

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **February 12, 2015**
Time: **6:30 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 (January 15, 2015)
5. Continued Public Hearings

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

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

6. New Public Hearings

- *Case 792-V-14** Petitioner: **Robert Frazier**
Request: **Authorize the following Variance from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District on the subject property described below:**
- Part A. Variance for 48 parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.**
Part B. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.
- Location: **Lot 4 of the Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX building located at 310 Tiffany Court, Champaign.**

CHAMPAIGN COUNTY ZONING BOARD OF APEALS
NOTICE OF REGULAR MEETING
February 12, 2015

***Case 793-S-14** Petitioner: **Lawrence Johnson and Fuad Handal**

- Request:
- 1) **Authorize a kennel as a Special Use on 1.8 acres located in the AG-1 Agriculture Zoning District.**
 - 2) **Authorize the following waivers to the standard conditions of the Kennel Special Use as per Section 6.1.3 of the Zoning Ordinance:**
 - a. **Any outdoor animal exercise and/or training area shall be 200 feet from any adjacent residential structure and/or use and shall have a noise buffer of evergreen shrubs or trees a minimum of four feet in height installed separating the exercise and/or training area from any adjacent residential structure and/or use. Measurements shall be made from the lot line of an adjacent residential structure and/or use.**
 - b. **Maintain a side yard setback and a rear yard setback of 200 feet.**

Location: **A 1.8 acre tract in the Southeast Quarter of the Southeast Quarter of Section 5, Township 19N, Range 8E. in Champaign Township with an address of 1211 North Staley Road, Champaign.**

***Case 794-S-14 and 797-AM-15**

Petitioner: **Premier Cooperative Inc. with board members Greg Miller, William Stierwalt, Kim Jolley, Kenneth Hieser, Stephen Hettinger, Pat Feeney, James Kleiss, Douglas Hansens, John Murray, Dwight Huffstutler, Maury Busboom and corporate officers Roger Miller, General Manager and James Deters, Chief Financial Officer**

Case 797-AM-15 Request: **Amend the Zoning Map to change the zoning district designation from AG-2 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District in order to operate the proposed Special Use in related Zoning Case 794-S-14.**

***Case 794-S-14** Request:

- 1) **Authorize construction of two 24,000 gallon bulk fuel storage tanks in the B-1, Rural Trade Center Zoning District.**
- 2) **Authorize the following waiver to the standard conditions of the "Gasoline and Volatile Oils Storage in the B-1 and B-3 Districts" Special Use as per Section 6.1.3 of the Zoning Ordinance: Gasoline and Volatile Oils Storage Facilities shall not be permitted closer than 500 feet from and R District or any Residential, Institutional, or Public Assembly Use."**

Subject Property: **A 8.19 acre tract in the south half of the southwest quarter of Section 17, Township 20N, Range 9E, in Somer Township and commonly known as Premier Cooperative at 1711 East Leverett Road, Champaign.**

7. Staff Report

8. Other Business
A. Review of Docket

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

10. Adjournment

***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 61802**

5
6
7 **DATE:** January 15, 2015 **PLACE:** Lyle Shield's Meeting Room
8 1776 East Washington Street
9 **TIME:** 6:30 p.m. **Urbana, IL 61802**

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

12
13 **MEMBERS ABSENT:** Catherine Capel

14
15 **STAFF PRESENT :** Connie Berry, John Hall

16
17 **OTHERS PRESENT :** Herb Schildt, Larry Hall, Jean Fisher

18
19
20 **1. Call to Order**

21
22 The meeting was called to order at 6:30 p.m.

DRAFT

23
24 **2. Roll Call and Declaration of Quorum**

25
26 The roll was called and a quorum declared present with one member absent and one vacant seat.

27
28 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
29 the witness register for that public hearing. He reminded the audience that when they sign the witness
30 register they are signing an oath.

31
32 **3. Correspondence**

33
34 None

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

37
38 Mr. Thorsland entertained a motion to approve the November 13, 2014, minutes.

