Mr. Hall if all of his  
14   concerns have been addressed.  
15

16   Mr. Hall stated that the only information that has been received is what is indicated on the submitted plan.  
17

18   Ms. Lee stated that all of Mr. Hall's concerns are unanswered at this point.  
19

20   Mr. Hall stated that all of his concerns are unanswered but it is clear that there is enough land, which is why  
21   the aerial photograph was included to show the Board that the property only abuts the interstate road ditch,  
22   and he is absolutely confident that a detention basin can be constructed which meets the Stormwater  
23   Management Policy on this property. He said that if Ms. Lee would like to see more information, then as a  
24   Board member it is her right to require it from the petitioner.  
25

26   Mr. Thorsland stated that the water overflow is indicated in lower corner of the property and if you look at  
27   the aerial that lower corner is at the drainage ditch next to the exit ramp. He said that the petitioner will have  
28   to comply with IDOT standards for drainage. He noted that there is a special condition relating to the  
29   Stormwater Management Policy in Case 772-S-13.  
30

31   Mr. Hall stated that when the Board reviews the findings the one thing that he has been concerned about  
32   from the beginning when we knew that the 6.8 acres was going to be added was that he has no idea how it  
33   will go over at the County Board because the rezoning is almost 12 acres from B-3 to B-4 at a location where  
34   there is no sanitary sewer when in fact B-4 is not needed to do the uses that are proposed. He said that it  
35   could be that the County Board may look at this as it is already zoned business and is located at an interstate  
36   interchange, which is not unlike the Monticello Road interstate interchange area that is zoned B-4, therefore  
37   what is the problem. He said that this very 6.8 acres had been proposed for rezoning, shortly after Mr.  
38   Courson's Special Use Permit, and it did not get approved for rezoning to B-4. Mr. Hall stated that there  
39   was no proposed use for the 6.8 acres at that time and it was at a time when Hensley Township was  
40   protesting. He said that he wanted to mention this background to the Board because the only rezoning that  
41   the Board has seen recently was for a very defined use at a very defined property and on that 6.8 acres that is  
42   not what we have.

1  
2 Mr. Thorsland stated that the Board needs to go through all of the LRMP points and a decision is required  
3 for almost all of those points by the Board. He said that the Board can read through all of the points or just  
4 review the Summary Finding of Fact. He said that there is a history attached to this property therefore the  
5 Board needs to make sure that everything is consistent in the findings.  
6  
7 Ms. Lee asked if Mr. Hopkins owns the property currently.  
8  
9 Mr. Hopkins stated that he owns the property currently.  
10  
11 Mr. Thorsland stated that the Board will begin its review of the LRMP Goals and Policies on Page 13, Item  
12 #10.  
13  
14 Mr. Thorsland read LRMP Goal 1 as follows: “Champaign County will attain a system of land resource  
15 management planning built on broad public involvement that supports effective decision making by the  
16 County.” Goal 1 has 4 objectives and 4 policies. He said that staff recommends that the proposed rezoning  
17 will **NOT IMPEDE** the achievement of Goal 1.  
18  
19 The Board agreed with staff’s recommendation of **NOT IMPEDE** for Goal 1.  
20  
21 Mr. Thorsland read LRMP Goal 2 as follows: “Champaign County will collaboratively formulate land  
22 resource and development policy with other units of government in areas of overlapping land use planning  
23 jurisdiction.” Goal 2 has two objectives and three policies. He said that staff recommends that the proposed  
24 rezoning will **NOT IMPEDE** the achievement of Goal 2.  
25  
26 The Board agreed with staff’s recommendation of **NOT IMPEDE** for Goal 2.  
27  
28 Mr. Thorsland read LRMP Goal 3 as follows: “Champaign County will encourage economic growth and  
29 development to ensure prosperity for its residents and the region.” Goal 3 has three objectives and no  
30 policies. The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** the achievement of Goal 3 based on  
31 the following: A. Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3  
32 Objectives, the proposed rezoning will allow the petitioner to utilize the property somewhat more intensively  
33 and continue business operation in Champaign County; and B. Based on the above and because it will either  
34 not impede or is not relevant to the other Objectives and Policies under this goal the proposed map  
35 amendment **WILL/WILL NOT HELP ACHIEVE** Goal 3 Prosperity.  
36  
37 Mr. Passalacqua stated that based on the above and because it will either not impede or is not relevant to the  
38 other Objectives and Policies under this goal the proposed map amendment **WILL HELP ACHIEVE** Goal  
39 3 Prosperity.  
40  
41 Ms. Griest stated that the proposed rezoning **WILL HELP ACHIEVE** the achievement of Goal 3.  
42

1 Mr. Thorsland read LRMP Goal 4 as follows: “Champaign County will protect the long term viability of  
2 agriculture in Champaign County and its land resource base.” Goal 4 has 9 objectives and 22 policies. The  
3 proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Goal 4. Mr. Thorsland stated that the Board will  
4 review the objectives and policies and then return to LRMP Goal 4 for a final determination of **WILL/WILL**  
5 **NOT HELP ACHIEVE**.

6  
7 Mr. Thorsland read Objective 4.1 as follows: “Champaign County will strive to minimize the fragmentation  
8 of the County’s agricultural land base and conserve farmland, generally applying more stringent  
9 development standards on best prime farmland.” The proposed rezoning **WILL/WILL NOT HELP**  
10 **ACHIEVE** Objective 4.1.

11  
12 Ms. Griest stated that the proposed rezoning **WILL HELP ACHIEVE** Objective 4.1

13  
14 Mr. Thorsland stated that Policy 4.1.6 states “Provided that the use, design, site and location are consistent  
15 with County policies regarding: i. Suitability of the site for the proposed use; and ii. Adequacy of  
16 infrastructure and public services for the proposed use; and iii. Minimizing conflict with agriculture; and iv.  
17 Minimizing the conversion of farmland; and v. Minimizing the disturbance of natural areas; then a) On best  
18 prime farmland, the County may authorize discretionary residential development subject to a limit on total  
19 acres converted which is generally proportionate to tract size and is based on the January 1, 1998,  
20 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right  
21 development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-  
22 way), but not to exceed 12 acres in total; or b) On best prime farmland, the County may authorize non-  
23 residential discretionary development; or c) The County may authorize discretionary review development on  
24 tracts consisting of other than best prime farmland.” The proposed rezoning **WILL/WILL NOT HELP**  
25 **ACHIEVE** Policy 4.1.6.

26  
27 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.1.6.

28  
29 Mr. Thorsland read Objective 4.2 as follows: “Champaign County will require that each discretionary review  
30 development will not interfere with agricultural operations.” The proposed rezoning **WILL/WILL NOT**  
31 **HELP ACHIEVE** Objective 4.2 because of the following: Policy 4.2.1 states, “The County may authorize a  
32 proposed business or other non-residential discretionary review development in a rural area if the proposed  
33 development supports agriculture or involves a product or service that is better provided in a rural area than  
34 in an urban area.” The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 4.2.1 because based  
35 on the evidence, the proposed Special Use in related Case 772-S-13 **DOES/DOES NOT** support agriculture  
36 and **WILL/WILL NOT** interfere with agricultural operations and is a service which is appropriate for the  
37 rural area and therefore **IS /IS NOT** a service better provided in rural area than in an urban area.

38  
39 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.2.1 because based on  
40 the evidence, the proposed Special Use in related Case 772-S-13 **DOES** support agriculture and **WILL**  
41 **NOT** interfere with agricultural operations and is a service which is appropriate for the rural area and  
42 therefore **IS** a service better provided in rural area than in an urban area.

1  
2 Mr. Hall asked the Board if they are comfortable indicating that the proposed use will support agriculture.

3  
4 Mr. Thorsland stated that the use is better suited in a rural area.

5  
6 Mr. Passalacqua stated that the Board could determine that the proposed rezoning **WILL HELP ACHIEVE**  
7 Policy 4.2.1 because based on the evidence, the proposed Special Use in related Case 772-S-13 **WILL NOT**  
8 **IMPEDE** agriculture and **WILL NOT** interfere with agricultural operations and is a service which is  
9 appropriate for the rural area and therefore **IS** a service better provided in rural area than in an urban area.

10  
11 Mr. Thorsland stated that Policy 4.2.2 states, The County may authorize discretionary review development in  
12 a rural area if the proposed development: a. is at type that does not negatively affect agricultural activities; or  
13 b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and  
14 c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural  
15 drainage systems, rural roads, or other agriculture-related infrastructure.” The proposed rezoning  
16 **WILL/WILL NOT HELP ACHIEVE** Policy 4.2.2 because based on the evidence, the proposed Special Use  
17 in related Case 772-S-13 **DOES/DOES NOT** negatively affect agricultural activities, **IS/IS NOT** located and  
18 designed to minimize exposure to negative effects of agricultural activities, and **WILL/WILL NOT** interfere  
19 with agricultural activities.

20  
21 Ms. Griest stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.2.2 because based on the  
22 evidence, the proposed Special Use in related Case 772-S-13 **DOES NOT** negatively affect agricultural  
23 activities, **IS** located and designed to minimize exposure to negative effects of agricultural activities, and  
24 **WILL NOT** interfere with agricultural activities.

25  
26 Mr. Thorsland stated that Objective 4.3 states, “Champaign County will require that each discretionary  
27 review development is located on a suitable site.” He said that Policy 4.3.2 states, “On best prime farmland,  
28 the County may authorize a discretionary review development provided the site with proposed improvements  
29 is well-suited for the proposed land use. The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy  
30 4.3.2 for the following reasons: a. There was no Section 22 Natural Resource Report for the subject property  
31 during the public hearing for Case 576-S-07 because the property already had business zoning and there is  
32 none at this time. The subject property is best prime farmland consisting of Drummer silty clay loam  
33 (relative LE of 100 in Champaign County LESA System) and Elburn silt loam (relative LE of 100 in the  
34 Champaign County LESA System); and b. The subject property is already zoned B-3 Highway Business; and  
35 c. As determined for Policy 4.2.2, the proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 4.2.2  
36 because based on the evidence, the proposed Special Use in related Case 772-S-12 **DOES/DOES NOT**  
37 negatively affect agricultural activities, **IS/IS NOT** located and designed to minimize exposure to negative  
38 effects of agricultural activities, and **WILL/WILL NOT** interfere with agricultural activities; and d. The  
39 proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 4.3.3; and 3. The proposed rezoning  
40 **WILL/WILL NOT HELP ACHIEVE** Policy 4.3.4.

41  
42 Mr. Passalacqua stated that as determined for Policy 4.2.2, the proposed rezoning **WILL HELP ACHIEVE**

1 Policy 4.2.2 because based on the evidence, the proposed Special Use in related Case 772-S-12 **DOES NOT**  
2 negatively affect agricultural activities, of **IS** located and designed to minimize exposure to negative effects  
3 of agricultural activities, and **WILL NOT** interfere with agricultural activities.  
4

5 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.3.2.  
6

7 Mr. Thorsland stated that Policy 4.3.3 states, “The County may authorize a discretionary review  
8 development provided that existing public services are adequate to support the proposed development  
9 effectively and safely without undue expense.” The proposed rezoning **WILL/WILL NOT HELP ACHIEVE**  
10 Policy 4.3.3.  
11

12 Mr. Passalacqua stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.3.3.  
13

14 Ms. Griest asked if Items d. and e. under Policy 4.3.2 and Policy 4.3.5. are duplications or are they necessary.  
15

16 Mr. Hall stated yes and they are necessary to make it clearer.  
17

18 Mr. Thorsland stated that Policy 4.3.4 states, “The County may authorize a discretionary review  
19 development provided that existing public infrastructure, together with proposed improvements, is adequate  
20 to support the proposed development effectively and safely without undue public expense.”  
21

22 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.3.4.  
23

24 Ms. Griest stated that proposed rezoning **WILL HELP ACHIEVE** Policy 4.3.3. and Policy 4.3.4.  
25

26 Mr. Passalacqua asked if the negative comments included in Item G. under Policy 4.3.4 are only for a matter  
27 of record.  
28

29 Mr. Hall stated yes.  
30

31 Mr. Thorsland stated that Policy 4.3.5 states, “On best prime farmland, the County will authorize a business  
32 or other non-residential use only if: a. it also serves surrounding agricultural uses or an important public  
33 need; and cannot be located in an urban area or on a less productive site; or b. the use is otherwise  
34 appropriate in a rural area and the site is very well suited to it.” Mr. Thorsland stated that the proposed  
35 rezoning **WILL HELP ACHIEVE** Policy 4.3.5. He said that the Board is required to make a determination  
36 for Items c, d, e, and f. under Policy 4.3.5. He said that regarding Item c. he would recommend the  
37 following: The proposed rezoning **WILL HELP ACHIEVE** Policy 4.2.1 because based on the evidence,  
38 the proposed Special Use in related Case 772-S-13 **DOES NOT IMPEDE** agriculture and **WILL NOT**  
39 interfere with agricultural operations and is a service which is appropriate for the rural area and therefore **IS**  
40 a service better provided in a rural area than in an urban area.  
41

42 Ms. Lee stated that Item b. indicates that the subject property is already zoned B-3 Highway Business. She

1 asked Mr. Hall to indicate the zoning for the 6.8 acres.

2  
3 Mr. Hall indicated that the 6.8 acres is also zoned B-3.

4  
5 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.2.2, the proposed  
6 rezoning **WILL HELP ACHIEVE** Policy 4.2.2 because based on the evidence, the proposed Special Use in  
7 related Case 772-S-13 **DOES NOT** negatively affect agricultural activities, **IS** located and designed to  
8 minimize exposure to negative effects of agricultural activities, and **WILL NOT** interfere with agricultural  
9 activities.

10  
11 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.3.3 and Policy 4.3.

12  
13 Ms. Griest stated that the proposed amendment **WILL NOT IMPEDE** the achievement of Objectives 4.6,  
14 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.  
15 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  
16 amendment.

17  
18 Mr. Thorsland stated that overall the proposed rezoning **WILL HELP ACHIEVE** Goal 4.

19  
20 Mr. Hall reminded the Board that an overall determination was still needed for Objectives 4.2 and 4.3.

21  
22 Mr. Thorsland stated that overall the proposed rezoning **WILL HELP ACHIEVE** Objective 4.3.

23  
24 Ms. Capel stated that overall the proposed rezoning **WILL HELP ACHIEVE** Objective 4.2.

25  
26 Mr. Thorsland read LRMP Goal 5 as follows: “Champaign County will encourage urban development that  
27 is compact and contiguous to existing cities, villages, and existing unincorporated settlements. He said that  
28 Goal 5 has 3 objectives and 15 policies. The proposed amendment **WILL/WILL NOT HELP ACHIEVE**  
29 Goal 5 for the following reasons: Objective 4.1 states, “Champaign County will strive to ensure that the  
30 preponderance of population growth and economic development is accommodated by new urban  
31 development in or adjacent to existing population centers.” The proposed rezoning **WILL/WILL NOT**  
32 **HELP ACHIEVE** Objective 5.1 because of the following: Policy 5.1.3 states, “The County will consider  
33 municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by  
34 an available public sanitary sewer service plan as contiguous urban growth area which should develop in  
35 conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land  
36 Use Map.” The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 5.1.3.

37  
38 Mr. Passalacqua stated the proposed rezoning **WILL NOT IMPEDE** Policy 5.1.3.

39  
40 Mr. Thorsland stated that Policy 5.1.4. states, “The County may approve discretionary development outside  
41 contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if: a. the  
42 development is consistent with the municipal comprehensive plan and relevant municipal requirements; and



1 b. the site is determined to be well-suited overall for the development if on best prime farmland or the site is  
2 suited overall, otherwise; and c. the development is generally consistent with all relevant LRMP objective  
3 and polices.” The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 5.1.4.  
4

5 Mr. Passalacqua stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 5.1.4.  
6

7 Mr. Thorsland stated that Policy 5.1.5 states, “The County will encourage urban development to explicitly  
8 recognize and provide for the right of agricultural activities to continue on adjacent land.” He said that staff  
9 recommends that the proposed rezoning **WILL HELP ACHIEVE** Policy 5.1.5 because a special condition  
10 has been proposed to require any use established on the subject property to explicitly recognize and provide  
11 for the right of agricultural activities on adjacent land.  
12

13 The Board agreed with staff’s recommendation for Policy 5.1.5.  
14

15 Mr. Thorsland stated that Policy 5.1.6 states, “To reduce the occurrence of agricultural land use and non-  
16 agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require  
17 discretionary development to create a sufficient buffer between existing agricultural operations and the  
18 proposed urban development.” The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 5.1.6.  
19

20 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 5.1.6.  
21

22 Mr. Passalacqua disagreed with Mr. Thorsland’s recommendation and recommended that the proposed  
23 rezoning **WILL NOT IMPEDE** Policy 5.1.6.  
24

25 Mr. Hall stated that if the Board believes that buffers are not necessary because of the existing road then he  
26 would recommend **WILL HELP ACHIEVE**.  
27

28 The Board agreed that the proposed rezoning **WILL HELP ACHIEVE** Policy 5.1.6.  
29

30 Mr. Thorsland stated that overall the proposed rezoning **WILL HELP ACHIEVE** Objective 5.1.  
31

32 Mr. Hall stated that the decision for Policy 5.1.4 was **WILL HELP ACHIEVE** although Policy 5.1.4  
33 discusses areas within municipal extra-territorial jurisdictions and the subject property is not within the City  
34 of Champaign’s ETJ therefore to be more consistent he recommended that the proposed rezoning **WILL**  
35 **NOT IMPEDE** Policy 5.1.4.  
36

37 Mr. Passalacqua stated the Policy 5.1.4 does not apply.  
38

39 Mr. Hall stated that indicating that Policy 5.1.4 does not apply is a possibility but there were previous  
40 policies which talked about being in the ETJ and the decision was **WILL NOT IMPEDE** therefore he would  
41 like the Board to be consistent with its determinations.  
42

1 Ms. Capel asked if Objective 5.1 should also indicate **WILL NOT IMPEDE**.  
2

3 Mr. Hall stated that the Board could go either way in determining whether the proposed rezoning **WILL**  
4 **NOT IMPEDE** or **WILL HELP ACHIEVE** Objective 5.1 because there are two determinations of **WILL**  
5 **HELP ACHIEVE** and until the Board has something that obviously makes the **IMPEDE** more critical he  
6 would go with **WILL HELP ACHIEVE**.  
7

8 The Board agreed that the proposed rezoning **WILL HELP ACHIEVE** Policy 5.1.4.  
9

10 Mr. Thorsland stated that Objective 5.3 states, “Champaign County will oppose proposed new urban  
11 development unless adequate utilities, infrastructure, and public services are provided.” The proposed  
12 rezoning **WILL/WILL NOT HELP ACHIEVE** Objective 5.3 because of the following: Policy 5.3.1 states,  
13 “The County will: a. require that proposed new urban development in unincorporated areas is sufficiently  
14 served by available public services and without undue public expense; and b. encourage, when possible,  
15 other jurisdictions to require that proposed new urban development is sufficiently served by available public  
16 services and without undue public expense.”  
17

18 Mr. Thorsland stated that Hensley Township has been notified and no comments have been received. He  
19 said that the Board has been informed that the drainage will need to comply with IDOT standards.  
20

21 Mr. Passalacqua stated that we know that any repair expenses regarding water and septic are on the  
22 petitioner.  
23

24 Mr. Passalacqua recommended that the proposed rezoning **WILL HELP ACHIEVE** Policy 5.3.1.  
25

26 Mr. Thorsland stated that Policy 5.3.2 states, “The County will: a. require that proposed new urban  
27 development, with proposed improvements, will be adequately served by public infrastructure, and that  
28 related needed improvements to public infrastructure are made without undue public expense; and b.  
29 encourage, when possible, other jurisdictions to require that proposed new urban development, with  
30 proposed improvements, will be adequately served by public infrastructure, and that related needed  
31 improvements to public infrastructure are made without undue public expense.” The proposed rezoning  
32 **WILL/WILL NOT HELP ACHIEVE** Policy 5.3.2.  
33

34 Mr. Randol stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 5.3.2.  
35

36 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Objective 5.3.  
37

38 Mr. Thorsland stated that overall the proposed amendment **WILL HELP ACHIEVE** Goal 5.  
39

40 Mr. Thorsland stated that staff recommends that the proposed amendment **WILL NOT IMPEDE** the  
41 achievement of Objective 5.2 and Policies 4.1.1, 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.  
42

1 The Board agreed with staff recommendation that the proposed amendment **WILL NOT IMPEDE** the  
2 achievement of Objective 5.2 and Policies 4.1.1, 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.  
3

4 Mr. Thorsland read LRMP Goal 6 as follows: Champaign County will ensure protection of the public health  
5 and public safety in land resource management decisions. Goal 6 has 4 objectives and 7 policies. The  
6 proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Goal 6 for the following reasons: Objective 6.1  
7 states, “Champaign County will seek to ensure that development in unincorporated areas of the County does  
8 not endanger public health or safety.” The proposed rezoning **WILL/WILL NOT HELP ACHIEVE**  
9 Objective 6.1 because of the following: (1) Policy 6.1.3 states, “The County will seek to prevent nuisances  
10 created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of  
11 the night sky throughout as much of the County as possible.” The proposed rezoning **WILL/WILL NOT**  
12 **ACHIEVE** Policy 6.1.3 because of the following: a. any new exterior lighting will comply with the standard  
13 condition in Section 6.1.2 regarding exterior lighting and will be full-cutoff light fixtures.  
14

15 Ms. Griest stated that the proposed rezoning **WILL HELP ACHIEVE** Objective 6.1 and Policy 6.1.3.  
16

17 Mr. Thorsland stated that staff recommends that the proposed amendment **WILL NOT IMPEDE** the  
18 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  
19 6.2.3 are **NOT RELEVANT** to the proposed amendment.  
20

21 The Board agreed with staff’s recommendation that the proposed amendment **WILL NOT IMPEDE** the  
22 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  
23 6.2.3 are **NOT RELEVANT** to the proposed amendment.  
24

25 Mr. Thorsland stated that overall the proposed rezoning **WILL HELP ACHIEVE** Goal 6.  
26

27 Mr. Thorsland read LRMP Goal 7 as follows: Champaign County will coordinate land use decisions in the  
28 unincorporated area with the existing and planned transportation infrastructure and services. He said that  
29 Goal 7 has 2 objective and 7 policies. The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Goal 7  
30 for the following reasons: Objective 7.1 states, “Champaign County will consider traffic impact in all land  
31 use decisions and coordinate efforts with other agencies when warranted.” The proposed rezoning  
32 **WILL/WILL NOT HELP ACHIEVE** Objective 7.1 because of the following: (1) Policy 7.1.1 states, “The  
33 County will include traffic analyses in discretionary review development proposal with significant traffic  
34 generation.” The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 7.1.1.  
35

36 Mr. Randol stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 7.1.1.  
37

38 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Objective 7.1.  
39

40 Mr. Thorsland stated that staff recommended that the proposed amendment **WILL NOT IMPEDE** the  
41 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.  
42

1 The Board agreed with staff's recommendation that the proposed amendment **WILL NOT IMPEDE** the  
2 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.

3  
4 Mr. Thorsland stated that overall the proposed rezoning **WILL HELP ACHIEVE** Goal 7.

5  
6 Mr. Thorsland read LRMP Goal 8 as follows: Champaign County will strive to conserve and enhance the  
7 County's landscape and natural resources and ensure their sustainable use. He said that Goal 8 has 9  
8 objectives and 36 policies. He said that staff has recommended that the proposed rezoning **WILL NOT**  
9 **IMPEDE** the achievement of Goal 8.

10  
11 The Board agreed with staff's recommendation that the proposed rezoning **WILL NOT IMPEDE** the  
12 achievement of Goal 8.

13  
14 Mr. Thorsland read LRMP Goal 9 as follows: Champaign County will encourage energy conservation  
15 efficiency, and the use of renewable energy sources. He said that Goal 9 has 5 objectives and 5 policies. He  
16 said that staff recommended that the proposed rezoning **WILL NOT IMPEDE** the achievement of Goal 9.

17  
18 The Board agreed with staff's recommendation that the proposed rezoning **WILL NOT IMPEDE** the  
19 achievement of Goal 9.

20  
21 Mr. Thorsland read LRMP Goal 10 as follows: Champaign County will promote the development and  
22 preservation of cultural amenities that contribute to a high quality of life for its citizens. He said that Goal 10  
23 has 1 objective and 1 policy. He said that staff recommended that the proposed rezoning **WILL NOT**  
24 **IMPEDE** the achievement of Goal 10.

25  
26 The Board agreed with staff's recommendation that the proposed rezoning **WILL NOT IMPEDE** the  
27 achievement of Goal 10.

28  
29 Mr. Thorsland stated that the Board will move forward to the *LaSalle* Factors. He read Item 10.E as follows:  
30 *LaSalle* Factor: The suitability of the subject property for the zoned purposes. (1) The subject property is  
31 suitable for the current zoned purposes; and (2) Based on the discussion of suitability under Items 13.C and  
32 14.B above, the subject property IS/IS NOT SUITABLE for the proposed zoned purpose which is self-  
33 storage warehouses and a contractor facility with outdoor storage.

34  
35 Mr. Passalacqua stated that Based on the discussion of suitability under Items 13.C and 14.B above, the  
36 subject property **IS SUITABLE** for the proposed zoned purpose which is self-storage warehouses and a  
37 contractor facility with outdoor storage.

38  
39 Mr. Thorsland stated that regarding the purpose of the Zoning Ordinance the proposed amendment  
40 **WILL/WILL NOT HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the  
41 Ordinance.

1 Mr. Thorsland stated that the proposed amendment **WILL HELP ACHIEVE** the purpose of the Zoning  
2 Ordinance as established in Section 2 of the Ordinance.

3  
4 Mr. Thorsland stated that there are no new Documents of Record. He noted that the Summary Finding of  
5 Fact should indicate the following dates: April 17, 2014, July 31, 2014 and a future date for final  
6 determination.

7  
8 Mr. Thorsland stated that the Board will stop at this point with the review for Case 771-AM-13 and begin its  
9 review of Case 772-AM-13.

10  
11 Mr. Thorsland stated that the Board will review the special conditions at this time for Case 772-S-13.

12  
13 Mr. Thorsland read the proposed special conditions as follows:

- 14  
15           A.    **A complete Stormwater Drainage Plan that conforms to the requirements of the**  
16               **Stormwater Management Policy shall be submitted and approved as part of the Zoning**  
17               **Use Permit application and all required certifications shall be submitted after**  
18               **construction prior to issuance of the Zoning Compliance Certificate.**

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

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

22  
23 Mr. Thorsland asked Mr. Hopkins if he agreed with Special Condition A.

24  
25 Mr. Hopkins agreed with Special Condition A.

- 26  
27           B.    **Heat and utilities provided to the individual self-storage units should be limited so that**  
28               **improper use cannot be made of those services. The following conditions will ensure**  
29               **that heat and utilities are provided as necessary but not to the extent that the services**  
30               **can be used for improper or illegal activities:**

31               a.    **Heating in the individual storage units shall not be controllable by the**  
32                   **individual storage unit renters and shall be controlled by the management as**  
33                   **described in the Hensley Storage Security Notes submitted by the petitioner.**

34               b.    **No plumbing shall be provided within the individual self-storage units nor**  
35                   **within the immediate vicinity of the self-storage units as described in the**  
36                   **Hensley Storage Security Notes submitted by the petitioner.**

37               c.    **Electrical power within the individual self-storage units shall be limited to one**  
38                   **15 amp outlet as described in the Hensley Storage Security Notes submitted by**  
39                   **the petitioner.**

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

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

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Mr. Thorsland asked Mr. Hopkins if he agreed with Special Condition B.

Mr. Hopkins agreed with Special Condition B.

**C.      The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed contractor’s facility 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.**
- (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.**

Mr. Thorsland asked Mr. Hopkins if he agreed with Special Condition C.

Mr. Hopkins agreed with Special Condition C.

**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.**

Mr. Thorsland asked Mr. Hopkins if he agreed with Special Condition D.