39
40 **Ms. Griest moved, seconded by Mr. Passalacqua to approve the November 13, 2014, minutes.**

41
42 Ms. Lee stated that she contacted staff and requested that the following be added to Page 22
43 of the minutes: Mr. Hall asked Ms. Lee if she had measured the distance from where the substation will be
44 located and Ms. Gitz's property. Ms. Lee stated no.

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

48

1 **The motion carried.**

2
3 Mr. Thorsland entertained a motion to rearrange the agenda and hear Case 791-AT-14 prior to Cases 769-
4 AT-13 and 773-AT-14.

5
6 **Ms. Lee moved, seconded by Ms. Griest to rearrange the agenda and hear Case 791-AT-14 prior to**
7 **Cases 769-AT-13 and 773-AT-14. The motion carried by voice vote.**

8
9 **5. Continued Public Hearing**

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

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

1 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
2 time.

3
4 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.
5

6 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated January 15, 2015,
7 to the Board for review. He said that the Board has received two previous Supplemental Memorandums
8 regarding this case since the Board last met so there is a lot of information that the Board has not had a
9 chance to discuss. He said that the Supplemental Memorandum distributed tonight includes the revised
10 Technical Appendices D and E and new Appendix F which contains all Standard Details. He said that
11 hopefully with the changes to the technical appendices staff has addressed every comment that was received
12 in the public hearing although some of those comments had to do with whether or not the IDOT form should
13 be used. He said that one thing that the IDOT forms do that no other set of forms does is that they are a
14 comprehensive set specifically intended to respond to the needs related to the NPDES program. He said that
15 as far as he is concerned the use of IDOT forms is not mandatory as long as whatever form is used by an
16 applicant provides at least as much relevant information as the IDOT forms. He said that he knows there are
17 local engineers who prefer to use their own forms and that is fine as long as those forms do everything that
18 the IDOT forms do. He said that he does not want this to be a burden on private sector engineers.
19

20 Mr. Hall stated that Technical Manual Appendix D is for the Minor Land Disturbance Erosion Control
21 Permit. He said that attached to Appendix D is a revised Erosion Control Practices Flow Chart which
22 indicates all of the Standard Details. He said that as long SD1, SD2, SD3, SD5, SD6, SD11, and SD12 are
23 on the site plan that is all that would have to be done. He said that the attached Example Erosion and
24 Sediment Control Plans refer to a one acre lot which is 200 feet wide and should indicate the amount of soil
25 disturbance to that lot. He said that within the area where the Minor or Major LDEC permit may be required
26 he believes that in most cases it will be a lot that is 200 feet wide or a lot that is 150 feet wide in the AG-2
27 district and he does not anticipate anything any smaller but it can't be ruled out. He said that we might have
28 a 10,000 square lot which is already connected to a sanitary sewer in which case the septic field area would
29 not be a concern. He said that the examples deal with the most difficult cases but certainly does not address
30 all cases. He said that the Notes on Installation and Construction Sequence has really changed from what the
31 previous had because the previous version had whatever Champaign and Urbana had come up with but
32 citizens of Champaign and Urbana are completely different than our citizens. He said that Champaign
33 County citizens will have to file both a Zoning Use Permit and a Land Disturbance Erosion Control (LDEC)
34 Permit and will need to do that in the proper sequence. He said that Final Stabilization will come after the
35 Zoning Compliance Inspection. He said that the Notes on Concentrated Flows were kept and if someone is
36 building a new home and a LDEC Permit is obtained the downspouts must be taken care to assure the
37 protection of bare earth. He said that pamphlet versions of Appendices D & E have the Standard Details
38 called out in the Table of Contents but in terms of the Ordinance those Standard Details will be included in
39 Appendix F.
40