Mr. Hopkins agreed with Special Condition D.

**E.      The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed contractor’s facility until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

Mr. Thorsland asked Mr. Hopkins if he agreed with Special Condition E.

Mr. Hopkins agreed with Special Condition E.

**F.      The only two principal uses authorized by Case 772-S-13 are a Contractor’s 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.**

Mr. Thorsland asked Mr. Hopkins if he agreed with Special Condition F.

Mr. Hopkins agreed with Special Condition F.

**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.**

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

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

Mr. Thorsland asked Mr. Hopkins if he agreed with Special Condition G.

Mr. Hopkins agreed with Special Condition G.

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

**Restricting access by customers should not create a traffic safety problem on CR 2100N.**

Mr. Thorsland asked Mr. Hopkins if he agreed with Special Condition G.

Mr. Hopkins agreed with Special Condition G.

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

1  
2 **Ms. Griest moved, seconded by Mr. Passalacqua to approve the special conditions as read. The**  
3 **motion carried by voice vote.**

4  
5 Ms. Capel noted that Items 4 and 7.H. of the Documents of Record should be corrected to indicate Roger D.  
6 Windhorn.

7  
8 **Findings of Fact for Case 772-S-13:**  
9

10 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
11 772-S-13 held on April 17, 2014 and July 31, 2014, the Zoning Board of Appeals of Champaign County  
12 finds that:

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

15  
16 Mr. Passalacqua stated that the requested Special Use Permit IS necessary for the public convenience at this  
17 location because this is an expansion of an existing facility as opposed to creation of a new facility.

18  
19 Ms. Griest stated that this is an expansion and utilization of an existing facility since the property is under  
20 different ownership.

- 21  
22 **2. The requested Special Use Permit, subject to the special conditions imposed herein, is**  
23 **so designed, located and proposed to be operated so that it WILL NOT be injurious to**  
24 **the district in which it shall be located or otherwise detrimental to the public health,**  
25 **safety, and welfare because:**

- 26 **a. The street has ADEQUATE traffic capacity and the entrance location has**  
27 **ADEQUATE visibility.**

28  
29 Mr. Randol stated that the street has ADEQUATE traffic capacity and the entrance location has  
30 ADEQUATE visibility.

- 31  
32 **b. Emergency Services availability is ADEQUATE.**

33  
34 Mr. Passalacqua stated that emergency services availability is ADEQUATE.

- 35  
36 **c. The Special Use WILL be compatible with adjacent uses.**

37  
38 Ms. Capel stated that the Special Use WILL be compatible with adjacent uses.

- 39  
40 **d. Surface and subsurface drainage will be ADQUATE.**

41  
42 Mr. Randol stated that surface and subsurface drainage will be ADEQUATE.



1  
2                    e.      **Public safety will be ADEQUATE.**

3  
4 Mr. Passalacqua stated that public safety will be **ADEQUATE**.

5  
6                    f.      **The provisions for parking will be ADEQUATE.**

7  
8 Ms. Griest stated that the provisions for parking will be **ADEQUATE**.

9  
10                    g.      **The property is BEST PRIME FARMLAND and the property with the**  
11 **proposed improvements IS WELL SUITED OVERALL.**

12  
13 Ms. Griest stated that the property is **BEST PRIME FARMLAND** and the property with the proposed  
14 improvements **IS WELL SUITED OVERALL**.

15  
16                    h.      **The existing public services ARE available to support the proposed special use**  
17 **effectively and safely without undue public expense.**

18  
19 Ms. Capel stated that existing public services **ARE** available to support the proposed special use effectively  
20 and safely without undue public expense.

21  
22                    i.      **The only existing public infrastructure together with proposed improvements**  
23 **ARE adequate to support the proposed development effectively and safely**  
24 **without undue public expense.**

25  
26 Mr. Passalacqua stated that the only existing public infrastructure together with proposed improvements  
27 **ARE** adequate to support the proposed development effectively and safely without undue public expense.

28  
29                    3a.      **The requested Special Use Permit, subject to the special conditions imposed herein,**  
30 **DOES conform to the applicable regulations and standards of the DISTRICT in which**  
31 **it is located.**

32  
33 Ms. Griest stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
34 **DOES** conform to the applicable regulations and standards of the DISTRICT in which it is located.

35  
36                    3b.      **The requested Special Use Permit, subject to the special conditions imposed herein,**  
37 **DOES preserve the essential character of the DISTRICT in which it is located because:**

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

40  
41 Ms. Capel stated that the Special Use will be designed to **CONFORM** to all relevant County ordinances and  
42 codes.

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

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

- c. Public safety will be ADEQUATE.

Ms. Capel stated that public safety will be ADEQUATE.

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

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

- a. The Special Use is authorized in the District.
b. The requested Special Use Permit IS necessary for the public convenience at this location.

Ms. Capel stated that the requested Special Use Permit IS 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 NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety and welfare.

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

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

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

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

Ms. Griest stated that the requested Special Use IS NOT an existing nonconforming use.

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

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**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. 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 special 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 contractor’s facility 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.**

**(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.**

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**E.      The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed contractor’s facility 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 Contractor’s 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.**

The special condition stated above is necessary to ensure the following:  
**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 special condition stated above is necessary to ensure the following:  
**Restricting access by customers should not create a traffic safety problem on CR 2100N.**

Mr. Hall stated that there are two items of evidence which require a determination from the Board. He said that the findings for Case 771-AM-13 are actually entered as evidence for Case 772-S-13. He said that item 7.D is located on Page 13 and item 7.N is located on Page 18.

Mr. Thorsland read item 7.D as follows: The evidence in related Case 771-AM-13 established that the

1 proposed Special Use IS/IS NOT a service better provided in a rural area than an urban area.

2  
3 Mr. Passalacqua stated that the evidence in related Case 771-AM-13 established that the proposed Special  
4 Use **IS** a service better provided in a rural area than an urban area.

5  
6 Mr. Thorsland read item 7.N as follows: The Special Use **WILL/WILL NOT** be compatible with adjacent  
7 uses because the evidence in related Case 771-AM-13 established that the proposed Special Use  
8 **WILL/WILL NOT** interfere with agricultural operations and the subject site **IS/IS NOT** suitable for the  
9 proposed Special Use.

10  
11 Ms. Griest stated that the Special Use **WILL** be compatible with adjacent uses because the evidence in  
12 related Case 771-AM-13 established that the proposed Special Use **WILL NOT** interfere with agricultural  
13 operations and the subject site **IS** suitable for the proposed Special Use.

14  
15 Mr. Thorsland entertained a motion to adopt the Summary of Record, Documents of Record and Findings of  
16 Fact as amended.

17  
18 **Ms. Capel moved, seconded by Mr. Passalacqua to adopt the Summary of Record, Documents of**  
19 **Record and Findings of Fact as amended. The motion carried by voice vote with one opposing vote.**

20  
21 Mr. Thorsland entertained a motion to continue Cases 771-AM-13 and 772-S-13 to the August 14, 2014,  
22 meeting.

23  
24 **Ms. Griest moved, seconded by Ms. Capel to continue Cases 771-AM-13 and 772-S-13 to the August**  
25 **14, 2014, meeting.**

26  
27 Mr. Hall asked the Board if they would like to see the revised Summary of Evidence and Findings of Fact at  
28 the August 14<sup>th</sup> meeting.

29  
30 The Board indicated that they would like to see the revised Summary of Evidence and Findings of Fact at the  
31 August 14<sup>th</sup> meeting.

32  
33 Ms. Griest noted that the Board will need to approve the Documents of Record for both cases again at the  
34 August 14<sup>th</sup> meeting due to the anticipated submittal of an updated site plan.

35  
36 **6. New Public Hearings**

37  
38 None

39  
40 **7. Staff Report**

41  
42 None

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**8. Other Business**

Mr. Hall stated that at this time the Board could be finished with all zoning cases by September 11<sup>th</sup> but through diligent enforcement actions we know there are some new cases that are going to be submitted. He said that it was said that it was finally determined that the U of I Solar Farm is not relevant to County zoning therefore that case has been removed from the docket.

Mr. Hall stated that the memorandums for the August 28<sup>th</sup> meeting will be prepared by the Department of Planning and Zoning's summer interns.

Mr. Passalacqua asked Mr. Hall if an inspection has been completed for the property located on Hensley Road.

Mr. Hall stated no. He said that Ms. Hitt has been out of the office for vacation and when she returns she plans to complete the inspection. He said that a Change of Use Application has been received and authorized and staff needs to inspect the use.

Mr. Thorsland asked the Board if anyone anticipates being absent at the August 14<sup>th</sup> meeting.

Ms. Capel stated that she will not be attending the August 14<sup>th</sup> meeting.

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

None

**10. Adjournment.**

Mr. Thorsland entertained a motion to adjourn the meeting.

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

Respectfully submitted

Secretary of Zoning Board of Appeals

1 **MINUTES OF REGULAR MEETING**

2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

3 **1776 E. Washington Street**  
4 **Urbana, IL 61801**

5 **DATE: August 14, 2014**

6 **PLACE: Lyle Shield's Meeting Room**  
7 **1776 East Washington Street**  
8 **Urbana, IL 61802**

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

10 **MEMBERS PRESENT:** Debra Griest, Marilyn Lee, Jim Randol, Eric Thorsland

11 **MEMBERS ABSENT :** Catherine Capel, Brad Passalacqua, Roger Miller

12 **STAFF PRESENT :** Lori Busboom, Susan Chavarria, John Hall

13 **OTHERS PRESENT :** Keith Pedigo, Dennis Wandell, Lucy Whalley, Chuck Stites, Mary Ellen  
14 Stites, Sue Hopkins, Randy Hopkins, Stephanie Amabeli, Andy Myers

15 **1. Call to Order**

16 The meeting was called to order at 7:03 p.m.

**DRAFT**

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

18 The roll was called and a quorum declared with three members absent.

19 **3. Correspondence**

20 None

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

24 **4. Approval of Minutes (July 17, 2014)**

25 Mr. Thorsland entertained a motion to approve the July 17, 2014, minutes.

1

2 **Ms. Lee moved, seconded by Mr. Randol to approve the July 17, 2014, minutes as submitted. The**  
3 **motion carried by voice vote.**

4

5 **5. Continued Public Hearing**

6

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

13

14 **Case 772-S-13 Petitioner: Randy and Sue Hopkins, d.b.a. Atlantic Services, Inc. Request: Authorize**  
15 **the following as a Special Use in the B-4 General Business Zoning District: Part A. Authorize multiple**  
16 **principal buildings on the same lot consisting of the following: (1) Self-Storage Warehouses providing**  
17 **heat and utilities to individual units, as a special use that was previously authorized in Case 101-S-97;**  
18 **and (2) a Landscaping and Maintenance Contractor's Facility with outdoor storage as proposed in**  
19 **Part B. Part B. Authorize the construction and use of a Landscaping and Maintenance Contractor**  
20 **Facility. Location: An 11.8 acre tract of land in the North Half of the Northwest Quarter of the**  
21 **Northeast Quarter of Section 24 of Hensley Township and commonly known as the plant nursery and**  
22 **self-storage warehouse located at 31 East Hensley Road, Champaign, and an adjacent tract of**  
23 **farmland.**

24

25 **Mr. Thorsland informed the audience that Case 772-S-13 is an Administrative Case and as such the County**  
26 **allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a**  
27 **show of hands for those who would like to cross examine and each person will be called upon. He requested**  
28 **that anyone called to cross examine go to the cross examination microphone to ask any questions. He said**



1 that those who desire to cross examine are not required to sign the witness register but are requested to  
2 clearly state their name before asking any questions. He noted that no new testimony is to be given during  
3 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are  
4 exempt from cross examination.

5

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

9

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

11

12 Mr. Hopkins stated that he and his wife reside in Mansfield and they are proposing a Contractor's Facility  
13 and self-storage warehouses at 31 East Hensley Road. He said that they are also requesting a zoning change  
14 from B-3 to B-4.

15

16 Mr. John Hall, Zoning Administrator distributed a new Supplemental Memorandum dated August 8, 2014,  
17 and a revised site plan received August 13, 2014, to the Board for review. He said that changes to the site  
18 plan include the following: A. approximate depth of the detention basin and points out that the actual depth  
19 will be determined upon the engineering; and B. relocated soil stockpile to the east parcel and an access gate  
20 and driveway to the soil stock pile; C. existing gravel drive located on the east side of the west five acres,  
21 which is the drive to the 6.8 acres to the east. He said that the site plan does include everything that the  
22 Board requested.

23

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

25

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

27

28 Ms. Lee asked Mr. Hall if the detention basin is still going to be approximately six feet in depth.

1

2 Mr. Hall stated that he is guessing such but at this point he really does not know much about the basin.

3

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

6

7 Mr. Thorsland stated that the Board has completed all its review therefore it is time to move to a Final  
8 Determination.

9

10 Mr. Thorsland informed the petitioner that three Board members were absent therefore it is at his discretion  
11 to either continue Cases 771-AM-13 and 772-S-13 until a full Board is present or request that the present  
12 Board move forward to the Final Determination. He informed the petitioner that four affirmative votes are  
13 required for approval.

14

15 Mr. Hopkins asked when a full Board may be present.

16

17 Mr. Thorsland stated that he anticipates that the August 28<sup>th</sup> meeting will have at least six members present.

18

19 Mr. Hopkins requested that Case 771-AM-13 and 772-S-13 be continued to the August 28<sup>th</sup> meeting.

20

21 Mr. Hall stated that he will include Case 772-AM-13 on the ELUC docket for September so that if the Board  
22 does take action on August 28<sup>th</sup> it won't slow down Mr. Hopkins.

23

24 Mr. Thorsland entertained a motion to continue Cases 771-AM-13 and 772-S-13 to the August 28<sup>th</sup> meeting.

25

26 **Ms. Griest moved, seconded by Mr. Randol to continue Cases 771-AM-13 and 772-S-13 to the August**  
27 **28<sup>th</sup> meeting. The motion carried by voice vote.**

28

1    **Case 778-S-14 Petitioner: Charles and Mary Ellen Stites Request to authorize continued use of a**  
2    **Major Rural Specialty Business in the CR District on the following property as previously approved**  
3    **for a limited time in Special Use Permit 610-S-08. Location: A 5.0 acre tract in the East Half of the**  
4    **Southeast Quarter of the Northeast Quarter of Section 1, Township 18 North, Range 10 East of**  
5    **Sidney Township and commonly known as River Bend Wild Game and Sausage Company at 1161 CR**  
6    **2400E, St. Joseph.**

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

16  
17   Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign  
18   the witness register for that public hearing. He reminded the audience that when they sign the witness  
19   register they are signing an oath.

20  
21   Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

22  
23   Mr. Charles Stites, who resides at 1161 CR 2400E, St. Joseph, stated that he has no new information to add  
24   at this time but would appreciate the opportunity to speak at a later time during the public hearing.

25  
26   Mr. Thorsland called John Hall to testify.

27  
28   Mr. John Hall, Zoning Administrator, stated that the Supplemental Memorandum dated August 7, 2014,

1 reviewed the exterior lights on the new building and it is now known that those lights are full-cutoff fixtures.  
2 He said that one thing that this case has demonstrated is that if you can get underneath a full-cutoff light then  
3 it is no longer a full-cutoff light because it has to release the light down. He said that in a situation like this  
4 these are the highest quality cutoff lights that can be purchased and they are not mounted at an unusually tall  
5 height but these properties are so close together that the full-cutoff feature is inoperable for the neighboring  
6 property, at least along the north lot line of the Stites' property which is the south lot line of the neighboring  
7 property. He said that he checked with the manufacturer, reviewing the products online, and discovered that  
8 the manufacturer offers a swivel which allows adjustment of the angle of the light and he believes that  
9 placing the swivel on the lights would allow full illumination of the petitioner's property with a greater  
10 degree of cutoff on the neighboring property. He said that the lights would need to be disconnected to install  
11 the swivel and the wiring may need adjusted but currently the lights are full-cutoff lights which do meet the  
12 Ordinance requirements.

13  
14 Mr. Hall stated that two new special conditions have been proposed per the request of the Board. He said  
15 that the proposed special conditions are as follows:

16 **N. Regarding required maintenance on the Enviro-Pak "Enviro-Kleen" Air Treatment**  
17 **System:**

- 18 **(1) The Petitioner shall follow the manufacturer's recommended maintenance for**  
19 **the Enviro-Pak "Enviro-Kleen" Air Treatment System; and**  
20 **(2) The Petitioner shall keep a written log of all maintenance performed on the**  
21 **Enviro-Pak "Enviro-Kleen" Aire Treatment System; and**  
22 **(3) The Petitioner shall provide a copy of the maintenance log for inspection by the**  
23 **Zoning Administrator when necessary to respond to complaints.**

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

25 **To ensure that odors caused by the smoking are kept at the minimum acceptable level**  
26 **of odor control.**

27  
28 **O. At the beginning of each hunting season the Petitioner shall provide an opportunity for**

1           **the Zoning Administrator to visit the property while smoking is being done so that the**  
2           **Zoning Administrator may verify that the Enviro-Pak “Enviro-Kleen” Air Treatment**  
3           **System is in operation and so that the Zoning Administrator may experience the**  
4           **smoking odor.**

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

6           **To ensure that the Zoning Administrator is familiar with the actual odors that are**  
7           **emitted during the operation of the smoker and the Air Treatment System.**

8

9           Mr. Hall noted that no complaints have ever been received about odors therefore he has never visited the site  
10          when smoking has occurred.

11

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

13

14          Mr. Thorsland called Charles Stites to testify.

15

16          Mr. Charles Stites stated that he has information to respond to what was brought up at the last meeting. He  
17          said that coming into the meeting he was told that there had not been any complaints made but at the  
18          meeting it was disclosed that there had been complaints about the odor by the neighbor although the  
19          neighbor had not voiced those complaints to the Zoning Administrator. Mr. Stites stated that Mr. Wandell  
20          read a log of complaints regarding the odor which he submitted as a Document of Record. Mr. Stites stated  
21          that he does not carry a notebook around to record every little thing that occurs on in his life but one thing  
22          that he does do is keep accurate records of the activities that go on in the facility. Mr. Stites that when he  
23          received the information that was submitted by the neighbor with the complaint dates regarding odor he  
24          reviewed his own log which indicated the dates that they cooked the meat and recorded a response to the  
25          complaint dates. He said that he will submit this information as a Document of Record although he does not  
26          know that it will change any of the proposed special conditions that the Board as requested. He said that he  
27          does want to point out that of all of the dates that were on the complaint log by the neighbor only three of  
28          those dates corresponded with cooking in the smokehouse and the rest of the dates included no cooking of

1 product.

2

3 Mr. Thorsland asked Mr. Stites if he recalled how many dates were indicated.

4

5 Mr. Stites stated that there were six dates in 2012 that indicated that the neighbor was experiencing a strong  
6 odor and on two of those dates they were cooking small snack sticks in the smokehouse. He said that there  
7 were four dates that indicated that the neighbor was experiencing a strong odor and on only one date were  
8 they cooking summer sausage. He said that there was one date in March 2014 and there was no production  
9 of any product on that date. He said that if staff would like to review his records then he would be happy to  
10 bring the records to the office.

11

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

13

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

15

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

18

19 Mr. Thorsland called Lucy Whalley to testify.

20

21 Ms. Lucy Whalley, who resides at 1167 CR 2400E, St. Joseph, stated that she is Mr. Dennis Wandell's wife  
22 and they live north of the Stites' property and she would like to clarify how she and Mr. Wandell use their  
23 property. She said that it was a bit unclear in the minutes as to how they might be using their office property  
24 which is the most impacted by the odors and trespass of the lights onto their property.

25

26 Ms. Whalley stated that they have spent a lot of careful thought, time and money in designing their living  
27 space which includes their landscape. She said that they have a house which is a two bedroom home with a  
28 screened-in porch which is used when the weather is nice. She said that the office is also a guest house and

1 they spend a lot of time in this office area. She said that she goes out to the office around 5 or 5:30 in the  
2 morning and spends an hour doing exercises and her husband keeps his computer in the office therefore he  
3 conducts his business there. She said that at times they have guests stay in the guest house and at times they  
4 themselves will spend the night there. She said that they consider the guest house as an extension of their  
5 home therefore this is why they know how they are impacted by the activities next door. She said that at  
6 night they do sit outside to watch the stars and the moon therefore they are sensitive to what goes on next  
7 door.

8

9 Mr. Thorsland asked the Board and staff if there were any questions for Ms. Whalley and there were none.

10

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

12

13 Mr. Thorsland called Dennis Wandell to testify.

14

15 Mr. Dennis Wandell stated that he resides at 1167 CR 2400E, St. Joseph with his wife Lucy Whalley. He  
16 said that their property is located north of the River Bend Wild Game and Sausage Company. He said that  
17 he has had some really good interactions with Mr. Stites since the last public hearing and a number of things  
18 have been resolved. He said that Mr. Stites installed the previously mentioned fence and the lights which are  
19 on the building are full-cutoff and they are negated because they are up high on the building but according to  
20 Mr. Hall the lights are not at an unreasonable height. Mr. Wandell stated that he has made an offer to  
21 purchase lights with the swivel for the Stites property. He said that he and his wife have invested a lot of  
22 time and money in their property and they enjoy it a lot therefore if it takes a little money on his part to not  
23 have the lights and have good relations with his neighbor then it is money well spent.

24

25 Mr. Wandell stated that Mr. Stites has done a few things that he and Ms. Whalley really appreciate. Mr.  
26 Wandell stated that Mr. Stites now keeps the windows closed in the room that has the compressor which  
27 greatly reduces the industrial type sound. He said that Mr. Stites put a timer on the cooler light and the light  
28 shuts off at 8:00 p.m. but he assumes that during the hunting season the light would need to stay on longer

1 which is understandable.

2

3 Mr. Wandell stated that the guest house is considered as part of his home because this is where he has his  
4 computer therefore if he wants to go online he has to be out there. He said that he and his wife do sleep at  
5 the guest house at least once per week because they have a rescue cat that they are trying to socialize. He  
6 said that the air cleaner that Mr. Stites purchased does seem to be working effectively and if he and his wife  
7 have to smell the odor today as in comparison to before the air cleaner was installed then it would be  
8 acceptable because the difference is as night and day. He said that he is fairly confident that the requirement  
9 regarding Mr. Stites keeping the log and staff checking it will take care of any odor concerns.

10

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

12

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

14

15 Mr. Thorsland thanked Mr. Stites and Mr. Wandell in working together to resolve any concerns or issues.

16 He said that such cooperation between the neighbors reduces the number of required special conditions.

17

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

20

21 Mr. Thorsland closed the witness register.

22

23 Mr. Thorsland asked the Board if there were any required additions to the Summary of Evidence and there  
24 were none at this time.

25

26 Mr. Thorsland read the proposed special conditions as follows:

27

28 **A. The Special Use Permit authorized herein is only for the final dressing of field dressed**



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wild game and none of the following shall occur on the subject property.

- (1) No slaughtering of wild game or animals of any kind is authorized except for the final dressing (i.e., further processing) of field dressed wild game carcasses.
- (2) No meat preparation or packaging that is subject to the Meat and Poultry Inspection Act is authorized except for the final dressing and packaging of field dressed wild game carcasses.
- (3) There shall be no sales to the general public of products made from wild game that has been dressed onsite.
- (4) The sale of goods produced off the premises must constitute less than 50 percent of the gross annual business income and less than 50 percent of the total annual stock in trade.

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

**The continued operation of the Special Use Permit authorized herein shall be in conformance with the testimony and evidence presented and shall continue to qualify as a Rural Specialty Business in the CR District.**

Mr. Thorsland asked Mr. Stites if he agreed with Special Condition A.

Mr. Stites indicated that he agreed with Special Condition A.

- B. The petitioner shall provide reasonable access to both the subject property and all relevant business records, including employee work records; the location where food supplies were purchased; foot lot numbers; the identity of food purchasers; and other as may be requested by the Champaign County Public Health Department pursuant to any complaint of food borne illness that is made after ingestion of products from the proposed special use.**

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

**The Champaign County Public Health Department shall be provided necessary access**

1                   **to property and records to respond to any relevant complaints of food borne**  
2                   **illness.**

3

4 Mr. Thorsland asked Mr. Stites if he agreed with Special Condition B.

5

6 Mr. Stites indicated that he agreed with Special Condition B.

7

8           **C.     The following condition shall apply until such time that the petitioner is regulated by**  
9           **and has a license authorized by the Illinois Department of Agriculture:**

10           **(1)     the phrases “custom wild game processor” and “custom wild game processing”**  
11           **and the words “custom processor” and “custom processing” shall not be used in**  
12           **any advertising or description of services provided by the petitioner about the**  
13           **proposed special use; and**

14           **(2)     The Petitioner shall conspicuously display a sign stating “NO SALES OF WILD**  
15           **GAME PRODUCTS PERMITTED” in the public area of the proposed special**  
16           **use and provide photographic proof of the sign’s installation within 30 days of**  
17           **the Special Use Permit approval.**

18           The proposed special condition stated above is required to ensure the following;

19           **The public has clear expectations of the types of services that may be provided at the**  
20           **proposed special use and the degree of public health regulation required of the**  
21           **petitioner.**

22

23 Mr. Stites asked Mr. Hall if he needs to take a picture of any sign that is conspicuously placed in the  
24 business and bring it to staff for approval.

25

26 Mr. Hall stated yes.

27

28 Mr. Thorsland asked Mr. Stites if he agreed with Special Condition C.

1

2 Mr. Stites indicated that he agreed with Special Condition C.

3

4 **D. The Special Use Permit approved in Case 610-S-08 and renewed in Case 778-S-14 shall**  
5 **only be valid for the current owners, Chuck and Mary Ellen Stites, on the subject**  
6 **property and if the business is ever transferred to new ownership a new Special Use**  
7 **Permit shall be required.**

8 The proposed special condition above is required to ensure the following:

9 **The risk to public health is adequately considered in management of the proposed**  
10 **Special Use.**

11

12 Mr. Thorsland asked Mr. Stites if he agreed with Special Condition D.

13

14 Mr. Stites indicated that he agreed with Special Condition D.

15

16 **E. The Petitioner is responsible to ensure that there shall be no queuing of customer**  
17 **traffic in the public right-of-way of CR 2400E and that no parking related to the**  
18 **Special Use Permit shall occur within any street right-of-way or on nearby properties.**

19 The proposed special condition above is required to ensure the following:

20 **There is no unreasonable risk to public safety caused either by on-street parking or**  
21 **long lines of standing traffic.**

22

23 Mr. Thorsland asked Mr. Stites if he agreed with Special Condition E.

24

25 Mr. Stites indicated that he agreed with Special Condition E.

26

27 **F. The Petitioners shall ensure that all buildings, including the structures, rooms, and**  
28 **compartments used in the Special Use Permit are of sound construction and are kept in**

1           **good repair to allow for processing, handling, and storage of product and waste**  
2           **materials in a manner that will not result in unsanitary or nuisance conditions.**

3           The proposed special condition above is required to ensure the following:

4           **The proposed Special Use poses no risk to public health in general or to the immediate**  
5           **neighborhood.**

6  
7           Mr. Thorsland asked Mr. Stites if he agreed with Special Condition F.

8  
9           Mr. Stites indicated that he agreed with Special Condition F.

10  
11           **G.     In regards to the odors caused by the smoking and cooking of wild game products at**  
12           **the proposed Special Use, the Petitioners shall do the following:**

13           **(1)     The Enviro-Pak “Enviro-Kleen” Air Treatment System shall be used at all times**  
14           **during cooking and when the smokehouses are in operation.**

15           **(2)     The Enviro-Pak “Enviro-Kleen” Air Treatment System is not expected to**  
16           **eliminate all odors from the smoking and cooking related to the Special Use**  
17           **Permit and some odor may still be present at the property line and adjacent**  
18           **dwellings.**

19           **(3)     This condition does not exempt the proposed Special Use Permit from whatever**  
20           **Illinois Pollution Control Board or Environmental Protection Agency air**  
21           **pollution regulations are applicable or are later found to have been applicable**  
22           **and this Special Use Permit shall remain valid so long as the Petitioners comply**  
23           **with whatever air pollution regulations are found to be applicable.**

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

25           **Odor from the cooking and smoking of wild game is reduced as much as practicable so**  
26           **as to preserve the essential character of the CR District and the Special Use shall**  
27           **comply with any Illinois air pollution regulations that are later found to be applicable.**

1 Mr. Thorsland asked Mr. Stites if he agreed with Special Condition G.

2

3 Mr. Stites indicated that he agreed with Special Condition G.

4

5 **H. In regards to the bone barrels and trash containers for the proposed Special Use, the**  
6 **Petitioners shall do the following:**

- 7 (1) No bone barrels shall be stored within 30 feet of any property line, except if  
8 stored within the walk-in cooler.
- 9 (2) No bone barrels shall be emptied within 70 feet of any property line.
- 10 (3) No more than 800 square feet of the proposed new storage building shall be  
11 used for storage of bone barrels, or any storage related to the proposed special  
12 use.
- 13 (4) All bone barrels shall be stored in a closed and secure building at all times  
14 except when being emptied into a rendering truck or a garbage truck for  
15 removal from the property.
- 16 (5) The bone barrels shall be stored in a cooled environment when necessary to  
17 maintain sanitary conditions.
- 18 (6) When the bone barrels and trash containers are not stored in a cooled  
19 environment they shall be covered adequately to prevent access by vermin.
- 20 (7) The bone barrels and trash containers shall be cleaned and sanitized when  
21 necessary to maintain sanitary conditions and all such cleaning and sanitizing  
22 shall occur in a closed and secure building and all wash water from cleaning of  
23 the bone barrels shall be treated in the approved wastewater treatment and  
24 disposal system for the Special Use and not disposed of in an untreated  
25 condition and any solid waste from the cleaning bone barrels shall also be  
26 properly disposed of and not dumped on the surface of the ground.

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

28 **The bone barrels and trash containers shall be handled and used in a manner that does**

1 **not create unsanitary or nuisance conditions in the neighborhood.**

2

3 Mr. Thorsland asked Mr. Stites if he agreed with Special Condition H.

4

5 Mr. Stites indicated that he agreed with Special Condition H.

6

7 **I. Any new refrigeration units shall have all condensers located inside the building except**  
8 **that the permanent bone barrel storage buildings may be cooled by a through-the-wall**  
9 **air conditioner if necessary.**

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

11 **There is maximum noise shielding for neighboring residences.**

12

13 Mr. Thorsland asked Mr. Stites if he agreed with Special Condition I.

14

15 Mr. Stites indicated that he agreed with Special Condition I.

16

17 **J. The Special Use Permit authorized in Case 610-S-08 and renewed in Case 778-S-14**  
18 **shall be served by a wastewater disposal system as follows:**

19 **(1) A private sewage disposal system with subsurface discharge serving the Special**  
20 **Use Permit activities shall be in general conformance with the approved site**  
21 **plan.**

22 **(2) The private sewage disposal system serving the Special Use Permit shall be**  
23 **maintained as necessary or as recommended by the County Health Department**  
24 **but maintenance shall occur on at least a triennial basis and all maintenance**  
25 **reports shall be made filed with the Zoning Administrator. Failure to provide**  
26 **maintenance reports every three years shall constitute a violation of this Special**  
27 **Use Permit approval and the Zoning Administrator shall refer the violation to**  
28 **the Champaign County State's Attorney for legal action.**

- 1           **(3) This Special Use Permit approval shall become void if the private sewage**  
2           **disposal system with subsurface discharge fails and cannot be repaired or if the**  
3           **system is repaired or modified later without the approval of both the County**  
4           **Health Department and the Zoning Administrator, as follows:**
- 5           **(a) The owner is obligated to provide notice of the failed system to both the**  
6           **Zoning Administrator and the County Health Department as soon as**  
7           **failure is suspected; and**
- 8           **(b) The Zoning Administrator and the County Health Department in**  
9           **consultation or individually may make a determination that the private**  
10           **sewage disposal system serving the Special Use Permit has failed and the**  
11           **owner shall provide necessary access to the private sewage disposal**  
12           **system for the purpose of necessary inspections pursuant to such a**  
13           **determination; and**
- 14           **(c) Provided that all necessary permits are received from the County Health**  
15           **Department, repairs that can result in lawful ongoing use of the private**  
16           **sewage disposal system with subsurface discharge may be made subject**  
17           **to approval by the Champaign County Health Department including any**  
18           **special conditions imposed thereby and provided that the Zoning**  
19           **Administrator is provided copies of all applications and approvals and is**  
20           **allowed to conduct inspections; and**
- 21           **(d) In the event of failure of the Special Use Permit private sewage disposal**  
22           **system that cannot be repaired or in the event of unresponsiveness by the**  
23           **owner in repairing a failed system, the Zoning Administrator shall**  
24           **provide written notice to the owner that the Special Use Permit is void**  
25           **and there shall be no more Special Use Permit activities conducted.**  
26           **However, any deer carcasses that are onsite at the time of failure may be**  
27           **dressed subject to any necessary conditions that may be imposed by**  
28           **either the County Health Department or the Zoning Administrator.**

1  
2 Mr. Stites asked that in regards to the maintenance records that the Zoning Administrator would like to see,  
3 they do have Berg Tanks come out and pump the business and residential septic tanks but they only provide  
4 a bill for the service. He asked Mr. Hall to indicate the type of format that the maintenance report should be  
5 completed.

6  
7 Mr. Hall stated that it would be adequate to not require submittal of those bills for service but that Mr. Stites  
8 only keeps the bills on file so that later he could prove that the tanks were serviced. He said that in the  
9 context of the first special use these conditions sound almost megalomaniac but they do make a lot of sense.  
10 He said that if the Board wants to just simply require that Mr. Stites maintains those reports and make them  
11 readily available as needed then Mr. Hall would be satisfied with that. He said that in just being able to  
12 document that the tank was serviced and a notation from Berg Tanks indicating the system is operating  
13 adequately would be sufficient.

14  
15 He said that Special Condition J.(2) could be revised as follows:

16  
17 **(2) The private sewage disposal system serving the Special Use Permit shall be maintained**  
18 **as necessary or as recommended by the County Health Department but maintenance**  
19 **shall occur on at least a triennial basis and all maintenance reports shall be made**  
20 **available for review by the Zoning Administrator. Failure to keep copies of**  
21 **maintenance reports and make them available when requested by the Zoning**  
22 **Administrator or Champaign County Health Department shall constitute a violation of**  
23 **this Special Use Permit approval and the Zoning Administrator shall refer the**  
24 **violation to the Champaign County State's Attorney for legal action.**

25  
26 Mr. Randol stated that Mr. Stites could create a maintenance log of his own to record when the maintenance  
27 was completed so that he has a document that is easily submitted.

28



1 Mr. Stites stated that the only issue is that many times Berg Tanks will come to service the tanks during a  
2 time when he is not at home therefore Berg Tanks could not complete the form.

3

4 Mr. Thorsland stated that Mr. Randol is indicating a maintenance log which would note when the  
5 maintenance was completed. Mr. Thorsland stated that this log does not need to be completed by Berg  
6 Tanks but by Mr. Stites.

7

8 Mr. Hall stated that another revision to Special Condition J.(2) could be as follows:

9           **(2) The private sewage disposal system serving the Special Use Permit shall be maintained**  
10           **as necessary or as recommended by the County Health Department but maintenance**  
11           **shall occur on at least a triennial basis and all maintenance reports shall be made**  
12           **available for review by the Zoning Administrator. Failure to keep copies of**  
13           **maintenance reports or maintenance receipts when requested by the Zoning**  
14           **Administrator or Champaign County Health Department shall constitute a violation of**  
15           **this Special Use Permit approval and the Zoning Administrator shall refer the**  
16           **violation to the Champaign County State's Attorney for legal action.**

17

18 Ms. Griest suggested the following revision to Special Condition J.(2):

19           **(2) The private sewage disposal system serving the Special Use Permit shall be maintained**  
20           **as necessary or as recommended by the County Health Department but maintenance**  
21           **shall occur on at least a triennial basis and all maintenance reports shall be made**  
22           **available for inspection by the Zoning Administrator. Failure to keep copies of**  
23           **maintenance reports or maintenance receipts when requested by the Zoning**  
24           **Administrator or Champaign County Health Department shall constitute a violation of**  
25           **this Special Use Permit approval and the Zoning Administrator shall refer the**  
26           **violation to the Champaign County State's Attorney for legal action.**

27

28 Mr. Hall agreed with Ms. Griest's suggested revision to Special Condition J.(2).

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**K. There shall be no burning or burial of carcass parts on the subject property.**

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

**All carcass parts are removed from the subject property in an appropriate manner.**

Mr. Thorsland asked Mr. Stites if he agreed to Special Condition K.

Mr. Stites indicated that he agreed to Special Condition K.

**L. The petitioner shall provide reasonable access to the subject property and all structures where Special Use Permit activities take place to verify compliance with the special conditions in this case.**

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

**The Zoning Administrator shall be provided necessary access to property to respond to any relevant complaints regarding the proposed Special Use Permit.**

Mr. Thorsland asked Mr. Stites if he agreed to Special Condition L.

Mr. Stites indicated that he agreed to Special Condition L.

**M. The approved site plan for Case 778-S-14 shall consist of the following Documents of Record:**

- (1) The revised site plan received on March 31, 2014**
- (2) The floor plan of the business building received on May 5, 2008**
- (3) The revised floor plan of the proposed storage building received on October 12, 2008**
- (4) The elevation of the proposed storage building received on October 1, 2008**

1 (5) The elevation of the front view of the business building received on October 12,  
2 2008

3 The special condition stated above is required to ensure the following:  
4 It is clear which Documents of Record constitute the proposed site plan for  
5 enforcement purposes.  
6

7 Mr. Thorsland asked Mr. Stites if he agreed to Special Condition M.

8  
9 Mr. Stites indicated that he agreed to Special Condition M  
10

11 N. Regarding required maintenance on the Enviro-Pak “Enviro-Kleen” Air Treatment  
12 System:

- 13 (1) The Petitioner shall follow the manufacturer’s recommended maintenance for  
14 the Enviro-Pak “Enviro-Kleen” Air Treatment System; and  
15 (2) The Petitioner shall keep a written log of all maintenance performed on the  
16 Enviro-Pak “Enviro-Kleen” Air Treatment System; and  
17 (3) The Petitioner shall provide a copy of the maintenance log for inspection by the  
18 Zoning Administrator when necessary to respond to complaints.

19 The above special condition is required to ensure the following:  
20 To ensure that odors caused by the smoking are kept at the minimum acceptable level  
21 of odor control.  
22

23 Mr. Stites stated that the previous special conditions were approved during the prior case for the business  
24 five years ago. He asked if the Board had any questions or comments regarding proposed Special Condition  
25 N.  
26

27 Ms. Lee asked stated that proposed Special Condition N. indicates a specific brand, Enviro-Pak “Enviro-  
28 Kleen” Air Treatment System. She asked what will happen if Mr. Stites needs to replace this system with a

1 different brand.

2

3 Mr. Thorsland stated that, "or equivalent brand" should be added to proposed Special Conditions N as  
4 follows:

5

6 **N. Regarding required maintenance on the Enviro-Pak "Enviro-Kleen" Air Treatment  
7 System:**

8 **(1) The Petitioner shall follow the manufacturer's recommended maintenance for  
9 the Enviro-Pak "Enviro-Kleen" Air Treatment System or equivalent brand; and**

10 **(2) The Petitioner shall keep a written log of all maintenance performed on the  
11 Enviro-Pak "Enviro-Kleen" Air Treatment System or equivalent brand; and**

12 **(3) The Petitioner shall provide a copy of the maintenance log for inspection by the  
13 Zoning Administrator when necessary to respond to complaints.**

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

15 **To ensure that odors caused by the smoking are kept at the minimum acceptable level  
16 of odor control.**

17

18 Mr. Thorsland stated that "or equivalent brand" should also be added the proposed Special Condition O as  
19 well and anywhere else where applicable.

20

21 Mr. Thorsland asked Mr. Stites if he agreed to revised Special Condition N.

22

23 Mr. Stites indicated that he agreed to revised Special Condition N.

24

25 **O. At the beginning of each hunting season the Petitioner shall provide an opportunity for  
26 the Zoning Administrator to visit the property while smoking is being done so that the  
27 Zoning Administrator may verify that the Enviro-Pak "Enviro-Kleen" Air Treatment  
28 System or equivalent brand is in operation and so that the Zoning Administrator may**

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**experience the smoking odor.**

The above special condition is required to ensure the following:

**To ensure that the Zoning Administrator is familiar with the actual odors that are emitted during the operation of the smoker and the Air Treatment System.**

Mr. Stites asked if he is to extend an invitation to Mr. Hall and whether or not Mr. Hall does visit the property is up to Mr. Hall or does it mean that Mr. Hall has to come onsite each year at the beginning of hunting season.

Mr. Hall stated that proposed Special Condition O. is meant to obligate Mr. Stites to let the Zoning Administrator know when this opportunity exists. He said that it does not place an obligation on the Zoning Administrator to go out to the site because it would not be enforceable although he does intend to visit the site when notified. He said that proposed Special Condition O. does not indicate that the opportunity to visit has to be during normal business hours. He said that the proposed special condition only indicates that Mr. Stites must notify the Zoning Administrator as to a good time to visit during the time when maximum odors would be present.

Mr. Thorsland stated that perhaps the proposed special condition should indicate that the visit should occur at the beginning of hunting season because that is probably not the appropriate time to experience the smoking odor.

Mr. Hall stated that there is definitely a reason to require the visit at the beginning of at least the smoking season.

Mr. Thorsland stated that proposed Special Condition O. could be revised to indicate the following:

- O. At the beginning of each smoking season the Petitioner shall provide an opportunity for the Zoning Administrator to visit the property while smoking is being done so that the**

1                   **Zoning Administrator may verify that the Enviro-Pak “Enviro-Kleen” Air Treatment**  
 2                   **System or equivalent brand is in operation and so that the Zoning Administrator may**  
 3                   **experience the smoking odor.**

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

5                   **To ensure that the Zoning Administrator is familiar with the actual odors that are**  
 6                   **emitted during the operation of the smoker and the Air Treatment System.**

7  
 8                   Ms. Griest stated that perhaps proposed Special Condition O. should indicate annual smoking season  
 9                   because there is more than one hunting season during a year and we do not want the Zoning Administrator to  
 10                  have the make numerous visits at the beginning of each season. She asked Mr. Hall if he ever got to the  
 11                  point of enforcement what documentation would prove that Mr. Stites notified the Zoning Administrator.  
 12                  She asked if it would be by email, certified mail, etc. She said that if Mr. Stites only called on the phone to  
 13                  notify the Zoning Administrator it is possible that Mr. Hall would not receive the message.

14  
 15                  Mr. Hall stated that he would not recommend a phone call message on the County’s answering system  
 16                  because it is far from being fool-proof. He said that he is comfortable with Mr. Stites leaving a message  
 17                  with staff indicating notifying the Zoning Administrator, but an email would be in Mr. Stites’ best interest.

18  
 19                  Mr. Stites stated that he is fine with notifying the Zoning Administrator by email.

20  
 21                  Mr. Stites stated that hunting starts on October 1<sup>st</sup> and within the first week or two they begin the production  
 22                  of sausage and other products and he would envision that he would inform the Zoning Administrator that  
 23                  they will be producing sausage on a specific date and the smokehouse will be running during that time. He  
 24                  said that if the Zoning Administrator is unable to visit the property during that time then Mr. Stites can  
 25                  inform the Zoning Administrator of a different date but they are pretty much doing something a couple of  
 26                  days per week.

27  
 28                  Mr. Thorsland asked Mr. Stites if he agreed to proposed Special Condition O.

1

2 Mr. Stites stated that he agreed to proposed Special Condition O.

3

4 Mr. Thorsland entertained a motion to approve the proposed special conditions as modified.

5

6 **Ms. Griest moved, seconded by Ms. Lee to approve the proposed special conditions as modified. The**  
7 **motion carried by voice vote.**

8

9 Mr. Thorsland read Finding 1 of the Findings of Fact for approved Case 610-S-08 as follows:

10

11 1. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITONS**  
12 **IMPOSED HEREIN, IS** necessary for the public convenience at this location because the  
13 proposed use is the only one of its kind in the County and is centrally located to the customer  
14 base. They are the only business of this size that does this level of processing. The business  
15 has grown due to the expansion of hunting season and the increase in deer population; and  
16 the proposed use is located in the area where deer hunting takes place.

17

18 Mr. Thorsland stated that with Finding 1 for approved Case 610-S-08 being said the Board will move to the  
19 Findings of Fact for Case 778-S-14.

20

21 **Findings of Fact for Case 778-S-14:**

22

23 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
24 778-S-14 held on June 26, 2014 and August 14, 2014, the Zoning Board of Appeals finds that:

25

26 1. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITONS**  
27 **IMPOSED HEREIN, IS** necessary for the public convenience at this location.

28 Ms. Griest stated that the requested Special Use Permit, subject to the special conditions imposed herein IS

1 necessary for the public convenience at this location and she would like to use the previous language  
2 included in Finding #1 for Case 610-S-08, which reads as follows: the proposed use is the only one of its  
3 kind in the County and is centrally located to the customer base. They are the only business of this size that  
4 does this level of processing. The business has grown due to the expansion of hunting season and the  
5 increase in deer population; and the proposed use is located in the area where deer hunting takes place.  
6

7 The Board agreed.  
8

- 9       2.       The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS**  
10               **IMPOSED HEREIN**, is so designed, located, and proposed to be operated so that it **WILL**  
11               **NOT** be injurious to the district in which it shall be located or otherwise detrimental to the  
12               public health, safety, and welfare because:

- 13               a.       The street has **ADEQUATE** traffic capacity and the entrance location has  
14               **ADEQUATE** visibility.  
15

16 Ms. Griest stated that the street has **ADEQUATE** traffic capacity and the entrance location has **ADEQUATE**  
17 visibility.  
18

- 19               b.       Emergency services availability is **ADEQUATE**.  
20

21 Mr. Randol stated that emergency services availability is **ADEQUATE**.  
22

- 23               c.       The Special Use **WILL** be compatible with adjacent uses.  
24

25 Mr. Randol stated that the Special Use **WILL** be compatible with adjacent uses.  
26

- 27               d.       Surface and subsurface drainage will be **ADEQUATE**  
28



1 Ms. Griest stated that surface and subsurface drainage will be ADEQUATE.

2

3 e. Public safety will be **ADEQUATE**

4

5 Ms. Griest stated that public safety will be ADEQUATE.

6

7 f. The provision for parking will be **ADEQUATE**

8

9 Ms. Griest stated that the provision for parking will be ADEQUATE.

10

11 Mr. Thorsland stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
12 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be injurious  
13 to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

14

15 **3a.** The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS**  
16 **IMPOSED HEREIN, DOES** conform to the applicable regulations and standards of the  
17 **DISTRICT** in which it is located.

18

19 Ms. Griest stated that The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
20 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in  
21 which it is located.

22

23 **3b.** The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS**  
24 **IMPOSED HEREIN, DOES** preserve the essential character of the DISTRICT in which it  
25 is located because:

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

28

1 Mr. Randol stated that the Special Use will be designed to CONFORM to all relevant County ordinances  
2 and codes.

3

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

5

6 Mr. Randol stated that the Special Use **WILL** be compatible with adjacent uses.

7

8 c. Public safety will be **ADEQUATE**.

9

10 Ms. Lee stated that public safety will be **ADEQUATE**.

11

12 Mr. Thorsland stated that the requested Special Use Permit, **SUBJECT TO THE SPECIAL**  
13 **CONDITIONS IMPOSED HEREIN, DOES** preserve the essential character of the **DISTRICT** in which it  
14 is located.

15

16 4. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**  
17 **HEREIN, IS** in harmony with the general purpose and intent of the Ordinance because:

18 a. The Special Use is authorized in the District.

19 b. The requested Special Use Permit **IS** necessary for the public convenience at this  
20 location.

21

22 Ms. Lee stated that the requested Special Use Permit **IS** necessary for the public convenience at this  
23 location.

24

25 c. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS**  
26 **IMPOSED HEREIN,** is so designed, located, and proposed to be operated so that it  
27 **WILL NOT** be injurious to the district in which it shall be located or otherwise  
28 detrimental to the public health, safety, and welfare.

1  
2 Ms. Griest stated that the requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS**  
3 **IMPOSED HEREIN**, is so designed, located, and proposed to be operated so that it **WILL NOT** be  
4 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and  
5 welfare.

- 6  
7 d. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS**  
8 **IMPOSED HEREIN, DOES** preserve the essential character of the DISTRICT in  
9 which it is located.

10  
11 Ms. Griest stated that the requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS**  
12 **IMPOSED HEREIN, DOES** preserve the essential character of the DISTRICT in which it is located.

13  
14 Mr. Thorsland stated that the requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDCTIONS**  
15 **IMPOSED HEREIN, IS** in harmony with the general purpose and intent of the Ordinance.

- 16  
17 5. The requested Special Use **IS NOT** an existing nonconforming use.

18  
19 Mr. Thorsland stated that the request Special Use **IS NOT** an existing nonconforming use.

- 20  
21 6. **The Special Conditions imposed herein are required to ensure compliance with the**  
22 **criteria for Special Use Permits and for the particular purpose described below:**

- 23  
24 A. **The Special Use Permit authorized herein is only for the final dressing of field dressed**  
25 **wild game and none of the following shall occur on the subject property.**

26 (1) **No slaughtering of wild game or animals of any kind is authorized except for the**  
27 **final dressing (i.e., further processing) of field dressed wild game carcasses.**

28 (2) **No meat preparation or packaging that is subject to the Meat and Poultry**

1                   **Inspection Act is authorized except for the final dressing and packaging of field**  
2                   **dressed wild game carcasses.**

3                   **(3) There shall be no sales to the general public of products made from wild game**  
4                   **that has been dressed onsite.**

5                   **(4) The sale of goods produced off the premises must constitute less than 50 percent**  
6                   **of the gross annual business income and less than 50 percent of the total annual**  
7                   **stock in trade.**

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

9                   **The continued operation of the Special Use Permit authorized herein shall be in**  
10                  **conformance with the testimony and evidence presented and shall continue to qualify**  
11                  **as a Rural Specialty Business in the CR District.**

12  
13                  **B. The petitioner shall provide reasonable access to both the subject property and all**  
14                  **relevant business records, including employee work records; the location where food**  
15                  **supplies were purchased; food lot numbers; the identity of food purchasers; and other**  
16                  **records as may be requested by the Champaign County Public Health Department**  
17                  **pursuant to**  
18                  **any complaint of food borne illness that is made after ingestion of products from the**  
19                  **proposed special use.**

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

21                  **The Champaign County Public Health Department shall be provided necessary access**  
22                  **to property and records to respond to any relevant complaints of food borne**  
23                  **illness.**

24  
25                  **C. The following condition shall apply until such time that the petitioner is regulated by**  
26                  **and has a license authorized by the Illinois Department of Agriculture:**

27                  **(1) the phrases “custom wild game processor” and “custom wild game processing”**  
28                  **and the words “custom processor” and “custom processing” shall not be used in**

1 any advertising or description of services provided by the petitioner about the  
2 proposed special use; and

3 (2) The Petitioner shall conspicuously display a sign stating “NO SALES OF WILD  
4 GAME PRODUCTS PERMITTED” in the public area of the proposed special  
5 use and provide photographic proof of the sign’s installation within 30 days of  
6 the Special Use Permit approval.

7 The proposed special condition stated above is required to ensure the following;  
8 The public has clear expectations of the types of services that may be provided at the  
9 proposed special use and the degree of public health regulation required of the  
10 petitioner.

11  
12 D. The Special Use Permit approved in Case 610-S-08 and renewed in Case 778-S-14 shall  
13 only be valid for the current owners, Chuck and Mary Ellen Stites, on the subject  
14 property and if the business is ever transferred to new ownership a new Special Use  
15 Permit shall be required.

16 The proposed special condition above is required to ensure the following:  
17 The risk to public health is adequately considered in management of the proposed  
18 Special Use.

19  
20 E. The Petitioner is responsible to ensure that there shall be no queuing of customer  
21 traffic in the public right-of-way of CR 2400E and that no parking related to the  
22 Special Use Permit shall occur within any street right-of-way or on nearby properties.

23 The proposed special condition above is required to ensure the following:  
24 There is no unreasonable risk to public safety caused either by on-street parking or  
25 long lines of standing traffic.