41 Mr. Hall stated that Appendix E relates to Major Land Disturbance Erosion Control Permits. He said that all

1 of the forms have been updated from IEPA and IDOT. He said that the Erosion Control Practices Flow
2 Chart was not updated for the Major Land Disturbance Erosion Control Permit as was the Flow Chart for the
3 Minor Land Disturbance Erosion Control Permit because for most Major Land Disturbance Erosion Control
4 Permits there will be an engineer involved and they know this stuff backwards and forwards. He said that on
5 page 4 of 8 of the new IDOT form BDE 2342(Rev.3/20/14) the applicant will need to explain the selection
6 of Permanent Storm Water Management Controls. He said that the guidance in Item II.E.1. indicates that the
7 practices selected for implementation were determined on the basis of the technical guidance in Chapter
8 41(Construction Site Storm Water Pollution Control) of the IDOT Bureau of Design and Environment
9 Manual therefore if you have to provide an explanation if you are using anything other than the IDOT
10 Bureau of Design and Environment Manual. He said that someone using this form on a Major Land
11 Disturbance Erosion Control Permit project had better be referring to the Storm Water Management and
12 Erosion Control Ordinance. He said that a note on the Table of Contents of Appendix E indicates the
13 following: Illinois Department of Transportation Storm Water Pollution Prevention Plan (SWPPP) Form
14 (Note: Under item II.E.1 the technical basis for selection of permanent storm water management controls
15 should be the Champaign County Storm Water Management and Erosion Control Ordinance. He said that we
16 are not really interested in the IDOT Bureau of Design and Environment Manual to the extent that it may be
17 based on the Illinois Urban Manual.
18

19 Ms. Lee asked Mr. Hall to indicate the location of the note again.
20

21 Mr. Hall stated that the note is in the Table of Contents for Appendix E.
22

23 Mr. Hall stated that the Supplemental Memorandum dated January 15, 2015, included Attachments III and
24 JJJ. He said that Attachment III is a list of 15 minor edits that he had received in a message from the State's
25 Attorney's office. He said that in some cases the edits delete an entire sentence and he is hoping that when
26 the Board is ready to take final action on this case the Board will have the Finding of Fact with the proposed
27 amendment that is being recommended. He said that hopefully with enough advance notice he will know
28 how to format the amendment and these changes will all be part of it. He noted that these edits are not
29 included in any version that the Board has seen to date but they are all necessary changes.
30

31 Mr. Hall stated that Attachment JJJ is another revision for stockpiles and he realized that the current
32 requirements for stockpiles really anticipate that in every case there would be enough area for 30 feet of
33 separation from the stockpile to the nearest lot line. He said that if the property is located in the AG-1 and
34 AG-2 districts for new lots there should be no problem meeting that standard. He said that in the MS4
35 jurisdictional area there may be some older lots that are narrower than 150 feet and greater flexibility may be
36 necessary in the MS4 area. He said that in Section 11.5 he proposes to reduce the 30 feet separation to only
37 10 feet from the nearest property under other ownership. He said that if a developer is doing a subdivision
38 he doesn't have to worry about lot lines and if it is a homebuilder that has two lots side by side he won't
39 have to worry about that intervening lot line. He said that Section 11.5 will be for people who are already
40 dealing with the erosion and sediment controls and staff will be at their property every week to complete an
41 inspection therefore they will not have a chance to forget that the silt controls at the base of the stockpile are

1 kept in good condition. He said that the other 99% of our jurisdiction will not be dealing with erosion and
2 sedimentation controls and staff will not be at their property on a weekly basis. He said all of the lots in the
3 AG-1 district should generally be 200 feet wide and in those instances he does not believe that the separation
4 distance to the property line should be reduced to 10 feet and hopes that they maintain the silt fence. He said
5 that Section 6.4, which is only applicable if you are outside of the MS4 area, indicates that if someone is in
6 those areas and they have at least 150 feet in width and at least 30,000 square feet in area the 30 feet
7 separation does not apply. He said that the logic in that instance is that someone is not doing the whole
8 erosion and sedimentation controls and staff will not be there to remind them that the silt fence needs
9 maintained. He said that he believes that for the vast majority of the jurisdiction the separation distance
10 should be 30 feet but there may be some places where there may be old lots and new lots created in zoning
11 districts which are less than 150 feet wide and in those instances they will have an allowable 10 feet
12 separation to the nearest property under other ownership provided that erosion and sedimentation controls
13 are installed and maintained as required in Section 11. He said that his provides for all possibilities but it
14 does not provide maximum flexibility and the reason for that is when you are outside of the MS4 area the
15 property owner is not going to be in tune to the maintenance that the erosion and sedimentation controls
16 require and for that reason he knows that some people will be opposed to this. He said that frankly he would
17 be willing to follow whatever option the Zoning Board thinks should be followed. He said that if the Zoning
18 Board believes that we should always provide the flexibility to go down to a 10 feet separation provided that
19 the proper controls are installed then that is what he will indicate because it is more important to get this in
20 place. He said that the Board needs to decide what it wants to recommend to the County Board and how a
21 particular version of the amendment should be formatted.
22