26  
27 F. The Petitioners shall ensure that all buildings, including the structures, rooms, and  
28 compartments used in the Special Use Permit are of sound construction and are kept in

1           **good repair to allow for processing, handling, and storage of product and waste**  
2           **materials in a manner that will not result in unsanitary or nuisance conditions.**

3           The proposed special condition above is required to ensure the following:

4           **The proposed Special Use poses no risk to public health in general or to the immediate**  
5           **neighborhood.**

6  
7           **G. In regards to the odors caused by the smoking and cooking of wild game products at**  
8           **the proposed Special Use, the Petitioners shall do the following:**

9           (1)    **The Enviro-Pak “Enviro-Kleen” Air Treatment System shall be used at all times**  
10           **during cooking and when the smokehouses are in operation.**

11           (2)    **The Enviro-Pak “Enviro-Kleen” Air Treatment System is not expected to**  
12           **eliminate all odors from the smoking and cooking related to the Special Use**  
13           **Permit and some odor may still be present at the property line and adjacent**  
14           **dwellings.**

15           (3)    **This condition does not exempt the proposed Special Use Permit from whatever**  
16           **Illinois Pollution Control Board or Environmental Protection Agency air**  
17           **pollution regulations are applicable or are later found to have been applicable**  
18           **and this Special Use Permit shall remain valid so long as the Petitioners comply**  
19           **with whatever air pollution regulations are found to be applicable.**

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

21           **Odor from the cooking and smoking of wild game is reduced as much as practicable so**  
22           **as to preserve the essential character of the CR District and the Special Use shall**  
23           **comply with any Illinois air pollution regulations that are later found to be applicable.**

24  
25           **H. In regards to the bone barrels and trash containers for the proposed Special Use, the**  
26           **Petitioners shall do the following:**

27           (1)    **No bone barrels shall be stored within 30 feet of any property line, except if**  
28           **stored within the walk-in cooler.**

- 1           (2)    **No bone barrels shall be emptied within 70 feet of any property line.**
- 2           (3)    **No more than 800 square feet of the proposed new storage building shall be**
- 3                **used for storage of bone barrels, or any storage related to the proposed special**
- 4                **use.**
- 5           (4)    **All bone barrels shall be stored in a closed and secure building at all times**
- 6                **except when being emptied into a rendering truck or a garbage truck for**
- 7                **removal from the property.**
- 8           (5)    **The bone barrels shall be stored in a cooled environment when necessary to**
- 9                **maintain sanitary conditions.**
- 10          (6)    **When the bone barrels and trash containers are not stored in a cooled**
- 11                **environment they shall be covered adequately to prevent access by vermin.**
- 12          (7)    **The bone barrels and trash containers shall be cleaned and sanitized when**
- 13                **necessary to maintain sanitary conditions and all such cleaning and sanitizing**
- 14                **shall occur in a closed and secure building and all wash water from cleaning of**
- 15                **the bone barrels shall be treated in the approved wastewater treatment and**
- 16                **disposal system for the Special Use and not disposed of in an untreated**
- 17                **condition and any solid waste from the cleaning bone barrels shall also be**
- 18                **properly disposed of and not dumped on the surface of the ground.**

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

**The bone barrels and trash containers shall be handled and used in a manner that does not create unsanitary or nuisance conditions in the neighborhood.**

- I.   **Any new refrigeration units shall have all condensers located inside the building except that the permanent bone barrel storage buildings may be cooled by a through-the-wall air conditioner if necessary.**

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

**There is maximum noise shielding for neighboring residences.**

- 1           **J.    The Special Use Permit authorized in Case 610-S-08 and renewed in Case 778-S-14**  
2           **shall be served by a wastewater disposal system as follows:**
- 3           **(1)    A private sewage disposal system with subsurface discharge serving the Special**  
4           **Use Permit activities shall be in general conformance with the approved site**  
5           **plan.**
- 6           **(2)    The private sewage disposal system serving the Special Use Permit shall be**  
7           **maintained as necessary or as recommended by the County Health Department**  
8           **but maintenance shall occur on at least a triennial basis and all maintenance**  
9           **reports shall be made available for inspection by the Zoning Administrator.**  
10          **Failure to keep copies of maintenance reports or maintenance receipts when**  
11          **requested by the Zoning Administrator or Champaign County Health**  
12          **Department shall constitute a violation of this Special Use Permit approval and**  
13          **the Zoning Administrator shall refer the violation to the Champaign County**  
14          **State’s Attorney for legal action.**
- 15          **(3)    This Special Use Permit approval shall become void if the private sewage**  
16          **disposal system with subsurface discharge fails and cannot be repaired or if the**  
17          **system is repaired or modified later without the approval of both the County**  
18          **Health Department and the Zoning Administrator, as follows:**
- 19                  **(a)    The owner is obligated to provide notice of the failed system to both the**  
20                  **Zoning Administrator and the County Health Department as soon as**  
21                  **failure is suspected; and**
- 22                  **(b)    The Zoning Administrator and the County Health Department in**  
23                  **consultation or individually may make a determination that the private**  
24                  **sewage disposal system serving the Special Use Permit has failed and the**  
25                  **owner shall provide necessary access to the private sewage disposal**  
26                  **system for the purpose of necessary inspections pursuant to such a**  
27                  **determination; and**
- 28                  **(c)    Provided that all necessary permits are received from the County Health**



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**Department, repairs that can result in lawful ongoing use of the private sewage disposal system with subsurface discharge may be made subject to approval by the Champaign County Health Department including any special conditions imposed thereby and provided that the Zoning Administrator is provided copies of all applications and approvals and is allowed to conduct inspections; and**

**(d) In the event of failure of the Special Use Permit private sewage disposal system that cannot be repaired or in the event of unresponsiveness by the owner in repairing a failed system, the Zoning Administrator shall provide written notice to the owner that the Special Use Permit is void and there shall be no more Special Use Permit activities conducted. However, any deer carcasses that are onsite at the time of failure may be dressed subject to any necessary conditions that may be imposed by either the County Health Department or the Zoning Administrator.**

**K. There shall be no burning or burial of carcass parts on the subject property. The special condition stated above is required to ensure the following: All carcass parts are removed from the subject property in an appropriate manner.**

**L. The petitioner shall provide reasonable access to the subject property and all structures where Special Use Permit activities take place to verify compliance with the special conditions in this case. The special condition stated above is required to ensure the following: The Zoning Administrator shall be provided necessary access to property to respond to any relevant complaints regarding the proposed Special Use Permit.**

**M. The approved site plan for Case 778-S-14 shall consist of the following Documents of Record:**

- 1 (1) The revised site plan received on March 31, 2014
- 2 (2) The floor plan of the business building received on May 5, 2008
- 3 (3) The revised floor plan of the proposed storage building received on October 12,
- 4 2008
- 5 (4) The elevation of the proposed storage building received on October 1, 2008
- 6 (5) The elevation of the front view of the business building received on October 12,
- 7 2008

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

9 It is clear which Documents of Record constitute the proposed site plan for  
10 enforcement purposes.

11  
12 **N. Regarding required maintenance on the Enviro-Pak “Enviro-Kleen” Air Treatment**  
13 **System:**

- 14 (1) The Petitioner shall follow the manufacturer’s recommended maintenance for
- 15 the Enviro-Pak “Enviro-Kleen” Air Treatment System or equivalent brand; and
- 16 (2) The Petitioner shall keep a written log of all maintenance performed on the
- 17 Enviro-Pak “Enviro-Kleen” Air Treatment System or equivalent brand; and
- 18 (3) The Petitioner shall provide a copy of the maintenance log for inspection by the
- 19 Zoning Administrator when necessary to respond to complaints.

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

21 To ensure that odors caused by the smoking are kept at the minimum acceptable level  
22 of odor control.

23  
24 **O. At the beginning of each smoking season the Petitioner shall provide an opportunity for**  
25 **the Zoning Administrator to visit the property while smoking is being done so that the**  
26 **Zoning Administrator may verify that the Enviro-Pak “Enviro-Kleen” Air Treatment**  
27 **System or equivalent brand is in operation and so that the Zoning Administrator may**  
28 **experience the smoking odor.**

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

2 **To ensure that the Zoning Administrator is familiar with the actual odors that are**  
3 **emitted during the operation of the smoker and the Air Treatment System.**

4  
5  
6 Mr. Hall stated that there are a few areas in the Summary of Evidence which should be updated. He said  
7 that on Page 2, the date August 14, 2014, should be added in the first sentence on the page. He said that  
8 Page 60, under Generally Regarding Proposed Special Conditions of Approval, the number 12 should be  
9 added by the letter A. He said that there are new Documents of Record which should be added as follows:  
10 #54. Supplemental Memorandum dated June 26, 2014, with attachments; and #55. Excerpt of approved  
11 Finding of Fact for Case 610-S-08 distributed at the June 26, 2014, public hearing; and #56. Log of  
12 Concerns submitted by Dennis Wandell at the June 26, 2014, public hearing; and #57. Notes regarding dates  
13 in Log of Concerns submitted by Charles Stites at the August 14, 2014, public hearing; and #58  
14 Supplementary Memorandum dated August 7, 2014.

15  
16 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings  
17 of Fact as amended.

18  
19 **Ms. Griest moved, seconded by Ms. Lee to adopt the Summary of Evidence, Documents of Record and**  
20 **Findings of Fact as amended. The motion carried by voice vote.**

21  
22 Mr. Thorsland entertained a motion to move to the Final Determination for Case 778-S-14.

23  
24 **Ms. Lee moved, seconded by Mr. Griest to move to the Final Determination for Case 778-S-14. The**  
25 **motion carried by voice vote.**

26  
27 Mr. Thorsland informed the petitioners that three Board members were absent therefore it is at their  
28 discretion to either continue Case 778-S-14 until a full Board is present or request that the present Board

1 move forward to the Final Determination. He informed the petitioners that four affirmative votes are  
2 required for approval.

3  
4 Mr. Stites stated that as he has been watching the Board it seems that everyone was in agreement with the  
5 findings and special conditions and no disagreement was voiced.

6  
7 Mr. Thorsland stated that the Board cannot give him any hint as to the outcome of the Final Determination.

8  
9 Mr. Hall noted that all of the findings were positive and if the Board made a determination that was not  
10 consistent with their findings then the State's Attorney would be very unhappy. He said there is no margin  
11 for error because there are only four members present tonight and four affirmative votes are required for  
12 approval. He said that if only three affirmative votes are received then Mr. Stites would have to wait one  
13 year to reapply unless some conditions changed. He said that the findings do support a positive  
14 determination and would not support a denial and this Board works very hard in staying consistent but the  
15 Board is only human.

16  
17 Mr. Thorsland stated that Case 778-S-14 would be the second case heard on August 28<sup>th</sup>.

18  
19 Mr. and Mrs. Stites requested that Case 778-S-14 be continued to a date when a full Board may be present.

20  
21 Mr. Thorsland entertained a motion to continue Case 778-S-14 to the August 28, 2014, public hearing.

22  
23 **Ms. Griest moved, seconded by Ms. Lee to continue Case 778-S-14 to the August 28, 2014, public**  
24 **hearing. The motion carried by voice vote.**

25  
26 Mr. Thorsland stated that the Board will take a five minute recess.

27  
28 **The Board recessed at 8:07 p.m.**

1    **The Board resumed at 8:15 p.m.**

2

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

8

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

17

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

21

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

23

24    Mr. Keith Pedigo, who resides at 202 South Sheridan Street, Seymour, stated that he is trying to turn his  
25 current home into a duplex. He said that there is a 1,200 gallon septic tank on the property.

26

27    Mr. Thorsland called John Hall to testify.

28

1 Mr. John Hall, Zoning Administrator, stated that the 1,200 gallon septic tank is a little shy of what is  
2 required for a four-bedroom dwelling unit but it is essentially what is required for four-bedrooms. He said  
3 that a proposed special condition is included in the Supplemental Memorandum dated August 7, 2014, as  
4 follows:

5            **E.     The number of bedrooms allowed in the structure will be limited to four.**

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

7            **To ensure that there is sufficient septic system capacity for the number of persons**  
8            **living in the structure.**

9  
10 He said that the proposed special condition is only needed if the duplex is on a septic system of this size. He  
11 said that if sanitary sewer were ever installed the proposed special condition would no longer be necessary.

12  
13 Mr. Thorsland stated that the proposed special condition could be revised to indicate the following:

14            **E.     The number of bedrooms allowed in the structure will be limited to four until such time**  
15            **that the property is connected to sanitary sewer.**

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

17            **To ensure that there is sufficient septic system capacity for the number of persons**  
18            **living in the structure.**

19  
20 Mr. Hall stated that the revised version would be an easy way to at least provide for that concern.

21  
22 Ms. Griest stated that the proposed special condition could be additionally revised as follows:

23            **E.     The number of bedrooms allowed in the structure will be limited to four until such time**  
24            **that the septic system is upgraded or the property is connected to sanitary sewer.**

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

26            **To ensure that there is sufficient septic system capacity for the number of persons**  
27            **living in the structure.**

28

1 Mr. Hall stated that merely saying upgraded leaves the proposed special condition undefined.

2

3 Ms. Griest stated that she could refine the special condition to state that the septic system is upgraded to  
4 accommodate the necessary capacity for any additional bedrooms.

5

6 Mr. Thorsland stated that the Board could indicate proposed special condition E. as follows:

7 **E. The number of bedrooms allowed in the structure will be limited to four until such time**  
8 **that the septic system is upgraded to meet the requirements of the Health Ordinance**  
9 **for more bedrooms or is connected to sanitary sewer.**

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

11 **To ensure that there is sufficient septic system capacity for the number of persons**  
12 **living in the structure.**

13

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

15

16 Ms. Griest asked Mr. Pedigo if it has been confirmed that the septic tank is not under where the porch is  
17 proposed to be located.

18

19 Mr. Pedigo stated yes.

20

21 Mr. Randol asked Mr. Pedigo if the garage is a two-car garage because for a number of years the garage was  
22 utilized as a three-room apartment.

23

24 Mr. Pedigo stated that it is a one and one-half car garage with double doors.

25

26 Mr. Thorsland stated that the Board will review the proposed special conditions beginning on Page 17 at this  
27 time.

28

1 Mr. Thorsland read the proposed special conditions.

2       **A. The private sewage disposal system serving the Special Use Permit shall be maintained**  
3       **as necessary or as recommended by the County Health Department but maintenance**  
4       **shall occur on at least a triennial basis and all maintenance reports shall be made**  
5       **available for review by the Zoning Administrator. Failure to provide copies of**  
6       **maintenance reports when requested shall constitute a violation of this Special Use**  
7       **Permit approval and the Zoning Administrator shall refer the violation to the**  
8       **Champaign County State's Attorney for legal action.**

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

10       **That the septic system continues to be of sufficient capacity and in operation given the**  
11       **increase in use from a single family home to a two-family home.**

12

13 Mr. Thorsland asked Mr. Pedigo if he agreed to proposed Special Condition A.

14

15 Mr. Pedigo stated that he agreed to proposed Special Condition A.

16

17       **B. All remodeling and changes necessary to make the existing dwelling into a two family**  
18       **dwelling shall be documented in a Change of Use Permit as follows:**

19       **a. The Change of Use Permit shall be applied for prior to making any changes.**

20       **b. The Change of Use Permit shall include the following requirements:**

21               **(1) Reducing the number of rooms used as bedrooms in the existing first**  
22               **floor dwelling unit to no more than two bedrooms.**

23               **(2) No more than two bedrooms shall be included in the proposed basement**  
24               **dwelling unit.**

25               **(3) Installation of a sewage ejector shall be required for the basement**  
26               **dwelling unit unless written documentation is submitted from a Licensed**  
27               **Illinois Plumber or the State of Illinois Plumbing Inspector Mr. Larry**  
28               **Luka (217-402-3334) or his successor, that no sewage ejector is necessary**





1 then staff will approve the permit so that Mr. Pedigo is authorized to make those changes.

2

3 Mr. Thorsland asked where the additional bedrooms can be added.

4

5 Mr. Hall stated that proposed Special Condition B.b.(1) and (2) could be revised to include except as  
6 allowed by Special Condition E.

7 (1) **Reducing the number of rooms used as bedrooms in the existing first**  
8 **floor dwelling unit to no more than two bedrooms except as allowed in**  
9 **Special Condition E.**

10 (2) **No more than two bedrooms shall be included in the proposed basement**  
11 **dwelling unit except as allowed in Special Condition E.**

12

13 Mr. Thorsland asked Mr. Pedigo if he agreed with revised proposed Special Condition B.

14

15 Mr. Pedigo stated that he agreed with proposed Special Condition B.

16

17 **C. The only occupancy authorized in the basement unit shall be that of the owner.**

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

19 **That the owner provides a livable space for both families.**

20

21 Mr. Pedigo asked if the special condition means that he has to live at this location forever.

22

23 Mr. Hall stated that these are only for the Board's consideration.

24

25 Mr. Thorsland stated that he would be comfortable with removing proposed Special Condition C. and  
26 making proposed Special Condition D. new proposed Special Condition C. and proposed Special Condition  
27 E. new proposed Special Condition D.

28

1 The Board agreed.

2

3 **C. No additional structures may be constructed south of the existing garage.**

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

5 **That the maximum possible lawn area will be available for the septic system.**

6

7 Mr. Thorsland asked Mr. Pedigo if he agreed to proposed Special Condition C.

8

9 Mr. Pedigo stated that he agreed to proposed Special Condition C.

10

11 **D. The number of bedrooms allowed in the structure will be limited to four until such time**  
12 **that the septic system is upgraded to meet the requirements of the Health Ordinance**  
13 **for more bedrooms or is connected to sanitary sewer.**

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

15 **To ensure that there is sufficient septic system capacity for the number of persons**  
16 **living in the structure.**

17

18 Mr. Randol asked Mr. Hall who regulates whether ingress and egress windows are installed in the basement  
19 for safety purposes. He said that if the Board is going to allow a bedroom in the basement he would like to  
20 be assured that ingress/egress windows is installed.

21

22 Mr. Hall stated that he is sure this is something that is in fact part of the life safety code that the State Fire  
23 Marshal has adopted. He said that he has been told recently from the State's Attorney that the ZBA has very  
24 little discretion when it comes to insurance life safety because the only thing that the Board is here to do is to  
25 enforce the Zoning Ordinance. He said that the County has not adopted a building code and has not adopted  
26 a life safety code and for new houses in the State of Illinois there is a code and it is okay to use things like  
27 that in conditions but it is his understanding that it would be going too far to require something like  
28 ingress/egress windows. He said that it has been very frustrating recently working with the State's Attorney

1 because they are trying to hold up the Constitution but constitutionally all we are ever enforcing in  
2 Champaign County is the Zoning Ordinance and requiring people install ingress/egress windows is going a  
3 step too far. He said that he would be happy to check with the State's Attorney if the Board feels that it is a  
4 relevant requirement.

5

6 Mr. Randol asked Mr. Pedigo if has considered installing ingress/egress windows.

7

8 Mr. Pedigo stated absolutely because he is also concerned about his family's safety.

9

10 Mr. Randol stated that being involved in the fire protection district he is concerned with the safety aspect of  
11 a unit in the basement.

12

13 Ms. Griest asked if the State's Attorney will have issues with proposed Special Condition B.b.(1) and (2)  
14 where the Board is specifying the number of bedrooms on each floor.

15

16 Mr. Hall stated that he is always amazed that when he thinks that the State's Attorney should have the same  
17 opinion as he does but they don't but the Ordinance has text included which indicates that every new septic  
18 system has to meet the requirements of the private sewage disposal code and it is his view that limiting the  
19 number of bedrooms to what the septic system is designed for is okay.

20

21 Ms. Griest stated that there could be three bedrooms on one level and one bedroom on the other or all four  
22 on one level.

23

24 Mr. Hall stated that Ms. Griest is correct and it just depends upon what the market calls for except what is  
25 and is not considered a bedroom is very flexible and difficult to enforce. He said that the Board could  
26 choose to change proposed Special Condition B.b(1) and (2) to include only four bedrooms in total.

27

28 Ms. Griest stated that she does not want the petitioner, staff or the Board to have difficulty down the road

1 when there are new owners and they challenge that special condition. She said that she believes that the  
2 Board is within its boundaries to limit the number of bedrooms to the capacity of the septic system but  
3 justifying how they are configured within the structure may fall into the same category as specifying how the  
4 structure is modified with ingress/egress windows.

5  
6 Mr. Hall stated that staff drafted the proposed special conditions early in the public hearing process.

7  
8 Mr. Thorsland noted that the petitioner agreed to the special condition therefore they were comfortable with  
9 defining it. He said that Mr. Hall's point is that a den could be turned into a bedroom but who is going to  
10 check to see if this has occurred.

11  
12 Mr. Hall stated that in order for this to be enforceable then the Board does need something like this but in  
13 light of his previous comments if the Board is more comfortable in indicating four bedrooms in total then  
14 that is the Board's decision.

15  
16 Ms. Griest stated that she is more comfortable in stating four bedrooms in total. She said that four bedrooms  
17 in total would give staff complete enforcement security.

18  
19 Mr. Thorsland stated that B.b.(1) and (2) would be combined to indicate the following:

20 **(1) Reducing the number of rooms used as bedroom to four unless the septic system**  
21 **is modified to accommodate more.**

22  
23 Mr. Thorsland stated that original (3) will become new (2) under proposed special condition B.b.

24  
25 Mr. Thorsland asked Mr. Pedigo if he agreed to the revision.

26  
27 Mr. Pedigo stated that he agreed.

28

1 Mr. Thorsland entertained a motion to approve the special conditions.

2

3 **Ms. Lee moved, seconded by Mr. Randol to approve to special conditions. The motion carried by**  
4 **voice vote.**

5

6 Mr. Hall stated that the following items should be added to the Documents of Record: #5. Supplemental  
7 Memorandum dated June 26, 2014, with attachments; and #6 Supplemental Memorandum dated August 7,  
8 2014, with attachments.

9

10 **Findings of Fact for Case 779-S-14:**

11

12 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
13 779-S-14 held on June 26, 2014, and August 14, 2014, the Zoning Board of Appeals of Champaign County  
14 finds that:

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

17

18 Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this  
19 location because the residence was established prior to the 1973. The lots are unusually small due to the age  
20 of the community and this change of use adds value to the property.

21

22 **2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
23 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it**  
24 **WILL NOT be injurious to the district in which it shall be located or otherwise**  
25 **detrimental to the public health, safety, and welfare because:**

26 **a. The street has ADEQUATE traffic capacity and the entrance location has**  
27 **ADEQUATE visibility.**

28

1 Ms. Griest stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE  
2 visibility.

3

4 **b. Emergency services availability is ADEQUATE.**

5

6 Mr. Randol stated that emergency services availability is ADEQUATE.

7

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

9

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

11

12 **d. Surface and subsurface drainage will be ADEQUATE.**

13

14 Ms. Griest stated that surface and subsurface drainage will be ADEQUATE.

15

16 **e. Public safety will be ADEQUATE.**

17

18 Ms. Griest stated that public safety will be ADEQUATE.

19

20 **f. The provisions for parking will be ADEQUATE.**

21

22 Ms. Lee stated that the provisions for parking will be ADEQUATE because there is no change to parking  
23 required.

24

25 **g. The property is BEST PRIME FARMLAND and property with the proposed**  
26 **improvement IS WELL SUITED OVERALL.**

27

28 Mr. Thorsland stated that the property is BEST PRIME FARMLAND and the property with the proposed

1 improvement IS WELL SUITED OVERALL.

2

3 Mr. Thorsland stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
4 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be injurious  
5 to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

6

7 **3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
8 **IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the**  
9 **DISTRICT in which it is located.**

10

11 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
12 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in which  
13 it is located.

14

15 **3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
16 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in**  
17 **which it is located because:**

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

20

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

23

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

25

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

27

28 **c. Public safety will be ADEQUATE.**



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Ms. Griest stated that public safety will be ADEQUATE.

Mr. Thorsland stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

**4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.**

- a. The Special Use is authorized in the District.**
- b. The requested Special Use Permit IS necessary for the public convenience at this location.**

Ms. Griest stated that the requested Special Use Permit IS 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 NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.**

Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDCTIONS IMPOSED HEREIN is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

**d. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.**

1 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
2 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

3  
4 Mr. Thorsland stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
5 IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.

6  
7            **5.        The requested Special Use IS NOT an existing nonconforming use.**

8  
9 Mr. Thorsland stated that the Special Use IS NOT an existing nonconforming use.

10  
11            **6.        The Special Conditions imposed herein are required to ensure compliance with the**  
12 **criteria for Special Use Permits and for the particular purposes described below:**

13  
14            **A.        The private sewage disposal system serving the Special Use Permit shall be**  
15 **maintained as necessary or as recommended by the County Health Department**  
16 **but maintenance shall occur on at least a triennial basis and all maintenance**  
17 **reports shall be made available for review by the Zoning Administrator.**  
18 **Failure to provide copies of maintenance reports when requested shall**  
19 **constitute a violation of this Special Use Permit approval and the Zoning**  
20 **Administrator shall refer the violation to the Champaign County State’s**  
21 **Attorney for legal action.**

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

23            **That the septic system continues to be of sufficient capacity and in operation**  
24 **given the increase in use from a single family home to a two-family home.**

25  
26            **B.        All remodeling and changes necessary to make the existing dwelling into a two**  
27 **family dwelling shall be documented in a Change of Use Permit as follows:**

28            **a.        The Change of Use Permit shall be applied for prior to making any**

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changes.

**b. The Change of Use Permit shall include the following requirements:**

**(1) Reducing the number of rooms used as bedrooms to four unless the septic system is modified to accommodate more.**

**(2) Installation of a sewage ejector shall be required for the basement dwelling unit unless written documentation is submitted from a Licensed Illinois Plumber or the State of Illinois Plumbing Inspector Mr. Larry Luka (217-402-3334) or his successor, that no sewage ejector is necessary to connect the basement dwelling unit drains to the septic system.**

**c. If a sewage ejector is installed for the basement dwelling unit the Zoning Administrator shall not authorize a Zoning Compliance Certificate unless there is documentation that the sewage ejector installation was inspected by the State of Illinois Plumbing Inspector Mr. Larry Luka (217-402-3334) or his successor.**

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

**That there is sufficient septic system capacity.**

**C. No additional structures may be constructed south of the existing garage.**

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

**That the maximum possible lawn area will be available for the septic system.**

**D. The number of bedrooms allowed in the structure will be limited to four until such time that the septic system is upgraded to meet the requirements of the Health Ordinance for more bedrooms or is connected to sanitary sewer.**

The above special condition is required to ensure the following:

**To ensure that there is sufficient septic system capacity for the number of**

1 **persons living in the structure.**

2  
3 Mr. Hall stated that Finding of Fact #2 was formatted with the first of three Supplemental Memorandums  
4 regarding best prime farmland and the Finding of Fact that the Board had did not include the finding about  
5 whether the existing public services are or are not available to support the proposed special use effectively  
6 and safely without undue public expense.

7  
8 **h. Existing public services are or are not available to support the proposed**  
9 **special use effectively and safely without undue public expense.**

10  
11 Ms. Griest stated that existing public services ARE available to support the proposed special use effectively  
12 and safely without undue public expense.

13  
14 Mr. Hall stated that the other finding that was not included is as follows: The only existing public  
15 infrastructure together with proposed improvements ARE/ARE NOT adequate to support the proposed  
16 development effectively and safely without undue public expense.

17  
18 **i. The only existing public infrastructure together with proposed**  
19 **improvements ARE adequate to support the proposed development**  
20 **effectively and safely without undue public expense.**

21  
22 Ms. Griest stated that the only existing public infrastructure, together with proposed improvements, ARE  
23 adequate to support the proposed development effectively and safely without undue public expense.

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

27  
28 **Ms. Griest moved, seconded by Ms. Lee to adopt the Summary of Evidence, Documents of Record and**

1    **Findings of Fact as amended. The motion carried by voice vote.**

2

3    Mr. Thorsland entertained a motion to move to the Final Determination for Case 779-S-14.

4

5    **Ms. Griest moved, seconded by Ms. Lee to move to the Final Determination for Case 779-S-14. The**  
6    **motion carried by voice vote.**

7

8    Mr. Thorsland informed the petitioner that three Board members were absent therefore it is at his discretion  
9    to either continue Case 779-S-14 until a full Board is present or request that the present Board move forward  
10   to the Final Determination. He informed the petitioner that four affirmative votes are required for approval.

11

12   Mr. Pedigo requested that the present Board proceed to the Final Determination.

13

14   **Final Determination for Case 779-S-14:**

15

16   **Ms. Griest moved, seconded by Ms. Lee that the Champaign County Zoning Board of Appeals finds**  
17   **that, based upon the application, testimony, and other evidence received in this case, the requirements**  
18   **of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted by Section**  
19   **9.1.6B. of the Champaign County Zoning Ordinance, determines that the Special Use requested in**  
20   **Case 779-S-14 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicant Keith Pedigo,**  
21   **to authorize the following as a Special Use in the R-2 District:**

22

23        **Authorize a Special Use Permit for the conversion of an existing single family residence to a**  
24        **two family residence in the R-2 Single Family Residence Zoning District that is also the subject**  
25        **of related Case 780-V-14, subject to the following special conditions:**

26

- 27            **A.     The private sewage disposal system serving the Special Use Permit shall be**  
28            **maintained as necessary or as recommended by the County Health Department**  
             **but maintenance shall occur on at least a triennial basis and all maintenance**

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reports shall be made available for review by the Zoning Administrator. Failure to provide copies of maintenance reports when requested shall constitute a violation of this Special Use Permit approval and the Zoning Administrator shall refer the violation to the Champaign County State’s Attorney for legal action.

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

**That the septic system continues to be of sufficient capacity and in operation given the increase in use from a single family home to a two-family home.**

**B. All remodeling and changes necessary to make the existing dwelling into a two family dwelling shall be documented in a Change of Use Permit as follows:**

**a. The Change of Use Permit shall be applied for prior to making any changes.**

**b. The Change of Use Permit shall include the following requirements:**

**(1) Reducing the number of rooms used as bedroom to four unless the septic system is modified to accommodate more.**

**(2) Installation of a sewage ejector shall be required for the basement dwelling unit unless written documentation is submitted from a Licensed Illinois Plumber or the State of Illinois Plumbing Inspector Mr. Larry Luka (217-402-3334) or his successor, that no sewage ejector is necessary to connect the basement dwelling unit drains to the septic system.**

**c. If a sewage ejector is installed for the basement dwelling unit the Zoning Administrator shall not authorize a Zoning Compliance Certificate unless there is documentation that the sewage ejector installation was inspected by the State of Illinois Plumbing Inspector Mr. Larry Luka (217-402-3334) or his successor.**

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

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**That there is sufficient septic system capacity.**

**C. No additional structures may be constructed south of the existing garage.**

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

**That the maximum possible lawn area will be available for the septic system.**

**D. The number of bedrooms allowed in the structure will be limited to four until such time that the septic system is upgraded to meet the requirements of the Health Ordinance for more bedrooms or is connected to sanitary sewer.**

The above special condition is required to ensure the following:

**To ensure that there is sufficient septic system capacity for the number of persons living in the structure.**

Mr. Thorsland requested a roll call vote.

|                           |                      |                     |
|---------------------------|----------------------|---------------------|
| <b>Griest-yes</b>         | <b>Lee-yes</b>       | <b>Randol-yes</b>   |
| <b>Thorsland-yes</b>      | <b>Miller-absent</b> | <b>Capel-absent</b> |
| <b>Passalacqua-absent</b> |                      |                     |

Mr. Hall informed the petitioner that he has received an approval of his request. He said that staff will send out the appropriate paperwork as soon as possible but if the petitioner has any questions he should feel free to call the office.

**6. New Public Hearing**

**Case 783-V-14 Petitioner: Stephanie Amabeli Request: Authorize the following variance for a residential property in the AG-2 Agricultural Zoning District: (1) an existing dwelling with the**

1 following: (a) a front yard facing Karadan Street of 11 feet in lieu of the minimum required 25  
2 feet; and (b) a setback which falls within, in lieu of outside of, the visibility triangle established for  
3 corner lots defined as the area bounded by the street right-of-way lines of corner lots and a  
4 straight line joining points along said street right-of-way lines 50 feet from the nearest point of  
5 intersection; and (2) an existing detached residential accessory building with a front yard facing  
6 Karadan Street of 15 feet in lieu of the minimum required 25 feet; and (3) a proposed residential  
7 accessory building with a height of 18 feet 8 inches instead of the maximum required height of 15  
8 feet; and (4) a lot coverage of 27% instead of the maximum lot coverage of 25%. Location: A  
9 20,038 square feet lot in Mahomet Township located in the West Half of the South Half of the  
10 Southeast Quarter of the Northwest Quarter of Section 14 of Township 20North, Range 7 East of  
11 the Third Principal Meridian and commonly known as the residence located at 1505 Summit  
12 Ridge Road, Mahomet.

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

22  
23 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign  
24 the witness register for that public hearing. He reminded the audience that when they sign the witness  
25 register they are signing an oath.

26  
27 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.  
28



1 Ms. Stephanie Amabeli, who resides at 1505 Summit Ridge Road, Mahomet, stated that she has lived at  
2 the subject property for approximately 10 years. She said that three years ago she and her fiancé', Andy  
3 Myers, purchased a home with four acres just outside of Oakwood with the intent to build a building.  
4 She said that within the last six months Mr. Myers' son has decided to live with his father and Mr.  
5 Myers does not desire to relocate his son yet again and to keep him enrolled in the Mahomet school  
6 system. She said that they are requesting a variance for a building with a height of 18'. She said that she  
7 must apologize but she noticed that mistake regarding the height. She said that the average height is  
8 incorrect because her drawing indicates that the building is 12 feet 6 inches at the eave and 25' at the  
9 peak therefore making the average height 18 feet 8 inches.

10

11 Ms. Lee stated that the drawing indicates 18 feet 8 inches.

12

13 Ms. Amabeli stated that Ms. Lee was correct but the description of the variance in all of the  
14 memorandums only indicates 18 feet. She said that she wanted to make sure that the variance was for  
15 the correct height because her father left her a backhoe and in order to get the backhoe in the shed and an  
16 enclosed trailer they must have 14 foot walls to accommodate a 12 foot door for access. She said that  
17 during the process of the application for the variance it was discovered that the house did not meet the  
18 setback requirements nor does the garage or an existing garage and there is issue with the visibility  
19 triangle.

20

21 Mr. Thorsland asked the Board if there were any questions for Ms. Amabeli.

22

23 Mr. Randol asked Ms. Amabeli where the water main is located on the property.

24

25 Ms. Amabeli stated that the water main runs down Summit Ridge Road and then is directed to the house.

26

27 Mr. Randol asked if there was a water line that runs along the south side of the property that goes to the  
28 telephone building.

1

2 Mr. Thorsland stated that Mr. Myers will have an opportunity to testify shortly to answer Mr. Randol's  
3 questions. He said that at this point does the Board have any further questions for Ms. Amabeli.

4

5 Ms. Griest asked Ms. Amabeli where the septic field is located.

6

7 Ms. Amabeli stated that the septic field is located off of Summit Ridge Road to the north. She said that  
8 there is no leach field because it is a multi-flo system which is connected to the sanitary.

9

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

12

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

14

15 Mr. Thorsland called Andy Myers to testify.

16

17 Mr. Andy Myers, who resides at 1505 Summit Ridge Road, Mahomet, stated that there is a utility  
18 easement on the south side of the property between their yard and the Helmick's yard. He said that the  
19 first 10 feet in the Helmick's yard is an easement that runs back to Verizon. He said that there is a small  
20 fire hydrant which is approximately 100 feet from the centerline of the road and there are two different  
21 water turn-ons and a main in the back area. He said that the water line which would control their home  
22 sits on the corner of Karadan and Summit Ridge Road.

23

24 Mr. Randol stated that he is employed by Sangamon Valley Water District and he knew that there was a  
25 water main on the south side of the property but he did not remember the location of it in relation to the  
26 subject property. He asked Mr. Myers if the total easement is located on the subject property.

27

28 Mr. Myers stated that the easement is not located on the subject property at all.

1

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

4

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

6

7 Ms. Griest asked Mr. Hall that since the lot is not square, as indicated on the Annotated Site Plan, the  
8 variance amounts are from the point of the proposed construction or existing construction that is closest  
9 to the property line and not where the red lines are drawn.

10

11 Mr. Hall stated yes.

12

13 Ms. Lee asked Mr. Hall if there is an issue with the variance request actually being 18 feet 8 inches in  
14 lieu of the 18 feet.

15

16 Mr. Hall stated that the only problem that he has is that he wishes staff would had noticed this error  
17 before the case was advertised but he does not believe that it is a material difference because to a  
18 neighbor it doesn't matter whether the building is 18 feet or 18 feet 8 inches or even 19 feet the way that  
19 the average is measured this is close enough. He said that if the height was off by a matter of five or ten  
20 feet then that would be a noticeable difference therefore he is comfortable with the Board taking action.

21

22 Ms. Griest asked Mr. Hall if the 15 foot average height requirement was established when the Ordinance  
23 was originally adopted in 1973 and has not been updated to accommodate the larger equipment and  
24 structures that exist today.

25

26 Mr. Hall stated that Ms. Griest was correct.

27

28 Ms. Griest asked Mr. Hall if the Board could look into modifying that requirement as a text amendment

1 in the future because this is not an uncommon request.

2

3 Mr. Hall stated that he would be concerned about proposing an increase in the average height because it  
4 depends upon where the property is located and sometimes a big reaction could be received by the  
5 neighbors and sometimes no reaction will be received. He noted that the 15 foot average height is only  
6 for lots which are less than one acre in size.

7

8 Ms. Griest stated that she obviously overlooked the 15 foot average height on lots less than one acre.

9

10 Mr. Randol asked if staff has received any comments from the neighbors regarding the requested  
11 variance.

12

13 Mr. Hall stated no.

14

15 Mr. Randol asked Mr. Myers if they have spoken with any of the neighbors about the requested  
16 variances.

17

18 Mr. Myers stated that they have discussed the variance with the neighbors and they have a letter of  
19 support indicating that the neighbors have no opposition to the proposed storage shed and landscaping.  
20 He submitted the signed letter as a Document of Record.

21

22 Mr. Randol asked Mr. Myers if there will be any additional lighting added to the property.

23

24 Mr. Myers stated that there will be a light for the concrete area will be in the front of the building which  
25 will be the playing of basketball.

26

27 Mr. Thorsland stated that the Board enjoys letters of support because it eliminates the need for staff to  
28 become involved in neighborhood disagreements.

1

2 Ms. Griest asked Mr. Hall if staff measured the property or these variances.

3

4 Mr. Hall stated no.

5

6 Ms. Griest asked the petitioners if they found the property pins because the penciled drawing indicates  
7 that the property lines are parallel with the house but the GIS aerial on the annotated site plan indicates  
8 that the property line is angled to the house which could make the variance greater. She said that she has  
9 no difficulty with the variance but she does not want the petitioner to have to come back twice because  
10 they did not measure properly.

11

12 Mr. Myers stated that the measurements on the penciled drawing came off of the GIS website.

13

14 Ms. Griest stated that this is fine for the existing structure but what about the addition.

15

16 Mr. Myers stated that all of the measurements came from the GIS aerial.

17

18 Mr. Hall stated that he is very comfortable with the provided measurements and there is no way that we  
19 could be as accurate in the field because it does not happen.

20

21 Ms. Griest stated that if Mr. Hall is comfortable with the provided measurements then she is comfortable  
22 with the measurements.

23

24 **Findings of Fact for Case 783-V-14:**

25

26 From the documents of record and the testimony and exhibits received at the public hearing for zoning  
27 case 783-V-14 held on August 14, 2014, the Zoning Board of Appeals of Champaign County finds that:

28

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

4  
5       Mr. Thorsland stated that special conditions and circumstances DO exist which are peculiar to the land  
6       or structure involved, which are not applicable to other similarly situated land and structures elsewhere  
7       in the same district because the lot is an odd shaped corner lot which was created prior to the adoption of  
8       zoning.

9  
10       Mr. Hall noted that there are four different parts to the requested variance and it is up to the Board  
11       whether they want to make sure that they tailor each finding to each part.

- 12  
13           2.       **Practical difficulties or hardships created by carrying out the strict letter of the**  
14                           **regulations sought to be varied WILL prevent reasonable or otherwise permitted**  
15                           **use of the land or structure or construction.**

16  
17       Mr. Randol stated that practical difficulties or hardships created by carrying out the strict letter of the  
18       regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or  
19       structure or construction because of the irregular layout of the lot. He said that an 8 foot door will not  
20       allow for the storage of construction equipment which is the purpose of the building.

21  
22       Mr. Thorsland stated that the height requirement is necessary to provide for adequate door height for  
23       modern equipment.

- 24  
25           3.       **The special conditions, circumstances, hardships, or practical difficulties DO NOT**  
26                           **result from actions of the applicant.**

27  
28       Mr. Thorsland stated that the special conditions, circumstances, hardships, or practical difficulties DO

1 NOT result from actions of the applicant because the odd shaped lot was created prior to the adoption of  
2 zoning in 1973 and it is a corner lot.

3  
4 Ms. Griest stated that the house was built prior to 1973 which encroached upon the visibility triangle and  
5 did not meet the minimum setbacks in the original construction.

6  
7 **4. The requested variance IS in harmony with the general purpose and intent of the**  
8 **Ordinance.**

9  
10 Mr. Thorsland stated that the requested variance IS in harmony with the general purpose and intent of  
11 the Ordinance because it allows for efficient use of the L-shaped lot while maintaining allowances for  
12 public safety, visibility and airflow.

13  
14 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**  
15 **detrimental to the public health, safety, or welfare.**

16  
17 Mr. Thorsland stated that the requested variance WILL NOT be injurious to the neighborhood or  
18 otherwise detrimental to the public health, safety or welfare because the fire protection district and the  
19 township highway commissioner have been notified and no comments have been received. He said that  
20 the visibility triangle variance is minimal on a street with only three other homes.

21  
22 **6. The requested variance IS the minimum variation that will make possible the**  
23 **reasonable use of the land/structure.**

24  
25 Mr. Thorsland stated that the requested variance IS the minimum variation that will make possible the  
26 reasonable use of the land/structure.

27  
28 **7. No special conditions are hereby imposed.**

1

2 Mr. Thorsland stated that a new item #4 should be added to the Documents of Record as follows: #4.  
3 Letter of Support for neighbors, submitted by Andy Myers at the August 14, 2014, public hearing.

4

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

7

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

10

11 Mr. Thorsland entertained a motion to move to the Final Determination for Case 783-V-14.

12

13 **Ms. Griest moved, seconded by Mr. Randol to move to the Final Determination for Case 783-V-14.**  
14 **The motion carried by voice vote.**

15

16 Mr. Thorsland informed the petitioner that three Board members were absent therefore it is at her discretion  
17 to either continue Case 783-V-14 until a full Board is present or request that the present Board move forward  
18 to the Final Determination. He informed the petitioner that four affirmative votes are required for approval.

19

20 Ms. Amabeli requested that the present Board proceed to the Final Determination.

21

22 **Final Determination for Case 783-V-14:**

23

24 **Ms. Griest moved, seconded by Ms. Lee that the Champaign County Zoning Board of Appeals**  
25 **finds that, based upon the application, testimony, and other evidence received in this case, that the**  
26 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**  
27 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of**  
28 **Appeals of Champaign County determines that the Variance requested in Case 783-V-14 is hereby**



1 **GRANTED to the petitioner Stephanie Amabeli to authorize the following variances in the AG-2**  
2 **Agriculture Zoning District:**

3 **Part 1. An existing dwelling with the following:**

- 4 (a) a front yard facing Karadan Street of 11 feet in lieu of the minimum
- 5 required 25 feet; and
- 6 (b) a setback which falls within, in lieu of outside of, the visibility triangle
- 7 established for corner lots defined as the area bounded by the street
- 8 right-of-way lines of corner lots and a straight line joining points
- 9 along said street right-of-way lines 50 feet from the nearest point of
- 10 intersection; and

11 **Part 2. An existing detached residential accessory building with a front yard facing**  
12 **Karadan Street of 15 feet in lieu of the minimum required 25 feet; and**

13 **Part 3. A proposed residential accessory building with a height of 18 feet 8 inches**  
14 **instead of the maximum required height of 15 feet; and**

15 **Part 4. A lot coverage of 27% instead of the maximum lot coverage of 25%.**

16  
17 Mr. Thorsland requested a roll call vote.

|    |                           |                      |                     |
|----|---------------------------|----------------------|---------------------|
| 18 |                           |                      |                     |
| 19 | <b>Griest-yes</b>         | <b>Lee-yes</b>       | <b>Randol-yes</b>   |
| 20 | <b>Thorsland-yes</b>      | <b>Miller-absent</b> | <b>Capel-absent</b> |
| 21 | <b>Passalacqua-absent</b> |                      |                     |
| 22 |                           |                      |                     |

23 Mr. Hall informed the petitioner that he has received an approval of her request. He said that staff will send  
24 out the appropriate paperwork as soon as possible but if the petitioner has any questions she should feel free  
25 to call the office.

26  
27 **7. Staff Report**  
28

1    None

2

3    **8.        Other Business**

4        **A.        Review of Docket**

5

6    Mr. Thorsland noted that the August 28<sup>th</sup> meeting has two cases from tonight for final determination.

7

8    Mr. Hall asked the Board if they would like to change the meeting time on August 28<sup>th</sup> to 6:30 p.m.

9

10   Mr. Randol stated that it would be a good idea because the two continued cases from tonight could be  
11 taken care of during that extra half hour.

12

13   Mr. Thorsland entertained a motion to change the meeting time on August 28<sup>th</sup> to 6:30 p.m.

14

15   **Ms. Lee moved, seconded by Mr. Randol to change the meeting time on August 28<sup>th</sup> to 6:30 p.m.**  
16 **The motion carried by voice vote.**

17

18   Mr. Hall stated that he submitted a request to the County Board to re-evaluate the Associate Planner  
19 position. He said that it is pretty easy to demonstrate that the Associate Planner in our department needs  
20 comparable skills and knowledge to meet the Planner II position in the Regional Planning Commission.  
21 He said that currently the way that the RPC has their Planner II position set up is that the beginning pay  
22 range for the Planner II is the mid-point for our Associate Planner. He said that mid-point is generally  
23 the highest that the County is ever willing to pay therefore somehow those two things have gotten out of  
24 sync therefore when Mr. Kass resigned Mr. Hall made it his goal to have the position re-evaluated. He  
25 said that at their last meeting the County Board voted to approve the re-evaluation request so hopefully  
26 we will be recruiting for a new Associate Planner at the end of this year with a somewhat higher salary  
27 range. He said that since 1990 the Department of Planning and Zoning has replaced the Associate  
28 Planner, on average, once every 3.3 years. He said that Mr. Kass was here two years and even as good as  
29 Mr. Kass was and as much as he knew coming in he was still learning when he left and staff was still  
30 teaching therefore replacing that position every three years is a tremendous drain on the department. He  
31 said that he is hopeful that we may be in the position to get someone who is inclined to stay longer. He  
32 said that he would be happy with the same skills and education that Mr. Kass brought to the position  
33 because most Associate Planners do have Master Degrees and getting re-evaluated will not prevent us

1 from hiring someone with just an undergraduate degree but if someone does apply with a Master's  
2 Degree and three years of experience the County will be in a more competitive salary range.

3  
4 Mr. Hall stated that he will predict that by the end of the year we are going to end up with a bunch of  
5 cases. He said that we have received one new case and he is discussing two possible cases with  
6 someone tomorrow. He said that we know that there are three or four cases waiting to be submitted  
7 therefore the Board will probably end up this year being on par with last year even though only a few  
8 weeks ago it appeared that it was going to be a slower year. He said that permitting has been up this year  
9 and there is a lot of stuff going on in the County and there is a lot of enforcement activity going on  
10 which is good and bad. He said that it is a very busy time in the office.

11  
12 Mr. Lee asked if the meetings should begin starting at 6:30 p.m.

13  
14 Mr. Thorsland stated that when the time change occurs the meeting time will revert back to 6:30 p.m.  
15 He said that as Mr. Randol stated the extra half hour on August 28<sup>th</sup> will allow the Board to finalize the  
16 two continued cases from tonight and was partially necessary due to the continued absence of Mr.  
17 Miller.

18  
19 **9. Audience Participation with respect to matters other than cases pending before the Board**

20  
21 None

22  
23 **10. Adjournment**

24  
25 Mr. Thorsland entertained a motion to adjourn the meeting.

26  
27 **Ms. Griest moved, seconded by Mr. Randol to adjourn the meeting. The motion carried by voice**  
28 **vote.**

29  
30 The meeting adjourned at 9:28 p.m.

31  
32  
33

ZBA

DRAFT

SUBJECT TO APPROVAL

DRAFT

8/14/14

1 Respectfully submitted

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4

5

6 Secretary of Zoning Board of Appeals

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

SUPPLEMENTAL MEMORANDUM

September 4, 2014

Champaign County  
Department of

PLANNING &  
ZONING

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

## Case 766-AM-13

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

## Case 767-S-13

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

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

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

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

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

Site Area: 5 acres

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

Prepared by: **John Hall**  
Zoning Administrator

---

### STATUS

These cases are continued from the 7/17/14 meeting. The minutes of that meeting are included separately.

Since the last meeting the petitioner's engineer has contacted the Illinois Capital Development Board regarding accessibility requirements and revised the site plan accordingly. A Revised Site Plan was received on 9/3/14. The accessibility requirements and the Revised Site Plan are briefly reviewed below in the form of new evidence for both Cases.

New special conditions are proposed regarding the perimeter fencing (changes were also made to the revised site plan) and the connection to the underground tile on the adjacent property. See the discussion below. A new special condition is also proposed for Case 767-S-13.

A Revised Draft Summary of Evidence for Case 767-S-13 and a Revised Draft Finding of Fact for Case 766-AM-13 are also included.

---

## ACCESSIBILITY REQUIREMENTS

Chad Osterbur, engineer for the petitioner, contacted Doug Gamble, Accessibility Specialist with the Illinois Capital Development Board, regarding accessibility requirements for the proposed self-storage warehouses. Emails documenting the contact are attached. The following is proposed as new evidence items 8.I.(1)k., l., and m. for Case 767-S-13:

- k. In emails dated 7/29/14 and 8/6/14, Doug Gamble, Accessibility Specialist with the Illinois Capital Development Board, stated the following as accessibility requirements for the proposed self-storage warehouses:
  - (a) Five percent of the storage units must be accessible.
  - (b) An accessible storage unit must have an unassisted entrance and asphalt or concrete paving at the unit.
  - (c) If no parking spaces are actually designated (ie, striped) then no accessible parking space is required.
- l. The Revised Site Plan received 9/3/14 (3 sheets total) indicates the following regarding accessibility:
  - (a) A total of 10 accessible storage units are indicated to be part of Phase 1 Construction. The maximum proposed number of storage units is 150 and 10 accessible units is a little more than 6% of the 150.
  - (b) Exterior paving at the 10 accessible storage units is indicated as asphalt.
  - (c) Note 12 on Sheet 1 of 3 indicates that accessible units will have automatic door openers and paved surfaces adjacent to the unit with slopes not exceeding 1:50 in any direction.
- m. The Revised site plan received 9/3/14 does not indicate that the accessible units will have a concrete floor but it is assumed that each accessible unit will have a concrete floor. Based on the emails received from Doug Gamble, Accessibility Specialist with the Illinois Capital Development Board, the Revised Site Plan received 9/3/14 complies with accessibility requirements and no special conditions appear to be required for accessibility.

## REVISED SITE PLAN

Item 5 in the Summary of Evidence for Case 767 and item 8 in the Finding of Fact for Case 766 should be revised to add the date of the latest site plan iteration (September 3, 2014) and the following item summarizes the changes made from the previous plan:

- D. The revised site plan received September 3, 2014, indicates the following revisions from the previous site plan:
  - (1) A free standing sign is proposed south of the proposed entrance to the self-storage warehouses. Note that the property already has one free-standing sign for the contractor facility and only one free-standing sign is allowed per property.

- (2) There is no chain link fence indicated along the west lot line but a note (#10) has been added to Sheet 1 that states as follows:  
A 6' tall chain link fence may be placed along the west and north property lines, subject to case specific special conditions.
- (3) The following changes have been made regarding accessibility:
  - a. A total of 10 accessible storage units are indicated to be part of Phase 1 Construction.
  - b. Exterior paving at the 10 accessible storage units is indicated as asphalt.
  - c. Note 12 on Sheet 1 of 3 indicates that accessible units will have automatic door openers and paved surfaces adjacent to the unit with slopes not exceeding 1:50 in any direction.

#### **NEW PROPOSED SPECIAL CONDITIONS OF APPROVAL FOR CASE 767-S-13**

All proposed Special Conditions of Approval for Case 767-S-13 are items 12.A. through 12.I. on pages 28 through 30 of the Summary of Evidence. The following new proposed special conditions were provided to the petitioner and the adjacent farmer for review on August 20, 2014:

- H. The property shall be enclosed by a six-foot tall chain link fence as follows:**
  - (1) The self-storage buildings and related parking area shall be enclosed by a six-foot tall chain link fence prior to occupancy and at all times during occupancy.**
  - (2) The west and north sides of the property shall only need to be fenced with a six-foot tall chain link fence at such time as (a) windblown litter has become a problem on the adjacent farmland or (b) contractor operations have encroached onto the adjacent farmland, and the adjacent landowner has submitted to the Zoning Administrator a written request for installation of fencing, in which case the petitioner shall install a six-foot tall chain link fence within two months of receiving said notification to install the fencing from the Zoning Administrator.**

The special condition above is required to ensure the following:

**That the proposed Special Use does not interfere with adjacent agriculture.**

- I. The normal (i.e., non-emergency overflow) discharge of storm water from the northwest detention basin shall discharge directly into the neighbor's six-inch diameter tile with no overland flow and the discharge into the tile shall be limited to an amount that does not exceed the discharge capacity of the six-inch diameter tile.**

The special condition above is required to ensure the following:

**Normal (i.e., non-emergency overflow) flow of storm water from the proposed Special Use does not create erosion on the adjacent farmland or surcharge the existing six-inch diameter tile.**

### **NEW PROPOSED SPECIAL CONDITION OF APPROVAL FOR CASE 766-AM-13**

The following special condition of approval is proposed for Case 766-AM-13 to make any approval consistent with Policies 4.2.3 and 5.1.5. A copy of the Champaign County Right to Farm Resolution is attached. The special condition is as follows:

- 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.**

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

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

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

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

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

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

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



**Case 766-AM-13 and 767-S-13**

Eric L. Sebens d.b.a. Prairieview Landscaping  
September 4, 2014

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Note that there is also no recommendation for the following:

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

**ATTACHMENTS**

- A Approved Minutes of July 17, 2014, ZBA Meeting for Cases 766-AM-13 and 767-S-13 (included separately)
- B Emails between Chad Osterbur, design engineer, and Doug Gamble, Accessibility Specialist, Illinois Capital Development Board
- C Revised Site Plan received 9/3/14 (3 sheets total)
- D Champaign County Right to Farm Resolution # 3425
- E Preliminary Draft Summary of Evidence and Finding of Fact for Case 767-S-13 (included separately)
- F Revised Draft Finding of Fact for Case 766-AM-13(included separately)

## John Hall

---

**From:** John Hall  
**Sent:** Thursday, August 07, 2014 4:14 PM  
**To:** 'Chad Osterbur'  
**Cc:** Eric Sebens  
**Subject:** RE: Self storage units - Champaign County

This is helpful, Chad.

We have never required striped parking anywhere in a self-storage facility but we have always required accessible parking for accessible units but again, all previous developments have had concrete throughout the entire facility.

I have no idea how much paved surface is required in front of an accessible unit in this scenario.

I recommend you follow Mr. Gamble's recommendation as you understand it unless Mr. Sebens wants to go beyond Mr. Gamble's recommendation. The ZBA will have the final say.

I will include the email exchange as a Document of Record and include it in the next memo to the ZBA.

Thanks again for following up on this.

---

**From:** Chad Osterbur [mailto:costerbur@fehr-graham.com]  
**Sent:** Thursday, August 07, 2014 3:59 PM  
**To:** John Hall  
**Cc:** Eric Sebens  
**Subject:** FW: Self storage units - Champaign County

John,  
Please see the back and forth communications between myself and Doug Gamble below.

As I interpret this, 5% of the units will need to be accessible. Those units would have automatic door openers and the areas directly in front will need a hard, paved surface flush with the unit floor, and presumably a maximum of 1:50 slopes in all directions of the paved surface. With no requirement for accessible parking, there should be no need for separate paths to the units, thus no change to the building sizes should be necessary.

Please review at your earliest convenience and let me know your thoughts on this. Thanks.

CHAD M. OSTERBUR, PE, PLS | Project Engineer  
Fehr Graham - Engineering & Environmental  
Celebrating FORTY YEARS

---

**From:** Gamble, Doug [mailto:Doug.Gamble@Illinois.gov]  
**Sent:** Wednesday, August 06, 2014 1:26 PM  
**To:** Chad Osterbur  
**Subject:** RE: Self storage units - Champaign County

Hi Chad

Yes, the 5% applies. I have been using this consistently since the 1997 code was first published. Therefore, the 5% accessible units should have unassisted entrances and asphalt or concrete at the unit only, not the whole area. If no parking is being designated, then an accessible space is not required.

The authority to issue Illinois Accessibility Code interpretations is project specific and is granted to the Capital Development Board by the Illinois Environmental Barriers Act. It does not relieve the project from conformance with the 2010 Americans with Disabilities Act or other applicable codes.

*Douglas I. Gamble*  
Accessibility Specialist

State of Illinois Capital Development Board  
3<sup>rd</sup> Floor William G. Stratton Building  
401 South Spring Street  
Springfield, Illinois 62706

(217) 782-8530  
(217) 524-4208 Fax

[doug.gamble@illinois.gov](mailto:doug.gamble@illinois.gov)

---

**From:** Chad Osterbur [<mailto:costerbur@fehr-graham.com>]  
**Sent:** Thursday, July 31, 2014 3:54 PM  
**To:** Gamble, Doug  
**Subject:** RE: Self storage units - Champaign County

Doug,  
Thank you for your response. I've had a busy week and wanted to get back with you earlier but so it goes.

To clarify, do you think that the 5% applies in this case? I think the section on storage references cabinets, etc. If so, does that mean 5% of the units should be accessible? When you say concrete or asphalt are required, does that mean the entire site should be paved or just those units designated as accessible? The owner had not intended on there being a parking lot for this facility, so does that mean that an accessible parking space is not required?

Thanks again for your input on this matter.

CHAD M. OSTERBUR, PE, PLS | Project Engineer  
Fehr Graham - Engineering & Environmental  
Celebrating FORTY YEARS

---

**From:** Gamble, Doug [<mailto:Doug.Gamble@Illinois.gov>]  
**Sent:** Tuesday, July 29, 2014 10:29 AM  
**To:** Chad Osterbur  
**Subject:** RE: Self storage units - Champaign County

Hi Chad

The storage section of the Illinois Accessibility Code calls for 5% of the storage to be accessible. It does not deal with specifics for a storage unit. I am in agreement that an unassisted entry and a firm and stable (concrete or asphalt) accessible route are required. If there is a striped parking lot, then an accessible parking space would be required.