23 Ms. Lee stated that revised Section 6.4. D.1.(d) indicates: not within a drainage ditch easement. She said
24 that Section 11.5 does not include this text.
25

26 Mr. Hall stated that Section 11.5A does include the text, "not in a drainage ditch easement". He said that
27 paragraph that she is interested in is Paragraph 6.4.E which is not in tonight's memorandum but is indicated
28 on Page 20 of the Draft Storm Water Management and Erosion Control Ordinance dated December 5, 2014.
29 He said that drainage ditch easement does need to be added to Paragraph 6.4.E. He said that separations that
30 apply in Section 6.4.D should apply in Section 6.4.E. He said that tonight's memorandum reformats Section
31 6.4.D so that each separation is on a separate line and has a separate letter designation and Section 6.4.E
32 should be formatted in the same manner except that the separation to the road side ditch and the property line
33 are not relevant in Section 6.4.E. He said that Section 6.4.E discusses where we do not want buildings to be
34 constructed and clearly we don't want buildings to be constructed in a drainage ditch easement. He said that
35 he does not see the need to add anything related to the roadside ditch or to a property line in Section 6.4.E
36 because we can trust our existing required yards for those things.
37

38 Mr. Hall stated that whatever the Board decides to recommend to the County Board as the final version of
39 the Ordinance he would like to go back to a version of the tables that were included in the January 9th
40 mailing. He said that the Board has seen different versions of the table, Attachment BBB, and hopefully
41 when this goes to the County Board there will be a version of this table with the ordinance that the ZBA has

1 recommended. He said that things which are not recommended on Attachment BBB could either be
2 indicated with strikeout or just not included but the table is a handy way to get an idea of what the
3 amendment will do therefore he wants to have a version of this table with whatever the ZBA recommends.
4 He said that he would like to do the same thing with Attachment CCC, Summary of Proposed Amendment
5 Benefits and Costs. He said that the tables can be revised on a hearing night when the Board is ready to take
6 final action and again, the tables are a handy way to indicate to the County Board what the ZBA is
7 recommending.

8
9 Ms. Griest asked Mr. Hall if Attachment BBB is only one page or are the following pages mismarked.

10
11 Mr. Hall stated that the entire packet is Attachment BBB and was created in such a way where there is more
12 than one header and he erroneously forgot to revise the header on each page. He said that this table is also
13 the first version of the table where it does not talk about what Case 773-AT-14 is about. He said that for
14 Case 773-AT-14 there is a version of this table for just grading and demolition.

15
16 Ms. Griest asked Mr. Hall if Attachment BBB also indicates grading because the first column on page 1
17 discusses mass grading not related to other construction.

18
19 Mr. Hall stated no. He said that Case 769-AT-13 does not do anything about mass grading.

20
21 Ms. Griest stated that what she thought she heard Mr. Hall state was that this is the first table which excludes
22 the grading but doesn't Attachment BBB discuss grading.

23
24 Mr. Hall stated yes but there is another table for Case 773-AT-14 which shows what that case proposed to do
25 regarding grading.

26
27 Mr. Thorsland stated that Attachment BBB indicates that Case 769-AT-13 doesn't do anything for mass
28 grading.

29
30 Mr. Hall stated that Attachment BBB is only relevant for Case 769-AT-13 and Case 769-AT-13 does nothing
31 for grading not related to other construction outside of the MS4 area.