The authority to issue Illinois Accessibility Code interpretations is project specific and is granted to the Capital Development Board by the Illinois Environmental Barriers Act. It does not relieve the project from conformance with the 2010 Americans with Disabilities Act or other applicable codes.

Douglas I. Gamble  
Accessibility Specialist

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[doug.gamble@illinois.gov](mailto:doug.gamble@illinois.gov)

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**From:** Chad Osterbur [<mailto:costerbur@fehr-graham.com>]  
**Sent:** Friday, July 18, 2014 1:04 PM  
**To:** Gamble, Doug  
**Subject:** Self storage units - Champaign County

Mr. Gamble,

I am a consulting engineer for a developer who is currently seeking a re-zoning and special use permit for proposed self storage units in Champaign County. We have been discussing this with John Hall, the county planning and zoning director, and he gave me your contact information to discuss accessibility issues. Since the county does not have any specific zoning ordinance that regulates accessibility for this type of construction, John has asked that we contact you in order to get some guidance as to what ADA requirements might be.

I believe the main pointers we are looking for are:

- 1) How many or what percentage of the units need to be accessible
- 2) Do the accessible units need to be dispersed through the different buildings, or can they all be in one building
- 3) What specific requirements are there in order to make a unit accessible, I would assume at a minimum it would require a motorized door and no grade change at the door
- 4) Are separate accessible parking spaces required, or does this simple need to have a paved accessible area in front of the unit
- 5) Any other issues that we might need to be aware of

As you can tell from the attached preliminary site plan, the developer is intending on a stone surface for the driveways, so this is what has stirred some of these questions.

I anticipate I might need to have some back and forth correspondence with you on this so this is mostly a conversation starter. Any help you give here would be greatly appreciated. I look forward to hearing from you, thanks again.

**CHAD M. OSTERBUR, PE, PLS | Project Engineer**  
**Fehr Graham - Engineering & Environmental**  
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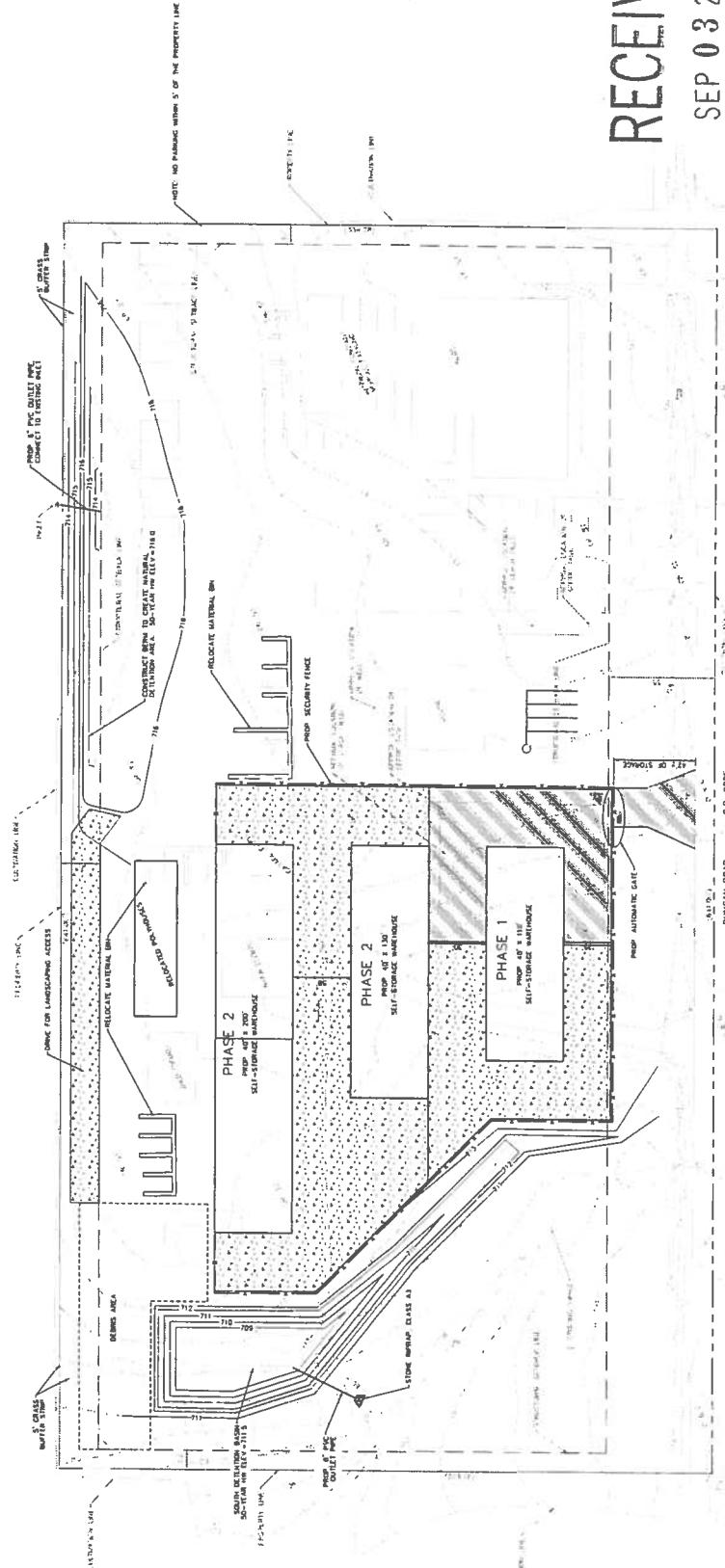






SCALE 1" = 30'  
 0 30 60 90 FEET

PROPOSED ASPHALT SURFACE  
 PROPOSED ASPHALT PAVEMENT  
 (3" THICK, 6" CEMENT BASE)



RECEIVED

SEP 03 2014

CHAMPAIGN CO. P & Z DEPARTMENT

JOB NUMBER  
14-317

SHEET NUMBER  
3 of 3

DRAWING  
PHASE 2 CONSTRUCTION

DATE: 07/09/14  
 SCALE: 1"=30'

| NO. | REVISIONS                       | DATE   |
|-----|---------------------------------|--------|
| 1   | REV. PERMITS AND ZONING MEETING | 7/9/14 |
| 2   | REVISIONS                       | 07/14  |

DESIGNED BY: JAS  
 APPROVED BY: CMO  
 DATE: 07/09/14  
 SCALE: 1"=30'

PROJECT AND LOCATION:  
 PRORIEWAY LANDSCAPING COMPANY  
 REZONING PLAN

CONSULTOR:  
 PRORIEWAY LANDSCAPING COMPANY  
 CHAMPAIGN, IL 61822

ILLINOIS  
 IOWA  
 WISCONSIN

**FEHR GRAHAM**  
 ENGINEERING & ENVIRONMENTAL

ILLINOIS LICENSE # 017581  
 IOWA LICENSE # 003323  
 WISCONSIN LICENSE # 14-003323

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.




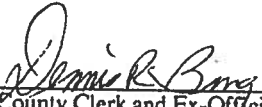
RESOLUTION NO. 3425

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

**REVISED DRAFT**

**766-AM-13**

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

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

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

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

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

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**Table of Contents**

**Finding of Fact..... 2 - 26**  
**Summary Finding of Fact .....27 - 29**  
**Documents of Record .....30 - 31**  
**Final Determination ..... 32**

## FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 30, 2014; March 13, 2014; June 12, 2014; July 17, 2014; and September 11, 2014**, the Zoning Board of Appeals of Champaign County finds that (Note that\* indicates identical to evidence in related Case 767-S-13):

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

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

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

**contractor's facility. Quite often you see these two businesses paired together to help support one another. Contracting has become very unpredictable and unstable, the landscape contracting industry has experienced a devastating decline, sales are half of what they were just a few years ago, self-storage units would help pay for the property and provide a reasonable return on the investment I have made."**

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

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

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

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

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

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

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

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

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

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

- A. Different versions of the site plan have been received on November 13, 2013; January 22, 2014; March 3, 2014; May 12, 2014; June 5, 2014; July 16, 2013; and September 3, 2014.

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

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

*REVISED DRAFT 9/4/14*

- v. The two longer buildings are indicated with a stepped floor that is one foot higher on the northern portion.
  - (b) All self-storage buildings are separated by 30 feet wide traffic aisles that are indicated as “aggregate surface”. Drainage arrows indicate that the aisles are intended to drain toward the south. The traffic aisle east of the easternmost building appears to be 25 feet wide.
  - (c) All self-storage buildings are enclosed by a proposed security fence. An automatic gate is indicated at the northeast corner of the security fence approximately 42 feet from the edge of pavement of CR900E (Duncan Road).
  - (d) A detention basin is indicated south of the self-storage buildings. The basin is indicated to outlet into the drainage swale. Basic engineering data is provided for the south basin but it has not been reviewed by the County’s consulting engineer.
  - (e) Spot elevations are indicated on the proposed aggregate surface paving to indicate the general direction of drainage but proposed topography is not actually shown.
  - (f) The detention basin will take up some of the volume of the existing swale but the proposed topography is not indicated.
  - (g) The area of self-storage warehouses is indicated to be over an existing septic leach field.
  - (h) No outdoor storage in the self-storage building area has been included in the request nor is indicated on the site plan.
- (3) Generally regarding proposed security measures at the proposed self-storage warehouses:
- a. A note on the site plan indicates that full cut-off motion detection lighting will be used on all buildings.
  - b. All self-storage buildings are enclosed in a proposed security fence. An automatic gate is indicated at the northeast corner of the security fence approximately 55 feet from the edge of pavement of CR900E (Duncan Road).
- C. The revised site plan received July 16, 2014, indicates the following revisions:
- (1) The Revised Site Plan dated 7/16/14 includes a Preliminary Site Plan, Phase 1 Construction, and Phase 2 Construction.

- (2) The debris area on the southwest corner of the property has been moved to ensure 10 feet of space between the debris area and the property lines.
- (3) The Hoop Shed has been moved from the southwest part of the property to an area just behind the existing house on the north-central part of the property.
- (4) Grass areas and paved surface have been differentiated. An additional aggregate surface drive has been added to the area between the west property line and the westernmost self-storage building with a note "drive for landscaping access".
- (5) "Stone Riprap, Class A3" has been noted on the south basin.
- (6) At least 20 feet has been ensured for the area between the relocated polyhouses and self-storage warehouses identified in Phase 2 Construction. Further, Note 9 states that "A minimum of 20' separation will be required between buildings on the contractor's facility and the storage facility."
- (7) The existing septic tank and leach field are demarcated at their existing location as well as where they will be relocated to an area in front of the house on the east-central part of the property.
- (8) The driveway entrance to the storage facility has been widened.
- (9) Regarding the use of gravel, Note 8 on the Preliminary Site Plan that "owner shall be responsible for maintaining aggregate drives in good condition."
- (10) A note has been added on the Preliminary Site Plan on the north side property line that states "no parking within 5 feet of the property line".

D. The revised site plan received September 3, 2014, indicates the following revisions from the previous site plan:

- (1) A free standing sign is proposed south of the proposed entrance to the self-storage warehouses. Note that the property already has one free-standing sign for the contractor facility and only one free-standing sign is allowed per property.
- (2) There is no chain link fence indicated along the west lot line but a note (#10) has been added to Sheet 1 that states as follows:  
A 6' tall chain link fence may be placed along the west and north property lines, subject to case specific special conditions.
- (3) The following changes have been made regarding accessibility:
  - a. A total of 10 accessible storage units are indicated to be part of Phase 1 Construction.
  - b. Exterior paving at the 10 accessible storage units is indicated as asphalt.



- c. Note 12 on Sheet 1 of 3 indicates that accessible units will have automatic door openers and paved surfaces adjacent to the unit with slopes not exceeding 1:50 in any direction.

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

**GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS**

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

- Agriculture;
  - Minor Rural Specialty Business;
  - Township Highway Maintenance Garage (must meet separations or a SUP is required);
  - Christmas Tree Sales Lot;
  - Temporary Uses
- c. The following 9 uses are authorized by right in the B-1 District and not at all in the AG-1 District:
- Parking garage or lot;
  - MINOR AUTOMOBILE REPAIR (all indoors)\*;
  - Gasoline Service Station;
  - Agricultural services and businesses (roadside stand, feed/grain sales, equipment sales and service)
  - Miscellaneous business (cold storage, telegraph office, antique sales)
- \*Auto Repair may cause nuisance violations (junk cars, debris, etc) at this location. The Department of Planning and Zoning enforces the *Nuisance Ordinance* and can help resolve nuisance violations. “Minor Automobile Repair” is replacement of parts and motor services to passenger cars and trucks not exceeding one and one-half tons capacity, excluding body repairs.
- d. The following 10 uses are authorized by right in the B-1 District but require a Special Use Permit in the AG-1 District:
- Major RURAL SPECIALTY BUSINESS
  - Small Scale Metal Fabricating Shop (only if the building existed prior to 1988)
  - Public park of recreational facility
  - Public facilities (police station, library, government building, telephone exchange)
  - Agricultural services and businesses (fertilizer sales/storage, grain storage, specialty business)
- (2) There are 42 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 9 uses authorized by right in the B-1 District see above) and 10 types of uses authorized by SUP in the B-1 District:
- a. The following 5 uses may be authorized by SUP in the both the AG-1 District and B-1 District:
- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
  - Electrical Substation;

*REVISED DRAFT 9/4/14*

- HELIPORT-RESTRICTED LANDING AREAS;
  - Livestock Sales Facility and Stockyards;
  - Slaughter Houses;
- b. The following 27 uses may be authorized by Special Use Permit in the AG-1 District and not at all in the B-1 District:
- Hotel with no more than 15 lodging units;
  - Residential PLANNED UNIT DEVELOPMENT;
  - Major RURAL SPECIALTY BUSINESS;
  - Artificial lake of 1 or more acres;
  - Mineral extraction, Quarrying, topsoil removal, and allied activities;
  - Elementary School, Junior High School, or High School;
  - Church, Temple or church related Temporary Uses on church Property;
  - Penal or correctional institution;
  - Sewage disposal plant or lagoon;
  - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
  - Radio or Television Station;
  - RESIDENTIAL AIRPORTS;
  - RESTRICTED LANDING AREAS;
  - Riding Stable;
  - Commercial Fishing Lake;
  - Cemetery or Crematory;
  - Pet Cemetery;
  - Kennel;
  - Veterinary Hospital;
  - Off-premises sign farther than 660 feet from an interstate highway;
  - Contractors Facilities with no outdoor operations or storage;
  - Contractors Facilities with outdoor operations and/or storage;
  - Gas Turbine Peaker;
  - BIG WIND TURBINE TOWER (1-3 turbines);
  - WIND FARM (County Board SUP)
  - Sawmills Planing Mills, and related activities; and
  - Pre-Existing Industrial Uses (existing prior to October 10, 1973)
- c. The following 5 uses may be authorized by SUP in the B-1 District and not at all in the AG-1 District:
- Self-storage Warehouses, providing heat and utilities to individual units;

- Self-storage Warehouses, not providing heat and utilities to individual units;
- Storage of gasoline, volatile oils, and liquefied petroleum gases.

**GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES**

10. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:
- “It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
- B. The LRMP defines Goals, Objectives, and Polices as follows:
- (1) Goal: an ideal future condition to which the community aspires
  - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
  - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

**REGARDING LRMP GOALS & POLICIES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Policy 4.1.6 states, “**Provided that the use, design, site and location are consistent with County policies regarding:**

- i. **Suitability of the site for the proposed use;**
- ii. **Adequacy of infrastructure and public services for the proposed use;**
- iii. **Minimizing conflict with agriculture;**
- iv. **Minimizing the conversion of farmland; and**
- v. **Minimizing the disturbance of natural areas; then**
  - a) **On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use**

- (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
- b) On best prime farmland, the County may authorize non-residential discretionary development; or
  - c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”

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

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

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

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

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

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

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

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

- (2) Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:
- a. is a type that does not negatively affect agricultural activities; or
  - b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and

- c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.”

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

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



- \*h. The Revised Site Plan received 5/12/14 indicates a five feet wide buffer strip and fence along the west property line.

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

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

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

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

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

- a. As reviewed under Policy 4.1.6, the subject property is best prime farmland.
- b. The property *{IS/ IS NOT} WELL SUITED OVERALL* based on the following:
  - (a) The property is only five acres in area.
  - (b) A Special Use Permit was authorized in Case 101-S-97.
  - (c) The B-1 District is intended to provide areas for rural business to offer products and services to rural residents.
  - (d) The proposed development is subject to the *Stormwater Management Policy* and must provide adequate stormwater detention that will not harm the tile drainage to the west or the drainage swale on the south of the property.
  - (e) The subject property fronts and has access to Duncan Road (CR900E).
  - (f) A Traffic Impact Analysis was not required because the number of weekday and weekend peak hour trips generated by the proposed use will be minimal.
  - (g) Access to I-57 is approximately 1 road mile from the subject property.
  - (i) The subject property is served by a public water supply.

- (2) Policy 4.3.3 states, **“The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

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

- a. The subject property is located approximately 4.3 miles from the Savoy Fire Protection District Station. The fire protection district was notified of the case and no comments have been received.

- (3) Policy 4.3.4 states, **“The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

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

- a. The subject property has access to Duncan Road (CR900E). Duncan Road is an oil and chip road that is approximately 24 feet in width that has adequate capacity for the proposed use. Access to I-57 is approximately 1 road mile from the subject property.
- b. No comments have been received from the Tolono Township Highway Commissioner.

- (4) Policy 4.3.5 states, **“On best prime farmland, the County will authorize a business or other non-residential use only if:**

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

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

- a. As reviewed under Policy 4.1.6, the subject property is best prime farmland.
- b. The property is only five acres in area.
- c. A Special Use Permit was authorized in Case 101-S-97 on July 17, 1997.
- d. The B-1 District is intended to provide areas for rural business to offer products and services to rural residents. Contractors Facilities and Self-

Storage Warehouses are USES that have been determined to be appropriate for the rural area in the B-1 DISTRICT.

- e. The proposed development is subject to the *Stormwater Management Policy* and must provide adequate stormwater detention.
  - f. The subject property fronts and has access to Duncan Road (CR900E).
  - g. Access to I-57 is approximately 1 road mile from the subject property.
  - h. The subject property is served by a public water supply.
- D. The proposed amendment *{WILL/ WILL NOT} IMPEDE* the achievement of Objectives 4.6, 4.7, and 4.9 and Policies 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.8, 4.2.3, 4.2.4, 4.6.1, 4.6.2, 4.6.3, and 4.9.1. Objectives 4.4 4.5, and 4.8 and Policies 4.1.7, 4.1.9, and 4.3.1 are *NOT RELEVANT* to the proposed amendment.

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

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

Goal 5 has 3 objectives and 15 policies. The proposed amendment *{WILL / WILL NOT} ~~HELP ACHIEVE~~ IMPEDE* 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~~ IMPEDE* 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~~ IMPEDE* Policy 5.1.3 for the following reasons:

- a. The subject property is only 5 acres in area.
- b. A Special Use Permit was authorized in Case 101-S-97 on July 17, 1997.
- c. In the Champaign County Land Resource Management Plan the subject property is not identified as being within the Contiguous Urban Growth Area.

- d. Neither of the proposed uses require urban services and are suitable for rural areas.
  - e. The proposed self-storage warehouses will put the property to greater use, but not substantially different from what the property has been used for in the past.
  - f. This location is more than 1.5 miles from the Village of Savoy and about 2 miles from the City of Champaign so this is not a municipal extra-territorial jurisdiction area.
- (2) Policy 5.1.4 states, **“The County may approve discretionary development outside contiguous urban growth areas, but within municipal extra-territorial jurisdictions areas only if:**
- a. **the development is consistent with the municipal comprehensive plan and relevant municipal requirements;**
  - b. **the site is determined to be well-suited overall for the development if on best prime farmland or the site is suited overall, otherwise and**
  - c. **the development is generally consistent with all relevant LRMP objective and policies.”**

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

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

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

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

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

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

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

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

Goal 6 has 4 objectives and 7 policies. The proposed rezoning *{WILL/ WILL 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 HELP ACHIEVE* Objective 6.1 because of the following:

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

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

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

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

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

Goal 7 has 2 objectives and 7 policies. The proposed rezoning *{WILL/ WILL 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 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 NOT} HELP ACHIEVE* Policy 7.1.1 for the following reasons:

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

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

18. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

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

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

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

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

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

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

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

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

**GENERALLY REGARDING THE LaSalle Factors**

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

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

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

**Table 1: Land Use and Zoning Summary**

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

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

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

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

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

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



**REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

22. The proposed amendment *{WILL/ WILL NOT} HELP ACHIEVE* the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:
- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.
    - (1) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan in related Case 767-S-13 appears to be in compliance with those requirements.
  
  - B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
    - (1) The requested Special Use Permit should not decrease the value of nearby properties.
  
  - C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
    - (1) A Traffic Impact Analysis was not required because the number of weekday and weekend peak hour trips generated by the proposed use will be minimal.
  
  - D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
    - (1) The proposed construction on the subject property will trigger the need for stormwater management. The petitioner will need to submit a complete stormwater management plan that is in compliance with the *Stormwater Management Policy* before a Zoning Use Permit can be issued for the proposed construction.
  
  - E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
    - (1) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
    - (2) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

- F. Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.
- (1) These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.
- G. Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.
- (1) Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions.
- H. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.
- (1) The proposed Special Use will not be remodeling or altering existing structures.
- I. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- a. None of subject property has been in agricultural production since the adoption of the Zoning Ordinance on 10/10/73.
- b. The Special Use *{WILL/ WILL NOT}* be compatible with adjacent uses because the evidence established that the proposed Special Use *{WILL/ WILL NOT}* interfere with agricultural operations (see item 14.B.) and the subject site *{IS/ IS NOT}* suitable for the proposed Special Use (see item 14.C.).

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.
  - (1) The subject property does not contain nor pose risk to any natural features.
  
- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.
  - (1) The proposed use will not require the development of public utilities or transportation facilities.
  
- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.
  - (1) None of subject property has been in agricultural production since the adoption of the Zoning Ordinance on 10/10/73 and no agricultural areas are proposed to be taken out of production.
  
- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.
  - (1) The proposed use will impeded the development of renewable energy sources.

*REGARDING SPECIAL CONDITIONS OF APPROVAL*

23. Regarding proposed special conditions of approval:

- 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 **January 30, 2014; March 13, 2014; June 12, 2014; July 17, 2014; and September 11, 2014**, the Zoning Board of Appeals of Champaign County finds that:

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

- Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 14.A.(1)).
  - It will either not impede or is not relevant to the other Objectives and Policies under this goal.
  - Based on achievement of the above Objectives and Policies, the proposed map amendment ***{WILL/ WILL NOT} HELP ACHIEVE Goal 4 Agriculture.***
- C. **Regarding Goal 5:**
- It ***{WILL/ WILL NOT} HELP ACHIEVE IMPEDE*** Objective 5.3 requiring County opposition to new urban development unless adequate infrastructure and public services are provided because it ***{WILL/ WILL NOT} HELP ACHIEVE IMPEDE*** 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 IMPEDE*** 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 IMPEDE*** the following:
    - Policy 5.1.3 consider municipal ETJ areas that are served or that are planned to be served by sanitary sewer as contiguous urban growth areas (Item 15.A.(1)).
  - It will either not impede or is not relevant to the other Objectives and Policies under this goal.
  - Based on achievement of the above Objectives and Policies, the proposed map amendment ***{WILL/ WILL NOT} HELP IMPEDE ACHIEVEMENT of Goal 5 Urban Land Use.***
- D. **Regarding Goal 6:**
- Objective 6.1 ensuring that development does not endanger public health or safety because it will ***{WILL/ WILL NOT} HELP ACHIEVE*** the following:
    - Policy 6.1.3 preventing nuisances created by light and glare to limit excessive night lighting.
  - Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment ***{WILL/ WILL NOT} HELP ACHIEVE Goal 6 Public Health and Public Safety (see Item 16.A.(1)).***

E. **Regarding Goal 7:**

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

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

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

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

2. The proposed Zoning Ordinance map amendment *{IS/ IS NOT}* consistent with the *LaSalle* and *Sinclair* factors because of the following:

- The amendment will allow the petitioners to continue to provide the existing landscaping services they offer and the proposed self-storage warehouses.
- The subject property is *{IS/ IS NOT}* suitable (see item 21.E.) for the existing and proposed businesses.
- The proposed Special Use *{DOES / DOES NOT}* **CONFORM** to the Land Resource Management Plan (see item 21.H.).

3. The proposed Zoning Ordinance map amendment *{WILL/ WILL NOT}* **HELP ACHIEVE the purpose of the Zoning Ordinance.**

4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:

- Approval of the amendment would allow the current business activities to continue and allow more productive use of this small property because of the proposed Special Use to be established subject to related Case 767-S-13.

**DOCUMENTS OF RECORD**

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

13. Supplemental Memorandum for Cases 766-AM-13 and 767-AM-13 dated June 6, 2014, with Attachments:
  - A Approved Minutes of January 30, 2014, ZBA Meeting for Cases 766-AM-13 and 767-S-13 (included separately)
  - B Revised Site Plan received 6/5/14 (three sheets total)
  - C Preliminary Draft Summary of Evidence and Finding of Fact for Case 767-S-13
  - D Revised Draft Finding of Fact for Case 766-AM-13
  
14. Revised site plan received July 16, 2014 (three sheets total)
  
15. Supplemental Memorandum for Cases 766-AM-13 and 767-AM-13 dated July 17, 2014, with Attachments:
  - A Draft Minutes of June 12, 2014 ZBA Meeting (included separately)
  - B Revised Site Plan received 7/16/14
  - C Zoning Administrator Example Accessibility
  
16. Revised site plan received September 3, 2014
  
17. Supplemental Memorandum for Cases 766-AM-13 and 767-AM-13 dated September 4, 2014, with Attachments:
  - A Approved Minutes of July 17, 2014, public hearing for Cases 766-AM-13 and 767-AM-13 (included separately)
  - B Emails between Chad Osterbur, design engineer, and Doug Gamble, Accessibility Specialist, Illinois Capital Development Board
  - C Revised Site Plan received 9/3/14 (3 sheets total)
  - D Champaign County Right to Farm Resolution # 3425
  - E Preliminary Draft Summary of Evidence and Finding of Fact for Case 767-S-13
  - F Revised Draft Finding of Fact for Case 766-AM-13



**FINAL DETERMINATION**

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

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

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

SIGNED:

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

**REVISED DRAFT**

**767-S-13**

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

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

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

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

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

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

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

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

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**Table of Contents**

|  |                |
|--|----------------|
| <b>General Application Information .....</b>   | <b>2 - 7</b>   |
| <b>Specific Ordinance Requirements .....</b>   | <b>8 - 11</b>  |
| <b>Special Use Evidence .....</b>              | <b>12 - 30</b> |
| <b>Documents of Record .....</b>               | <b>31 - 32</b> |
| <b>Case 759-S-13 Finding of Fact.....</b>      | <b>33 - 35</b> |
| <b>Case 759-S-13 Final Determination .....</b> | <b>36</b>      |

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 30, 2014; March 13, 2014; June 12, 2014; July 17, 2014; and September 11, 2014**, the Zoning Board of Appeals of Champaign County finds that:

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

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

- \*4. Land use and zoning on the subject property and in the vicinity are as follows:
  - A. The subject property is 5 acres in area and is zoned AG-1 Agriculture, but is proposed to be rezoned in related Case 766-AM-13. The subject property is used to operate an existing contractors facility pursuant to Case 101-S-97. None of the subject property is used for agricultural production.
  - B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:
    - (1) Land on the north, west, and south sides are zoned AG-1 Agriculture and are in agricultural production.
    - (2) Land east of the subject property (across Duncan Road) is zoned AG-2 Agriculture and in agricultural production.

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

**GENERALLY REGARDING THE PROPOSED SPECIAL USE**

- \*5. Regarding the site plan and operations of the proposed Special Use:
  - A. Different versions of the site plan have been received on November 13, 2013; January 22, 2014; March 3, 2014; May 12, 2014; June 5, 2014; July 16, 2013; and September 3, 2014.
  - B. The revised site plan received June 5, 2014, ~~indicates~~ indicated the following existing and proposed improvements:
    - (1) Existing improvements are as follows:
      - a. An existing dwelling, garage, quonset hut, and restored barn all predate the establishment of the existing contractor facility.

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

*REVISED DRAFT 9/4/14*

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

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

- (c) All self-storage buildings are enclosed by a proposed security fence. An automatic gate is indicated at the northeast corner of the security fence approximately 42 feet from the edge of pavement of CR900E (Duncan Road).
  - (d) A detention basin is indicated south of the self-storage buildings. The basin is indicated to outlet into the drainage swale. Basic engineering data is provided for the south basin but it has not been reviewed by the County's consulting engineer.
  - (e) Spot elevations are indicated on the proposed aggregate surface paving to indicate the general direction of drainage but proposed topography is not actually shown.
  - (f) The detention basin will take up some of the volume of the existing swale but the proposed topography is not indicated.
  - (g) The area of self-storage warehouses is indicated to be over an existing septic leach field.
  - (h) No outdoor storage in the self-storage building area has been included in the request nor is indicated on the site plan.
- (3) Generally regarding proposed security measures at the proposed self-storage warehouses:
- a. A note on the site plan indicates that full cut-off motion detection lighting will be used on all buildings.
  - b. All self-storage buildings are enclosed in a proposed security fence. An automatic gate is indicated at the northeast corner of the security fence approximately 55 feet from the edge of pavement of CR900E (Duncan Road).
- C. The revised site plan received July 16, 2014, indicates the following revisions:
- (1) The Revised Site Plan dated 7/16/14 includes a Preliminary Site Plan, Phase 1 Construction, and Phase 2 Construction.
  - (2) The debris area on the southwest corner of the property has been moved to ensure 10 feet of space between the debris area and the property lines.
  - (3) The Hoop Shed has been moved from the southwest part of the property to an area just behind the existing house on the north-central part of the property.

*REVISED DRAFT 9/4/14*

- (4) Grass areas and paved surface have been differentiated. An additional aggregate surface drive has been added to the area between the west property line and the westernmost self-storage building with a note "drive for landscaping access".
- (5) "Stone Riprap, Class A3" has been noted on the south basin.
- (6) At least 20 feet has been ensured for the area between the relocated polyhouses and self-storage warehouses identified in Phase 2 Construction. Further, Note 9 states that "A minimum of 20' separation will be required between buildings on the contractor's facility and the storage facility."
- (7) The existing septic tank and leach field are demarcated at their existing location as well as where they will be relocated to an area in front of the house on the east-central part of the property.
- (8) The driveway entrance to the storage facility has been widened.
- (9) Regarding the use of gravel, Note 8 on the Preliminary Site Plan that "owner shall be responsible for maintaining aggregate drives in good condition."
- (10) A note has been added on the Preliminary Site Plan on the north side property line that states "no parking within 5 feet of the property line".

D. The revised site plan received September 3, 2014, indicates the following revisions from the previous site plan:

- (1) A free standing sign is proposed south of the proposed entrance to the self-storage warehouses. Note that the property already has one free-standing sign for the contractor facility and only one free-standing sign is allowed per property.
- (2) There is no chain link fence indicated along the west lot line but a note (#10) has been added to Sheet 1 that states as follows:  
A 6' tall chain link fence may be placed along the west and north property lines, subject to case specific special conditions.
- (3) The following changes have been made regarding accessibility:
  - a. A total of 10 accessible storage units are indicated to be part of Phase 1 Construction.
  - b. Exterior paving at the 10 accessible storage units is indicated as asphalt.
  - c. Note 12 on Sheet 1 of 3 indicates that accessible units will have automatic door openers and paved surfaces adjacent to the unit with slopes not exceeding 1:50 in any direction.

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

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

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



*REVISED DRAFT 9/4/14*

BUILDINGS including any projecting eave, balcony, canopy, awning, or other similar projection.

- iii.* Single Family, Two Family, Multiple Family or institutional BUILDINGS shall be located on the LOT in conformance to the provisions of Section 4.2.2C.
- iv.* In the case of the B-1 Rural Trade Center Zoning District the required amount of open space is 20 feet.

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

- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
  - (a) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
  - (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
  - (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
  - (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
  - (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- (2) Subsection 6.1.3 establishes the following standard conditions for Contractors Facilities with or without Outdoor STORAGE and/or Outdoor OPERATIONS:
  - (a) In all DISTRICTS other than the B-5 DISTRICT, outdoor STORAGE and/or outdoor OPERATIONS are allowed as an ACCESSORY USE subject to subsection 7.6.
  - (b) In the B-5 DISTRICT, Outdoor STORAGE and/or outdoor OPERATIONS are allowed as an ACCESSORY USE provided as follows:
    - i.* No outdoor STORAGE and/or outdoor OPERATIONS shall be visible from any second floor DWELLING UNIT.

- ii. Outdoor STORAGE and/or outdoor OPERATIONS may be located at the property line but shall be screened by a Type D SCREEN consistent with 4.3.3H.1.

- D. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
  - (2) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
    - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
    - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
    - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
  - (3) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
  - (4) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
  - (5) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
  - (6) “OPEN SPACE” is the unoccupied space open to the sky on the same LOT with a STRUCTURE.
  - (7) “OPERATIONS” are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
  - (8) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.

- (9) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
  - (10) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
  - (11) "STORAGE" is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
  - (12) "STRUCTURE" is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
  - (13) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
  - (14) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
- E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
  - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
    - (a) The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
    - (b) The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
    - (c) The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.

- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- F. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
    - (a) that the waiver is in accordance with the general purpose and intent of the ordinance; and
    - (b) that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
  - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
    - (a) Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
    - (b) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
    - (c) The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- G. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application that **“Centrally located to meet the needs of several communities and rural areas. No other self-storage on this side of Champaign area.”**
  - B. The subject property is located a little more than 1.5 miles from the Village of Savoy and about 2 miles from the City of Champaign and is within one road mile of the I-57 interchange at Monticello Road.
  - C. None of subject property has been in agricultural production since the adoption of the Zoning Ordinance on 10/10/73.
  - D. Case 101-S-97 for a contractor facility was authorized on 7/18/97.
  - \*E. Regarding whether the proposed use is better provided in a rural area:
    - (a) The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination much be made in each zoning case.
    - (b) The B-1 District is intended to provide areas for rural business to offer products and services to rural residents.
    - (c) The existing contractor facility was first authorized on 7/18/97 and is a USE that has been determined to be appropriate in the rural area.
    - (d) The proposed Self-Storage Warehouses is a USE that has been deemed appropriate for the rural area provided that a Special Use Permit is authorized.
- \*Identical to evidence in related Case 766-AM-13.
- F. The evidence in related Case 766-AM-13 established that the proposed Special Use *{IS / IS NOT}* a service better provided in a rural area than in an urban area. See the analysis of Policy 4.2.1 in the Finding of Fact for related Case 766-AM-13.

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:

- A. The Petitioner has testified on the application that **“The land is not prime farm ground nor is it tillable. If you visit the site you will see that I go above and beyond the expected in maintaining and operating the current business and property in a professional manner, I weekly mow the roads on both sides of the road beyond the frontage of my property. I control the weeds and maintain all structures that are planned to keep. Being in an outdoor beautification business, my goal is always to maintain and operate the business in a top notch manner, clean, safe and orderly.”**
- B. Regarding the soil on the subject property:
- (1) Because of the small size of the property and the fact that it had not been in agricultural production, the Champaign County Soil and Water Conservation District declined to prepare a Natural Resource Report for the previous Special Use Permit (Case 101-S-97) on this property.
  - (2) The soil on the subject property is considered Best Prime Farmland and consists primarily of Catlin silt loam (171B) with an LE of 94 with the southeastern quarter being Drummer silty clay loam (152A) an LE of 100.
- C. Regarding surface and subsurface drainage on the subject property:
- (1) Most of the subject property drains to the swale that enters the property on the east and drains toward the southwest and leaves the property at about the midpoint of the south property line but a little more than half of the northern half of the property drains to the west and a small strip of the south half of the property also drains to the west.
  - (2) The swale that drains toward the southwest also drains more than 200 acres of land from the east. The swale is a grass waterway for about a quarter of a mile downstream. Surface drainage is to Interstate 57 that is one-half mile to the west.
  - (3) A 2011 aerial photograph of the subject property was attached to the Preliminary Memorandum and illustrates the following:
    - a. The northern one-third of the subject property appears to be impervious area consisting of building area and gravel pavement.
    - b. A line of field erosion is visible on the adjacent property immediately west of the contractor building on the subject property.
    - c. The west half of the southern two-thirds of the subject property appears to be a combination of disturbed soil and/or gravel paving.
  - (4) Scott Riefsteck who resides at 1341 CR600N, Tolono has testified as follows regarding drainage on the subject property:
    - a. At the 1/30/14 public hearing Mr. Riefsteck testified as follows:

- (a) Mr. Riefsteck is the tenant farmer for his aunt who owns the property adjacent to the subject property.
  - (b) Mr. Riefsteck has known the petitioner Mr. Sebens for a long time and has had nothing but a good relationship with Mr. Sebens.
  - (c) The big shed that was built for Mr. Sebens' contractor facility significantly increased the amount of water that goes down that drainageway and in 2011 Mr. Riefsteck installed a six-inch tile many hundreds of feet from the Sebens property to the west and built a small retaining wall around the inlet to the tile to catch the water and keep it from going down the field.
  - (d) There is an eight or ten inch tile that runs through the swale at the south of the Sebens property.
  - (e) There is a saturated area about 20 feet north of the south property line of the Sebens property and the saturated area extends about 150 south onto his aunt's property.
- b. At the 3/13/14 public hearing Mr. Riefsteck testified as follows:
- (a) One of his main concerns is how the surface water will be directed around the buildings.
  - (b) He did not want any more water to go down the west side tile or to the drainage swale because there is already a terrible erosion problem with no good solution.
- D. The subject property is accessed from Duncan Road (CR 900E) on the east side of the property. Regarding the general traffic conditions on Duncan Road (CR 900E) at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- (1) The Annual Average Daily Traffic (AADT) for Duncan Road (CR 900E) in front of the subject property is 900 AADT.
  - (2) Duncan Road (CR 900E) is a Minor Street as indicated in the Champaign County Zoning Ordinance.
  - (3) Pavement width in front of the subject property is approximately 24 feet.
  - (4) Tolono Township is the relevant road jurisdiction and has been notified of this case but no comments have been received from the Tolono Township Highway Commissioner.

- (5) Regarding the proposed special use and the anticipated traffic impacts:
- a. A Traffic Impact Analysis was not required because the number of weekday and weekend peak hour trips generated by the proposed use will be minimal.
- (6) There is some vertical curvature (hill) on Duncan Road but there appears to be adequate visibility of the existing driveways. Regarding visibility concerns related to this vertical curve:
- a. The relevant geometric standards for traffic visibility are found in the *Manual of Administrative Policies of The Bureau of Local Roads and Streets* prepared by the Bureau of Local Roads and Streets of the Illinois Department of Transportation. The “minimum stopping sight distance” is determined by design speed and varies as follows:
    - A design speed of 30 miles per hour requires a minimum distance of 200 feet.
    - A design speed of 40 miles per hour requires a minimum sight distance of 275 feet.
    - A design speed of 50 miles per hour requires a minimum sight distance of 400 feet.
    - A design speed of 60 miles per hour requires a minimum sight distance of 525 feet.
    - A design speed of 70 miles per hour requires a minimum sight distance of 625 feet.
  - b. The speed limit on Duncan Road (CR 900E) is 55 miles per hour.
  - c. The proposed driveway entrance to the self-storage buildings appears to be located such that a vehicle entering or exiting the driveway is visible at a distance of approximately 1,000 feet from an automobile traveling from the north over the crest of the vertical curve (hill) to the north and should have more than minimum stopping sight distance for a speed of 55 miles per hour. In regards to an automobile traveling from the south, the driveway is visible for a distance of approximately 900 feet.
- E. Regarding fire protection on the subject property, the subject property is within the protection area of the Savoy Fire Protection District and is located approximately 4.3 road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
- F. No part of the subject property is located within the mapped floodplain.
- G. Regarding outdoor lighting on the subject property:
- (1) The Revised Site Plan received 5/12/14 indicates that “Full cutoff motion detected lighting will be used on all buildings.”



- H. Regarding wastewater treatment and disposal on the subject property, the Revised Site Plan received 5/12/14 indicates that one of the proposed self-storage buildings will be located where an existing septic leach field is located. No information is provided regarding replacement of that septic leach field.
- I. Regarding life safety considerations related to the proposed Special Use:
  - (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
    - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
    - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
    - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
    - d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
    - e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
    - f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.

- g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
- i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and 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.
- k. In emails dated 7/29/14 and 8/6/14, Doug Gamble, Accessibility Specialist with the Illinois Capital Development Board, stated the following as accessibility requirements for the proposed self-storage warehouses:
  - (a) Five percent of the storage units must be accessible.
  - (b) An accessible storage unit must have an unassisted entrance and asphalt or concrete paving at the unit.
  - (c) If no parking spaces are actually designated (ie, striped) then no accessible parking space is required.
- l. The Revised Site Plan received 9/3/14 (3 sheets total) indicates the following regarding accessibility:
  - (a) A total of 10 accessible storage units are indicated to be part of Phase 1 Construction. The maximum proposed number of storage units is 150 and 10 accessible units is a little more than 6% of the 150.
  - (b) Exterior paving at the 10 accessible storage units is indicated as asphalt.
  - (c) Note 12 on Sheet 1 of 3 indicates that accessible units will have automatic door openers and paved surfaces adjacent to the unit with slopes not exceeding 1:50 in any direction.

- m. The Revised site plan received 9/3/14 does not indicate that the accessible units will have a concrete floor but it is assumed that each accessible unit will have a concrete floor. Based on the emails received from Doug Gamble, Accessibility Specialist with the Illinois Capital Development Board, the Revised Site Plan received 9/3/14 complies with accessibility requirements and no special conditions appear to be required for accessibility.
- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
- a. The 2006 or later editions of the following codes developed by the International Code Council:
- i. International Building Code;
  - ii. International Existing Building Code; and
  - iii. International Property Maintenance Code
- b. The 2008 of later edition of the National Electrical Code NFPA 70.
- c. A special condition has been proposed to ensure compliance.
- J. Generally regarding security measures at the proposed self-storage warehouses:
- (1) Fencing will be installed around the perimeter of the proposed self-storage buildings.
  - (2) Petitioner Eric Sebens testified at the 3/13/14 public hearing that he plans to provide adequate lighting to deter any unwanted activity.
  - (3) Petitioner Eric Sebens testified at the 3/13/14 public hearing that he is considering allowing customers to access the storage units for no more than 16 hours each day from 6AM to 10 PM.
- \*K. Generally regarding interference with agricultural operations:
- (1) The existing contractors facility has been in operation since 1997 and is a USE that has been determined to be appropriate in the rural area.
  - (2) The proposed self-storage warehouse is a USE that has been deemed appropriate for the rural area in the B-1 District provided that a Special Use Permit is authorized.
  - (3) The B-1 District is intended to provide areas for rural business to offer products and services to rural residents.
  - (4) Scott Riefsteck who resides at 1341 CR600N, Tolono testified at the January 30, 2014, public hearing as follows:

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

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

- L. The Special Use *{WILL/ WILL NOT}* be compatible with adjacent uses because the evidence in related Case 766-AM-13 established that the proposed Special Use *{WILL/ WILL NOT}* interfere with agricultural operations (see the analysis of Policy 4.2.1 in the Finding of Fact for Case 766) and the subject site *{IS/ IS NOT}* suitable for the proposed Special Use (see the analysis of Policy 4.3.2 in the Finding of Fact for Case 766).
- M. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

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

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

- ii. The bulk storage on the property needs to be coordinated with the layout of the proposed detention basin but there should still be adequate room.
- b. Regarding parking for the proposed self-storage warehouse buildings:
- (a) The Zoning Ordinance does not contain specific parking requirements for self-storage warehouses and the relevant requirement is paragraph 7.4.1 C.1.e. that requires ESTABLISHMENTS other than specified above: one such PARKING SPACE for every 200 square feet of floor area or portion thereof.
  - (b) The proposed Special Use has 23,600 square feet of storage buildings divided into as many as 150 storage units. The required number of spaces based on 7.4.1C.1.e. is 118 spaces.
  - (c) Note that paragraph 7.4.1D.1. requires for industrial uses (ie, warehouse) that one space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.
  - (d) The Revised Site Plan received 5/12/14 could provide as many as 58 parallel parking spaces (at the minimum 9' x 20' dimension) in a single row around the fencing and on one side of all buildings and have 21 feet of aisle width for traffic or as many as 101 spaces if parking occurs on all sides of all buildings within the line of fencing.
  - (e) The Revised Site Plan received 5/12/14 does not provide adequate space for one parking space per 200 square feet of storage building but it does provide 86% of that requirement (101 spaces) which equates to providing 2 parking spaces for each 3 storage units.
  - (f) Based on the above analysis, the ZBA finds that the proposed Special Use provides *{ADEQUATE/INADEQUATE}* parking.
- (7) Regarding loading berths on the subject property:
- a. Regarding the minimum required loading berth for the contractor facility:
    - (a) The existing contractor building is approximately 9,576 square feet in area based on the application for permit #317-97-03.

**REVISED DRAFT 9/4/14**

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

- d. The contractor facility is more than 1,000 feet from any use that would trigger the screening requirement.
- C. Regarding compliance with the *Stormwater Management Policy*:
- (1) All of the existing construction on the subject property was constructed prior to the adoption of the current Stormwater Management Policy. However, testimony in the public hearing has revealed deleterious drainage impacts on adjacent property and storm water drainage improvements have been proposed to correct those impacts. The proposed improvements have not yet been reviewed by the County's consulting engineer.
  - (2) Regarding the proposed self-storage buildings, the petitioner must comply with the *Stormwater Management Policy* because the amount of impervious area proposed for the self-storage warehouses is greater than 16% of the total area of the lot and exceeds one acre. Regarding the proposed drainage improvements related to the self-storage buildings:
    - a. The Revised Site Plan received June 5, 2014, indicates only the interior of a proposed storm water detention basin for the self-storage buildings. The plan does not indicate the full extent of the dam for the proposed detention basin. Assuming a 10 feet wide top and sides that slope no steeper than 1:3, the toe of the dam for the proposed basin should be approximately 30 feet from the centerline of the swale.
    - b. Before a Zoning Use Permit Application can be approved the petitioner must submit a stormwater management plan that is in compliance with the *Stormwater Management Policy*. A special condition has been proposed to ensure compliance.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, no subdivision is proposed or required.
- F. Regarding the requirement that the Special Use preserve the essential character of the B-1 Rural Trade Center Zoning District:
- (1) More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.
  - (2) Self-storage Warehouses, providing heat and utilities to individual units are authorized as a Special Use in the B-1, B-3, and B-5 Zoning DISTRICTS.



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

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

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

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

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

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS:
  - a. A Traffic Impact Analysis was not required because the number of weekday and weekend peak hour trips generated by the proposed use will be minimal.
  
- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
  - a. The proposed construction on the subject property will trigger the need for stormwater management. The petitioner will need to submit a complete stormwater management plan that is in compliance with the *Stormwater Management Policy* before a Zoning Use Permit can be issued for the proposed construction.
  
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
  - a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
  
  - b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
  
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.
  - a. These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.
  
- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and

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

- a. Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions.
- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.
    - a. The proposed Special Use will not be remodeling or altering existing structures.
  - (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.
    - a. None of subject property has been in agricultural production since the adoption of the Zoning Ordinance on 10/10/73.
    - b. The Special Use *{WILL/ WILL NOT}* be compatible with adjacent uses because the evidence in related Case 766-AM-13 established that the proposed Special Use *{WILL/ WILL NOT}* interfere with agricultural operations and the subject site *{IS/ IS NOT}* suitable for the proposed Special Use. See the discussion under item 8.L. on p. 17.
  - (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.
    - a. The subject property does not contain nor pose risk to any natural features.
  - (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.
    - a. The proposed use will not require the development of public utilities or transportation facilities.
  - (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

- a. None of subject property has been in agricultural production since the adoption of the Zoning Ordinance on 10/10/73 and no agricultural areas are proposed to be taken out of production.
- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.
- a. The proposed use will impeded the development of renewable energy sources.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE**

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

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

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

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

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

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

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

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

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

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

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

- D. **Complete Stormwater Drainage Plan for both the North and South detention basins that conform to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application for construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

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

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

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

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

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

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

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

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

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

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

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

**H. Regarding security on the subject property:**

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

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

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

**H. The property shall be enclosed by a six-foot tall chain link fence as follows:**

- (1) **The self-storage buildings and related parking area shall be enclosed by a six-foot tall chain link fence prior to occupancy and at all times during occupancy.**
- (2) **The west and north sides of the property shall only need to be fenced with a six-foot tall chain link fence at such time as (a) windblown litter has become a problem on the adjacent farmland or (b) contractor operations have encroached onto the adjacent farmland, and the adjacent landowner has submitted to the Zoning Administrator a written request for installation of fencing, in which case the petitioner shall install a six-foot tall chain link fence within two months of receiving said notification to install the fencing from the Zoning Administrator.**

The special condition above is required to ensure the following:

**That the proposed Special Use does not interfere with adjacent agriculture.**

**I. The normal (i.e., non-emergency overflow) discharge of storm water from the northwest detention basin shall discharge directly into the neighbor's six-inch diameter tile with no overland flow and the discharge into the tile shall be limited to an amount that does not exceed the discharge capacity of the six-inch diameter tile.**

The special condition above is required to ensure the following:

**Normal (i.e., non-emergency overflow) flow of storm water from the proposed Special Use does not create erosion on the adjacent farmland or surcharge the existing six-inch diameter tile.**

**DOCUMENTS OF RECORD**

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



13. Supplemental Memorandum for Cases 766-AM-13 and 767-AM-13 dated June 6, 2014, with Attachments
  - A Approved Minutes of January 30, 2014, ZBA Meeting for Cases 766-AM-13 and 767-S-13 (included separately)
  - B Revised Site Plan received 6/5/14 (three sheets total)
  - C Preliminary Draft Summary of Evidence and Finding of Fact for Case 767-S-13
  - D Revised Draft Finding of Fact for Case 766-AM-13
  
14. Revised site plan received July 16, 2014 (three sheets total)
  
15. Supplemental Memorandum for Cases 766-AM-13 and 767-AM-13 dated July 17, 2014, with Attachments:
  - A Draft Minutes of June 12, 2014 ZBA Meeting (included separately)
  - B Revised Site Plan received 7/16/14
  - C Zoning Administrator Example Accessibility
  
16. Revised site plan received September 3, 2014
  
17. Supplemental Memorandum for Cases 766-AM-13 and 767-AM-13 dated September 4, 2014, with Attachments:
  - A Approved Minutes of July 17, 2014, public hearing for Cases 766-AM-13 and 767-AM-13 (included separately)
  - B Emails between Chad Osterbur, design engineer, and Doug Gamble, Accessibility Specialist, Illinois Capital Development Board
  - C Revised Site Plan received 9/3/14 (3 sheets total)
  - D Champaign County Right to Farm Resolution # 3425
  - E Preliminary Draft Summary of Evidence and Finding of Fact for Case 767-S-13
  - F Revised Draft Finding of Fact for Case 766-AM-13

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 767-S-13 held on **January 30, 2014; March 13, 2014; June 12, 2014; July 17, 2014; and September 11, 2014**, the Zoning Board of Appeals of Champaign County finds that:

- 1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
  - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
  - b. Emergency services availability is *{ADEQUATE / INADEQUATE} {because\*}*:  
\_\_\_\_\_  
\_\_\_\_\_
  - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because\*}*:  
\_\_\_\_\_  
\_\_\_\_\_
  - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE} {because\*}*:  
\_\_\_\_\_  
\_\_\_\_\_
  - e. Public safety will be *{ADEQUATE / INADEQUATE} {because\*}*:  
\_\_\_\_\_  
\_\_\_\_\_
  - f. The provisions for parking will be *{ADEQUATE / INADEQUATE} {because\*}*:  
\_\_\_\_\_  
\_\_\_\_\_
  - g. The property is BEST PRIME FARMLAND and the property with the proposed improvements *{IS/IS NOT}* WELL SUITED OVERALL.
  - h. The existing public services *{ARE/ARE NOT}* available to support the proposed special use effectively and safely without undue public expense.

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

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

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

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

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

6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW***

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

**FINAL DETERMINATION**

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

The Special Use requested in Case 767-S-13 is hereby *{GRANTED/ GRANTED WITH SPECIALCONDITIONS/ DENIED }* to the applicant to **Eric L. Sebens to authorize the following in the B-1 District:**

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

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

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

*{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }*

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

SIGNED:

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

**EXCERPT OF JULY 17, 2014, APPROVED MINUTES  
FOR CASES 766-AM-13 AND 767-S-13**

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

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

19  
20  
21 Mr. Thorsland informed the audience that Case 767-S-13 is an Administrative Case and as such  
22 the County allows anyone the opportunity to cross examine any witness. He said that at the  
23 proper time he will ask for a show of hands for those who would like to cross examine and each  
24 person will be called upon. He requested that anyone called to cross examine go to the cross  
25 examination microphone to ask any questions. He said that those who desire to cross examine  
26 are not required to sign the witness register but are requested to clearly state their name before  
27 asking any questions. He noted that no new testimony is to be given during the cross  
28 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws  
29 are exempt from cross examination.

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

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

37  
38  
39 Mr. Eric Sebens, who resides at 3008 Cherry Hills Drive, Champaign, stated that he is present  
40 tonight to present revised drawings which include three different examples showing the detail of  
41 the progressive development as he proposes to develop the property.

42  
43 Mr. Thorsland asked the Board if there were any questions for Mr. Sebens and there were none.

44  
45 Mr. Thorsland asked if staff had any questions for Mr. Sebens and there were none.  
46

**EXCERPT OF JULY 17, 2014, APPROVED MINUTES  
FOR CASES 766-AM-13 AND 767-S-13**

1 Mr. Thorsland called John Hall to testify.

2  
3 Mr. John Hall, Zoning Administrator, apologized that no information was included in the mailing  
4 although staff had not received the revised plan by the deadline. He said that the revised plans  
5 were received on July 16, 2014. He said that Sheet 1 of the revised plans indicates the full  
6 proposed development; and Sheet 2 indicates the first phase; and Sheet 3 indicates an  
7 intermediate phase but he is assuming that the Board would be willing to grant any amount of  
8 flexibility between the preliminary and the final phase as long as all of the requirements are met.  
9 He said that something that the Board may want to consider is if the intermediate phase needs to  
10 consist of this much or is it just important that each phase be wholly contained.