32
33 Ms. Lee asked if Case 769-AT-13 is dealing with both inside and outside the MS4 jurisdictional area.

34
35 Mr. Hall stated yes. He said that Case 773-AT-14 has nothing to do with the MS4 jurisdictional area. He
36 said that if the optional minimum requirements are not recommended then Case 773-AT-14 is not required.
37 He said that Attachment CCC for Case 769-AT-13 has footnotes referring to the exact spots in the Finding
38 of Fact that are most relevant to the costs and benefits associated with each of these alternatives. He said
39 that if the Board does not agree with the Finding of Fact then more evidence needs to be added because the
40 one thing that it has to do is reflect the opinion of this Board on this amendment.

1 Ms. Lee stated that Attachment BBB for Case 769-AT-13 indicates Proposed Ordinance Requirements
2 Outside the MS4 Area and Inside the MS4 Area therefore should the table be for a different case.

3
4 Mr. Hall stated that the table includes the MS4 area but only to demonstrate that Case 773-AT-14 does
5 nothing in the MS4 area. He said that related Case 769-AT-13 talked about the optional minimum
6 requirements because if you don't recommend the optional minimum requirements in Case 769-AT-13 then
7 the Board would not recommend Case 773-AT-14 but if the Board does recommend Case 773-AT-14 then
8 you recommend the optional minimum requirements in Case 769-AT-13.

9
10 Mr. Thorsland asked Mr. Hall if he wanted to review previous memorandums regarding Case 769-AT-13
11 with the Board.

12
13 Mr. Hall stated that he would be happy to review all of the memorandums with the Board if the Board
14 desires or he can only review the memorandums which the Board has questions on.

15
16 Mr. Thorsland stated that it is clear that the Board is not going to finish Case 769-AT-13 or Case 773-AT-14
17 tonight but he would like the Board to continue reviewing the information. He said that the memorandums
18 from the December meeting and tonight's meeting should be carefully reviewed and any questions or
19 concerns regarding the memorandums should be voiced by the Board. He said that the Board should come
20 to each meeting prepared so that these cases can be moved forward.

21
22 Mr. Hall stated that he would be happy to review all of the substantive evidence because it is hard to get
23 motivated to review this information outside of the meeting.

24
25 Mr. Passalacqua stated that he would like to review this information now.

26
27 Mr. Hall stated that the substantive evidence started back with the Supplemental Memorandum dated
28 September 11, 2014, which included evidence regarding the achievement of Policy 8.4.5 and that
29 memorandum was very long and complicated. He said that Policy 8.4.5 has to do with meeting the relevant
30 NPDES requirements and those are not something that you can just point to and say this is the requirement.
31 He said the evidence indicates what the EPA states the requirements are and then the evidence indicates why
32 our existing policy doesn't do that and why the amendment does. He said that it touches on the fact that we
33 had this suggestion from the EPA staff that we should make the LDEC permits a requirement throughout the
34 County. He said that he appreciates the EPA staff's suggestion but he cannot find anywhere in writing that
35 that is the actual requirement and that makes a huge difference to Champaign County.

36
37 Ms. Griest asked Mr. Hall if the difference is economical in that a large number of staff would be required if
38 it were required countywide.

39
40 Mr. Hall stated yes, and that is reviewed in Attachment TT, Cost Impact Related to Staffing. He said that the
41 attachment states that regarding the added costs to Champaign County government and taxpayers, the

1 proposed amendment is likely to be cause for adequate staffing in the Department of Planning and Zoning.
2 He said that the attachment indicates all of the new inspections that will be added which would amount to
3 five new inspections for each permit plus a weekly inspection.
4

5 Mr. Randol stated that the EPA has no idea what is going on locally.
6

7 Mr. Hall stated that this is the Illinois EPA not the Federal EPA.
8

9 Mr. Randol stated that the Illinois EPA doesn't have a clue either.
10

11 Mr. Hall stated that the attachment also discusses the amount of time that the optional minimum
12 requirements would add, which he believes would be very minimal. He said that any time you add a new
13 requirement you add additional time for explanation to each and every citizen that needs to know. He said
14 that the attachment discusses the amount of time required for ILR10 compliance and that will not be much
15 and currently we should already be explaining ILR10. He said that the attachment discusses the volume of
16 new LDEC permits based on the past 18 months and at the end it states that within the MS4 area there were
17 41 structures located in the MS4 area and of those 41 only 7 would have required erosion and sediment
18 controls. He said that staff will have a lot of new headaches for 7 permits but outside of the MS4 area there
19 were 137 permits and of those 58 would require new inspections. He said that within a typical year there
20 would be 33 new structures with at least an inspection every week. He said that within the MS4 area with
21 the ordinance that is before the Board staff would be doing 208 additional inspections per year and he
22 believes that staff could do that. He said that these inspections would be elevated to a higher priority than
23 any other activity in the office other than getting the budget and ELUC and ZBA agendas submitted on time.
24

25 Mr. Randol asked if other duties completed by staff would be placed on the side.
26

27 Mr. Hall stated that only a few people in the office would be doing the LDEC inspections and eventually he
28 hopes that all staff would able to do them but for the first few years there will only be a couple of the staff
29 members who will actually go out and do those inspections and that would probably be himself and the
30 Zoning Officer. He said that the day to day permitting would continue uninterrupted and the zoning cases
31 would be handled by the Senior Planner and will continue uninterrupted therefore the core functions will
32 continue.
33

34 Mr. Passalacqua stated that the hardest pill for him to swallow is that all of this is already required by
35 another entity and yet it is being put on the County as another layer and expense.
36

37 Mr. Hall stated that those rules were adopted for the County's jurisdiction to enforce and the County will
38 directly see the benefits of those rules regardless of the expense. He said that the MS4 area is 1% of our
39 jurisdiction but if you look at the density of permits within that 1% he can't even tell the Board how much
40 greater it is than the rest of the County's jurisdiction and that is why they are targeting that area. He said that
41 there is a greater density of development and it does impact water quality to a much greater extent than the

1 rest of Champaign County.
2
3 Ms. Lee asked Mr. Hall how he justifies doing that regulation for the MS4 into the rest of the County.
4
5 Mr. Hall stated that the evidence that is front of the Board currently indicates that it cannot be done. He said
6 that we are not required to do it and it is a good thing because we could not afford to do it.
7
8 Mr. Passalacqua stated that these rules will not go well with developers and contractors when they drive
9 down the township roads and see row crops right up to the ditch.
10
11 Mr. Randol asked Mr. Hall what will happen if the ZBA does not make a recommendation.
12
13 Mr. Hall stated that the County Board will approve it anyway and if the County Board does not approve it he
14 would guarantee that it will become an enforcement case with the Illinois EPA.
15
16 Mr. Passalacqua stated that he is surprised that we have as much flexibility in writing the ordinance and the
17 Illinois EPA didn't just say here is the way your ordinance is going to read.
18
19 Mr. Hall stated that he does wish that the Illinois EPA had given us the text of the ordinance and then there
20 would be no uncertainties but this is the best that staff could come up with.
21
22 He said that he believes that staff made progress with the exemption of 10' instead of the 30' and it will be
23 very helpful.
24
25 Mr. Randol agreed.
26
27 Mr. Hall stated that he is not aware of any other numerical requirement in the ordinance which requires
28 editing. He said that if the Board sees anything that they believe requires editing they should notify staff.
29
30 Mr. Passalacqua stated that construction or stockpiles in the drainage easements is not allowed anyway
31 therefore it is already covered.
32
33 Mr. Hall stated that it is already covered but the Board should not underestimate the blindness of individuals
34 who believe that they can build wherever they want to.
35
36 Mr. Passalacqua stated that he understands that but writing two ordinances about the same thing is not going
37 to open their eyes any more.
38
39 Ms. Lee stated that Case 773-AT-14 is not required by the Illinois EPA.
40
41 Mr. Hall stated no. He said that the only costs related to Case 773-AT-14 is when someone is causing a

1 problem and needs to put up an erosion and sediment control to stop that problem.