11  
12 Mr. Hall stated that the Supplemental Memorandum dated July 17, 2014, reviews the changes.  
13 Mr. Hall reviewed the changes to the plan as follows: 1. The Revised Site Plan dated 7/16/14  
14 includes a Preliminary Site Plan, Phase 1 Construction and Phase 2 Construction; and 2. The  
15 debris area on the southwest corner of the property has been moved to ensure 10 feet of space  
16 between the debris area and the property lines; and 3. The Hoop Shed has been moved from the  
17 southwest part of the property to an area just behind the existing house on the north-central part  
18 of the property; and 4. Grass areas and paved surface have been differentiated. An additional  
19 aggregate surface drive has been added to the area between the west property line and the  
20 westernmost self-storage building with a note "drive for landscaping access"; and 5. "Stone  
21 Riprap, Class A3" has been noted on the south basin; and 6. At least 20 feet has been ensured for  
22 the area between the relocated poly-houses and self-storage warehouses identified in Phase 2  
23 Construction. Further, Note 9 states that "A minimum of 20' separation will be required  
24 between buildings on the contractor's facility and the storage facility"; and 7. The existing septic  
25 tank and leach field are demarcated at their existing location as well as where they will be  
26 relocated to an area in front of the house on the east-central part of the property; and 8. The  
27 driveway entrance to the storage facility has been widened; and 9. Regarding the use of gravel,  
28 Note 8 on the Preliminary Site Plan that "owner shall be responsible for maintaining aggregate  
29 drives in good condition"; and 10. A note has been added on the Preliminary Site Plan on the  
30 north side property line that states "no parking within 5 feet of the property line." Mr. Hall noted  
31 that an attempt has been made to illustrate the contractor's facility buildings, parking and such in  
32 a clearer format. He said that at the last meeting the contractor's facility buildings and parking  
33 were not this readable and the new plans are an improvement. He said that if the Board looks at  
34 the north detention basin the Board will note that it looks like parking spaces are no closer than  
35 25 feet to the berm which he assumes is an attempt to minimize encroachment onto the detention  
36 basin and if the Board is comfortable with this he believes that it is sufficiently clear that this is  
37 the limit of encroachment into the detention basin.

38  
39 Mr. Hall stated that the minutes that were approved tonight are the minutes of these cases at the  
40 last meeting. He said that in reviewing the minutes the only thing that was not updated on the  
41 new plan is where the western most access drive goes over the south end of the north detention  
42 basin. He said that no changes were made in this area and it isn't much of a berm at that point  
43 and he assumes that the petitioner was just thinking that there wouldn't be enough traffic to  
44 damage it.

45  
46 Mr. Hall stated that as he was working on the memorandum today he finally remembered that we

**EXCERPT OF JULY 17, 2014, APPROVED MINUTES  
FOR CASES 766-AM-13 AND 767-S-13**

1 have not seen a self-storage facility like this that was not proposed to have concrete for the  
2 access drive and at this point the only issue needing to be resolved is the issue that gravel drives  
3 are okay but gravel is not an accessible surface. He said that the condition is to require the  
4 facility to be in compliance with the Illinois Accessibility Code so there has to be acceptable  
5 parking that is accessible to all of the units. He said that attached to the Supplemental  
6 Memorandum dated July 17, 2014, is one attempt at showing how accessibility could be  
7 provided and accessibility for the self-storage warehouses is one of the more difficult things we  
8 ever review for. He said that he did go back through our file of letters from the Capital  
9 Development Board and he found a letter from 2002 and the Capital Development Board wants  
10 every storage unit to be accessible from an accessible parking space. He said that with a  
11 development like the one proposed it means that at every building there has to be some amount  
12 of accessible parking that is accessible to every unit in that building. He said that it is unknown  
13 as to how many units there are going to be at this time so in the example he assumed a more or  
14 less three foot sidewalk along the long sides of all of the buildings, except the westernmost  
15 building which only has storage units on one side, and indicated accessible parking at one end.  
16 He said that an accessible parking space is 16 feet wide and 20 feet long constructed of concrete  
17 or asphalt therefore the material that is indicated as an aggregate surface is not where those  
18 parking spaces are. He said that the parking must be concrete or asphalt with striping and  
19 signage indicating where the parking spaces are located. He said that he believes that there will  
20 be two spaces required per building although it really depends on how much parking is  
21 associated with each building and to a certain extent that will depend upon the number of storage  
22 units. He said that as the petitioner proposed, with 30 foot wide access drives and 30 feet  
23 between buildings, part of determining accessibility is that the three foot sidewalks must fit  
24 within that 30 feet of separation or are they outside of the 30 feet separation because these are  
25 sidewalks that are not supposed to be blocked by parked vehicles and must be accessible for  
26 access. He said that if the sidewalks are inside of the 30 feet then it is no longer 30 feet but is  
27 actually 24 feet and 24 feet is wider than a rural road but some part of that has to be available for  
28 assumed parallel parking along one side and therefore a 9 feet space off of 24 feet leaves 15 feet  
29 for movement which should work but he does not know if that is what the Board wants and this  
30 is something for which we have no standard. He said that staff needs to know what the Board  
31 believes is acceptable.

32  
33 Mr. Hall stated that the 16 feet for the accessible parking at the north end of these buildings was  
34 taken out of the building area with the exception of the westernmost building in which case you  
35 could add 16 feet at the south end. He said that the 30 feet entrance drive is not really a standard  
36 but earlier we had assumed that the 30 feet would include some amount of parallel parking so  
37 what he is trying to say to the Board is that we have not seen a self-storage facility like this, that  
38 adds gravel drives between buildings, so we have never had to determine what really is  
39 acceptable in that instance. He said that when the gravel drives between the buildings are  
40 concrete it really becomes a much easier thing because concrete is an accessible surface that still  
41 needs the striping and signage.

42  
43 Mr. Hall stated that the petitioner has not seen the example before this evening so it is news to  
44 the petitioner that when staff indicates that it is going to be accessible that he may end up with  
45 less building area and perhaps even fewer units. Mr. Hall stated that the new memorandum  
46 includes a revised special condition regarding accessibility which attempts to set out the



**EXCERPT OF JULY 17, 2014, APPROVED MINUTES  
FOR CASES 766-AM-13 AND 767-S-13**

1 performance characteristics for accessibility and then simply says that Illinois Capital  
2 Development Board signoff is required for anything that is proposed for accessibility. He said  
3 that it is not up to the Zoning Administrator as to what is considered accessible and it is not up to  
4 the Zoning Board or the County Board but is up to the Illinois Capital Development Board. Mr.  
5 Hall read special condition G. as follows:  
6

7 **G. The Zoning Administrator shall not approve a Zoning Use Permit or issue a**  
8 **Zoning Compliance Certificate for the proposed self-storage warehouses**  
9 **until the petitioner has demonstrated that the proposed Special Use complies**  
10 **with the Illinois Accessibility Code which will require the following:**

- 11 (1) **Every self-storage space shall be easily made accessible at any time**  
12 **and shall be located on an accessible path from an accessible parking**  
13 **space, unless a different standard is authorized or required in writing**  
14 **by the Illinois Capital Development Board; and**  
15 (2) **There must be at least {30/36} feet of clearance between self-storage**  
16 **buildings unless a different dimension is required to meet the**  
17 **standard of the Illinois Capital Development Board; and**  
18 (3) **The petitioner shall submit with any Zoning Use Permit Application**  
19 **written approval of the proposed site plan accessibility by the Illinois**  
20 **Capital Development Board; and**  
21 (4) **The above requirements shall apply even if those requirements cause**  
22 **a reduction in the total number of storage units and/or total area of**  
23 **self-storage buildings and/or additional areas of concrete or asphalt**  
24 **are required as necessary to meet the accessible parking requirement.**  
25

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

27 **That the proposed Special Use meets applicable state requirements for**  
28 **accessibility.**  
29

30 Mr. Hall stated that we cannot determine during this public hearing what is accessible unless the  
31 Board requires the petitioner to submit something to the Capital Development Board and Doug  
32 Gamble provides those types of comments every day therefore those comments are not difficult  
33 to get but until we go through that exercise we don't really know what they require. Mr. Hall  
34 stated that the first part of special condition G. is text from the Capital Development Board. He  
35 said that if there is a storage unit that has an 8 foot wide overhead door, as long as there is an  
36 electric operator to open that door and there is no big gap for a change in level at the floor, that is  
37 an accessible entrance provided that they can get there and that is why the accessible route is  
38 indicated on the front of each building. He said that making each unit easily accessible is a  
39 standard part of what we do during permitting but the fact that gravel is proposed for all of the  
40 drives is what really makes this case different from anything that the Board has seen recently.  
41

42 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.  
43

44 Mr. Thorsland stated that the petitioner is just now hearing about the requirements for  
45 accessibility and the only reason why the petitioner is hearing the requirements tonight is  
46 because staff only received the revised site plan yesterday. Mr. Thorsland stated that he would

**EXCERPT OF JULY 17, 2014, APPROVED MINUTES  
FOR CASES 766-AM-13 AND 767-S-13**

1 like to have more time to review the revised site plan and what we are going to do about  
2 accessibility. He said that the accessibility requirement is not something that the Zoning Board  
3 of Appeals has any control over but it is a requirement of the Capital Development Board and  
4 because of the proposed use of gravel that is not an acceptable surface because it changes a lot.  
5 Mr. Thorsland asked Mr. Sebens what his first thoughts are about making the building smaller.  
6 Mr. Thorsland stated that he is not comfortable with coming out into the just 30 foot space and  
7 adding 3 foot successful sidewalks there because what will happen is that people will drive upon  
8 those sidewalks. He said that the answer for many of the questions could have been answered  
9 had staff known what questions to ask before yesterday. He said that there are a lot of variables  
10 that we do not have an answer and there are three different site plans for the Board to review. He  
11 said that some of the members came in the meeting room right before the meeting started  
12 therefore they did not have any opportunity to review any of the new information. He asked Mr.  
13 Sebens if he is willing to reduce the size of the units if required.

14  
15 Mr. Sebens stated that he would like to have a little bit more information to see if there are any  
16 other options.

17  
18 Mr. Thorsland stated that the Board would like to review the information a lot further and he  
19 would like to know what the Capital Development Board states about accessibility. He said that  
20 one option, which is not cost effective for Mr. Sebens, is to pave everything but if it is all paved  
21 then there are always water concerns. Mr. Thorsland stated that there are other items that he  
22 would like to review such as the detention area where Mr. Sebens indicated employee parking,  
23 and the berm that is proposed to be driven over to get to the back of the property. He said that  
24 the elevation to the front of the property is 716 feet and the building to the back is 715.5 feet  
25 therefore if the drainage plan does not work well then the water is going to be inside of the  
26 building because it is one-half foot lower. He said that he has questions regarding the water  
27 drainage, ADA requirements, etc.

28  
29 Mr. Sebens stated that he has not looked at the cost difference between gravel and concrete.

30  
31 Mr. Thorsland stated that he can guarantee that the cost will be different.

32  
33 Mr. Thorsland stated that he is not comfortable as a member of the Board in going too much  
34 further with this case until some of the questions are answered. He said that he understands that  
35 Mr. Sebens put forth a lot of effort for the submitted plans but the plans were received somewhat  
36 late for tonight's meeting and if the Board would have had time to review the information they  
37 would have more questions. He said that if the new information had been received earlier  
38 perhaps some of those questions, such as accessibility, could have been answered prior to the  
39 meeting.

40  
41 Ms. Lee asked Mr. Sebens to indicate the results of the recent rain event at the property.

42  
43 Mr. Sebens stated that the rain event that was received two months ago really challenged his  
44 property more than the last rain event. He said that the recent rain event only produced three  
45 inches total in comparison to some other areas of the County and even though the event still  
46 produced a lot of water it was not as bad as the event that occurred two months ago.

**EXCERPT OF JULY 17, 2014, APPROVED MINUTES  
FOR CASES 766-AM-13 AND 767-S-13**

1  
2 Mr. Randol stated that he does not feel comfortable proceeding without information regarding  
3 the accessibility. He said that if the concrete is allowed along the buildings with the gravel then  
4 something needs to be required to prevent parking on the sidewalk.  
5  
6 Mr. Thorsland stated that he works across from the rehabilitation facility on campus and there  
7 are always people in wheelchairs and they have a lot of trouble with people parking on the  
8 sidewalk during construction periods.  
9  
10 Mr. Thorsland stated that there is an avenue to answer all of the Board's questions and Mr.  
11 Sebens can work with staff and the state and those answers will probably shift around some of  
12 Mr. Sebens' thoughts about what he wants to do on the property. He noted that the site plan is  
13 much better. He asked Mr. Sebens if he has moved the hoop houses.  
14  
15 Mr. Sebens stated no, the plan indicates their proposed location during the final phase.  
16  
17 Mr. Thorsland asked Mr. Sebens if he indeed found the septic tank and knows where the new  
18 system will be located.  
19  
20 Mr. Sebens stated yes.  
21  
22 Mr. Thorsland stated that the questions regarding accessibility should be at the top of Mr.  
23 Sebens' list and that would even be with just the Phase I construction. He said that if he was  
24 proposing this project he would ask the Capital Development Board if Phase I was completely  
25 compliant does every other building on the property need to be accessible or could the next  
26 building be non-accessible because any client who needs an accessible unit would be located in  
27 the first building.  
28  
29 Mr. Sebens stated that the first building could have a percentage of the units to be reserved for  
30 clients who require accessibility only.  
31  
32 Mr. Thorsland stated that Mr. Sebens will need to discuss all of his options with the Capital  
33 Development Board. He said that the ZBA only needs to make sure that accessibility is included  
34 on the site plan.  
35  
36 Mr. Thorsland asked the Board if there were any additional questions for Mr. Sebens.  
37  
38 Ms. Lee asked Mr. Sebens if the outlet on the west end of the property is a 6-inch outlet or an 8-  
39 inch outlet.  
40  
41 Mr. Sebens stated that it is a 6-inch outlet.  
42  
43 Ms. Lee stated that all three outlets on the plan are 6-inch outlets.  
44  
45 Mr. Sebens stated yes.  
46

**EXCERPT OF JULY 17, 2014, APPROVED MINUTES  
FOR CASES 766-AM-13 AND 767-S-13**

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

3  
4 Mr. Thorsland called Chad Osterbur to testify.

5  
6 Mr. Chad Osterbur stated that he is a Consulting Engineer with Fehr Graham Engineering and  
7 Environmental. He said that he had no new information but would answer any questions that the  
8 Board may have regarding this project.

9  
10 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Osterbur and there  
11 were none.

12  
13 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Osterbur and there was  
14 no one.

15  
16 Mr. Thorsland called Mr. Scott Reifsteck to testify.

17  
18 Mr. Scott Reifsteck, who resides at 1341 CR 600N, Tolono, stated that he is in attendance on  
19 behalf of Betty Wills, his landlord, and himself. He said that Mr. Sebens asked for permission to  
20 use the 6-inch tile on the northwest detention basin and he and Ms. Wills are willing to allow Mr.  
21 Sebens to use it as an outlet providing that the 6-inch tile maintains its capabilities. Mr.  
22 Reifsteck stated that he and Ms. Wills do not want any further buildings put into the area where  
23 the detention basin is or concrete surfaces which would increase the amount of water runoff. He  
24 said that he and Ms. Wills also do not want any further water diverted into that area from other  
25 places on the property, which could easily happen, because the tile is not large enough to handle  
26 a lot of water and the tile was put in to keep the area dry and prevent erosion from surface water  
27 runoff. Mr. Reifsteck stated that he installed the six-inch tile himself to try to contain erosion in  
28 that area and he is more than willing to allow Mr. Sebens to use the tile as long as we don't do  
29 something there that will increase more water flow into the detention area or increase the amount  
30 of water that would normally go into the tile. He said that if an 8-inch outlet is installed there is  
31 potential for it to run down and cause erosion.

32  
33 Mr. Reifsteck stated that Mr. Sebens asked if he could not be required to install fencing around  
34 the edge of the property because there will be a security fence around the self-storage units and  
35 will install a grass area around the edge of the property to prevent the encroachment issues that  
36 had been previously occurring. Mr. Reifsteck stated that he and Ms. Wills are willing to agree  
37 with Mr. Sebens' request to not install the fence around the edge of the property at this time  
38 although they would like to stipulate that if the security fence does not provide for debris  
39 retention on the property or if other issues occur that the security fencing does not prevent then  
40 the security fencing must be installed around the perimeter of the west and north of the subject  
41 property. He said that he has always gotten along with Mr. Sebens very well and he understands  
42 that there are times when things just don't work. He said that he did not realize that Mr. Sebens  
43 intended to install a tall fence around the storage area and he is willing to try not installing the  
44 fence around the property area as long as Mr. Sebens would be willing to install it at a later date  
45 upon Mr. Reifsteck and Ms. Wills' request.

**EXCERPT OF JULY 17, 2014, APPROVED MINUTES  
FOR CASES 766-AM-13 AND 767-S-13**

1 Mr. Thorsland asked the Board if there were any questions for Mr. Reifsteck and there were  
2 none.  
3  
4 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Reifsteck and there  
5 was no one.  
6  
7 Mr. Thorsland asked if staff had any questions for Mr. Reifsteck.  
8  
9 Mr. Hall stated that he noticed that Mr. Reifsteck did not attend the last public hearing. He asked  
10 Mr. Reifsteck if he had spent much time familiarizing himself with the proposed south detention  
11 basin.  
12  
13 Mr. Reifsteck stated that he hasn't seen the most recent plan.  
14  
15 Mr. Hall stated that the proposed detention basin is no closer than 30 feet to the centerline of the  
16 swale therefore from his perspective he does not see that it encroaches too much into the swale  
17 and it is going to have riprap at the outlet so that the water does not cause erosion. He said that  
18 he believes that it may way help the drainage situation in the south swale but given that Mr.  
19 Reifsteck farms the property to the south and he has not seen the new plan he wanted to make  
20 sure that Mr. Reifsteck was aware of it and did not have any concerns.  
21  
22 Mr. Reifsteck stated that he is aware that they have moved it and have made some changes to it  
23 but it seems to him that it will be an improvement.  
24  
25 Mr. Hall stated that the new plan is easier to understand because they have drawn the elevations  
26 on both sides of the dam therefore it does show how close it comes to the centerline of the swale.  
27  
28 Mr. Reifsteck stated that it appears to be an improvement and he believes that it will help to  
29 alleviate the problem with the drainage.  
30  
31 Ms. Lee asked Mr. Hall if it would be beneficial for Mr. Reifsteck to receive a copy of the  
32 minutes that the Board approved tonight.  
33  
34 Mr. Reifsteck stated that he did receive a copy of the draft minutes in the mailing.  
35  
36 Mr. Reifsteck submitted his written comments to the Board as a Document of Record.  
37  
38 Mr. Thorsland asked the Board if there were any questions for Mr. Reifsteck and there were  
39 none.  
40  
41 Mr. Thorsland asked if staff had any additional questions for Mr. Reifsteck and there were none.  
42  
43 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Reifsteck and there  
44 was no one.  
45  
46 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to

**EXCERPT OF JULY 17, 2014, APPROVED MINUTES  
FOR CASES 766-AM-13 AND 767-S-13**

1 present testimony and there was no one.  
2

3 Mr. Thorsland closed the witness register.  
4

5 Mr. Thorsland stated that in listening to Mr. Reifsteck's testimony it may be appropriate to ask  
6 staff for a couple of conditions that address the size of the northwest tie into the tile and limit it  
7 to a 6-inch tile and some sort of language that if it continues to be an issue that it needs to be  
8 addressed. He said that the same type of condition could be constructed for the western fence  
9 because it seems to be a reasonable proposal to not worry about the fence until encroachment  
10 becomes an issue. He said that the conditions do not need to be very complicated.  
11

12 Mr. Randol asked Mr. Thorsland if the 5-foot buffer strip was the Board's recommendation. He  
13 asked if that was to be like a grass lawn or ornamental native grass to provide screening.  
14

15 Mr. Thorsland stated that the old plan indicated parking spots right up against the western  
16 property line and the aerial indicated that the vehicles were clearly getting onto the cultivated  
17 area therefore the grass is there to try to stop that drift onto Mr. Reifsteck's property. He said  
18 that the grass should not be short grass because someone will park on it. He said that the Board  
19 has a nice site plan currently but the Board needs more time to review it.  
20

21 Mr. Thorsland requested that Mr. Osterbur attend the next public hearing for these cases to  
22 explain how they will deal with the access during the last phase when the traffic for the  
23 landscaping business will go behind the building to the west. He said that there is a ramp or  
24 berm that will take care of the northwest detention pond and the Board is concerned that the  
25 ramp or berm will not be tramped down by the traffic therefore a little more detail regarding that  
26 would make the Board more comfortable.  
27

28 Mr. Thorsland asked the Board if there is any other information required from staff or petitioner  
29 before this case is brought back before the Board.  
30

31 Mr. Thorsland requested a continuance date.  
32

33 Mr. Hall stated that he would prefer that the petitioner provide the information to the Capital  
34 Development Board and they can let the petitioner know if the information is adequate. Mr. Hall  
35 said that Mr. Gamble gets back to staff amazingly quickly considering that he is the only person  
36 who does this for the entire State of Illinois but it will probably take a couple of weeks to get  
37 something to Mr. Gamble and one week for Mr. Gamble to get back to staff and/or the petitioner  
38 and a week for staff to have Mr. Gamble's response written into a memorandum for the ZBA  
39 mailing. He said that at a minimum he would rather not see these cases come back before this  
40 Board prior to August 28<sup>th</sup>. He said that the August 28<sup>th</sup> meeting has two new variance cases  
41 which should be simple and able to be completed in one meeting. He said that he believes that if  
42 things go perfect these cases could be ready for August 28<sup>th</sup> but personally he would feel better if  
43 the cases were continued to the September 11<sup>th</sup> meeting because any time staff sends something  
44 out for review by someone else it always ends up taking up more time. He said that if the Board  
45 feels that they have time to deal with this on August 28<sup>th</sup> and the petitioner will do his upmost to  
46 get all of the review completed by August 28<sup>th</sup> then it is okay with staff but this is a lot to have

**EXCERPT OF JULY 17, 2014, APPROVED MINUTES  
FOR CASES 766-AM-13 AND 767-S-13**

1 work out perfectly.

2

3 Mr. Thorsland stated that he cannot stress enough that the Board wants to open up their mailing  
4 envelopes and see the site plan at that time to review.

5

6 Mr. Hall stated that the condition regarding fencing should be reviewed by Mr. Reifsteck before  
7 it comes to the Board. He said that he does not believe that August 28<sup>th</sup> is enough time but if  
8 everyone else believes that it is then that is fine.

9

10 Mr. Thorsland stated that it appears that the consensus of the Board is to continue these cases to  
11 the September 11<sup>th</sup> meeting. He said that this is just to be absolutely sure that the Board has  
12 everything that they can do at that meeting because he is sure that Mr. Sebens would be very  
13 happy if the Board were able to finish these cases on that night and not continue them again. He  
14 noted that if the Board gets to the August 28<sup>th</sup> meeting and everything is not all done the cases  
15 will not be continued to September 11<sup>th</sup> because by then the docket will be filled for that date and  
16 the cases will be heard sometime late in the year.

17

18 Mr. Thorsland entertained a motion to continue Cases 766-AM-13 and 767-S-13 to the  
19 September 11, 2014, meeting.

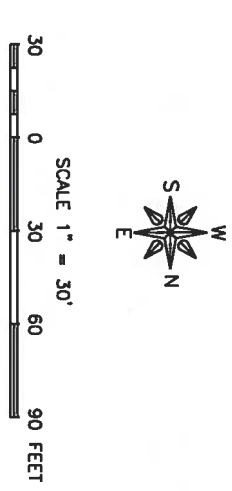
20



21 **Mr. Randol moved, seconded by Ms. Capel to continue Cases 766-AM-13 and 767-S-13 to**  
22 **the September 11, 2014, meeting. The motion carried by voice vote.**

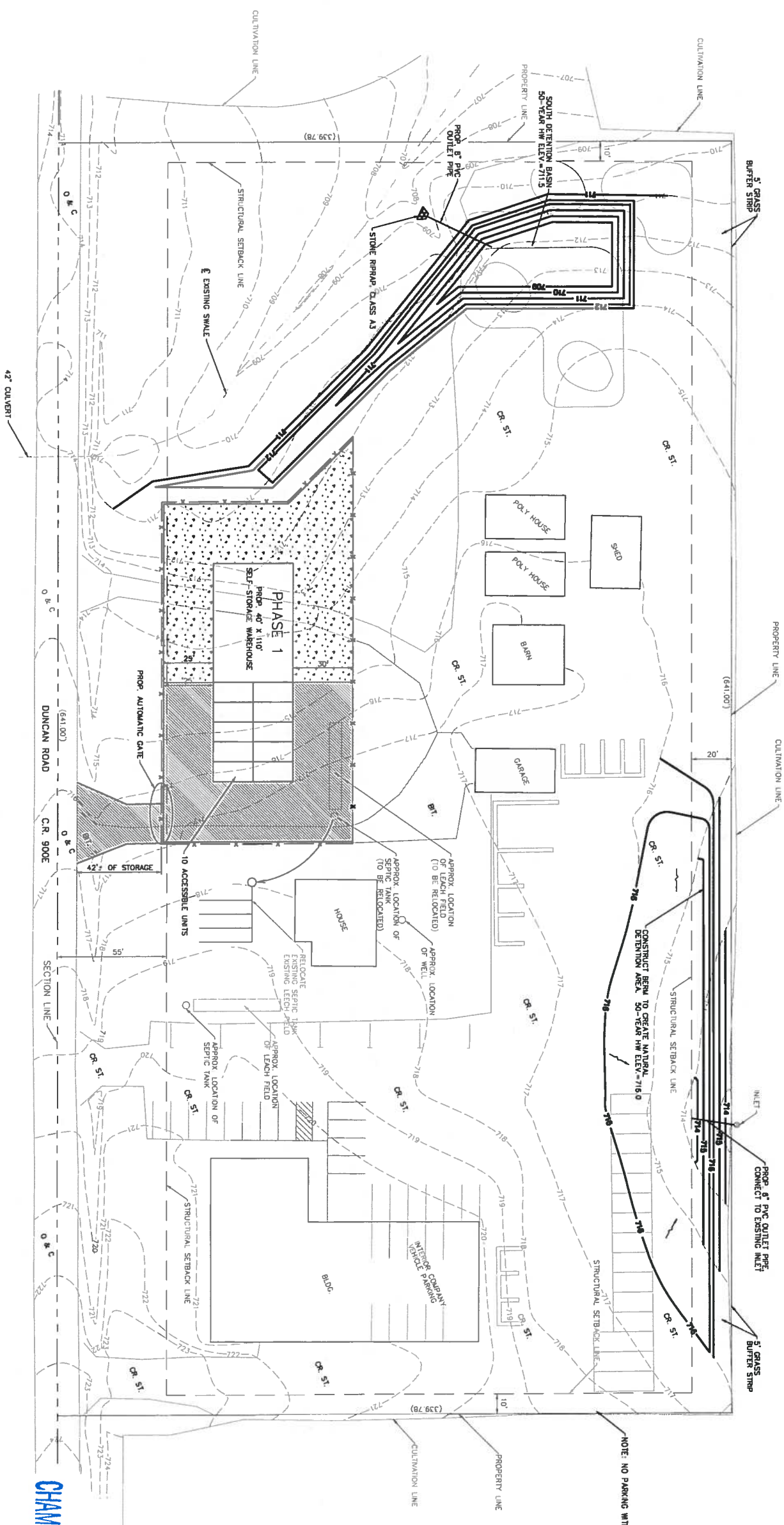
23







-  PROPOSED AGGREGATE SURFACE
-  PROPOSED ASPHALT PAVEMENT (3" HMA, 8" CA-8 BASE)



**RECEIVED**  
 SEP 03 2014  
 CHAMPAIGN CO. P & Z DEPARTMENT

NOTE: NO PARKING WITHIN 5' OF THE PROPERTY LINE

**FEHR GRAHAM**  
 ENGINEERING & ENVIRONMENTAL

ILLINOIS  
 IOWA  
 WISCONSIN

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

PROJECT AND LOCATION:  
 PRAIRIEVIEW LANDSCAPING COMPANY  
 REZONING PLAN

DRAWN BY: JAB  
 APPROVED BY: CMO  
 DATE: 07/09/14  
 SCALE: 1" = 30'

| REVISIONS |                                 |         |
|-----------|---------------------------------|---------|
| 1         | PER PLANNING AND ZONING MEETING | 7/10/14 |
| 2         | ACCESSIBILITY                   | 9/2/14  |

DRAWING:  
 PHASE 1 CONSTRUCTION

JOB NUMBER:  
 14-317  
 SHEET NUMBER:  
 2 of 3