2
3 Mr. Passalacqua stated that would be covered by ILR10.

4
5 Mr. Hall stated no. He said that Case 773-AT-14 does not have a minimum size that it applies to and it
6 applies across the board therefore if you are causing erosion and sedimentation and a neighbor complains
7 you are going to have to stop it. He said that Case 773-AT-14 is a great value for the other 99% of our
8 jurisdiction. He said that some people would probably say that the only way that they guarantee that they are
9 not creating a problem is to put those controls in the first place. He said that we don't get that many
10 complaints today and he doesn't think that we have to go that far but in any given instance there will always
11 be something that you wouldn't otherwise have to do that you have to do.

12
13 Mr. Randol stated that if a developer buys 100 acres for development the land belong to him. He asked if the
14 County will still control what the developer is doing on his property when he puts in the streets that the
15 township, County, or village have not accepted. He asked if this ordinance will apply to the developer's
16 construction on his property or will it apply when someone has legal jurisdiction over that construction.

17
18 Mr. Hall stated that under the current rules if someone is going to dedicate the street to a public agency they
19 have to build to the standards of that jurisdiction. He said that if someone is developing 100 acres it seems
20 likely that ILR10 is going to be a requirement and that is between the developer and the EPA. He said that
21 in regards to this ordinance, if the Board does not recommend that the County Board make ILR10
22 compliance a requirement outside of the MS4 area, then the only thing that this ordinance will do is if the
23 Board recommends the optional minimum requirements they will be in place during construction and if the
24 developer makes a mistake and cause erosion or sediment he will have to correct it.

25
26 Mr. Randol stated that if the erosion and sediment is running off onto the developer's streets it shouldn't be
27 an issue.

28
29 Mr. Hall stated that it is difficult to talk about a development like that in the County's jurisdiction during this
30 day and age because he cannot imagine it happening due to the Rural Residential Overlay.

31 He said that the drainage would presumably send the storm water to the street and into the curb inlet and
32 hopefully the developer would be smart enough to keep those curb inlets from getting full of sediment which
33 is running off the land that he is developing. He said that many times erosion and sedimentation controls
34 save the developers money because stupid things don't happen but it cannot always be guaranteed. He said
35 that he can remember a developer in the Mahomet area who experienced a big storm and a lot of sediment
36 was washed into one of the pools that was connected to the Lake of the Woods and that pool had to be
37 cleaned out. He said that this situation occurred because the Mahomet developer did not have the proper
38 erosion and sedimentation controls in place. He said that the drainage does not always go into the street
39 where it is supposed to go and it all depends upon the design of the development.

40
41 Mr. Hall stated that the existing Storm Water Management Policy has a basic requirement that you follow

1 the *Illinois Urban Manual* erosion and sedimentation controls. He said that development done under this
2 ordinance and not within the MS4 area would not be required to comply with ILR10. He said that he cannot
3 imagine a developer not willing to send in notice to the EPA and installing of the erosion and sedimentation
4 controls and even if they are supposed to do it does not mean that the Storm Water Management Policy will
5 make it happen. He said that a lot of erosion and sedimentation controls makes the development project go
6 easier. He said that the last big subdivision completed in the County's jurisdiction was a 10 lot RRO that
7 installed new concrete streets in the rural area; they did terrible erosion controls and the ditches silted in
8 more than one time during construction and had to be cleaned up and at that time. He said that he does not
9 know if the developer even bothered with ILR10 compliance. He said that he does not expect ILR10
10 compliance to be a requirement and this doesn't do anything other than if the highway commissioner
11 complained about his ditches being silted full, staff could do something about that under this ordinance. He
12 said that as it was the Highway Commissioner couldn't even complain about his ditches being silted in.

13
14 Mr. Randol stated that it is hard for a highway commissioner to complain when the farmers fill the ditches as
15 well therefore he would have to complain about everyone.

16
17 Mr. Passalacqua reminded Mr. Randol that agriculture is exempt.

18
19 Mr. Hall stated that he does not see many farm fields where ditches get silted in after a normal rain.

20
21 Ms. Lee stated that the road ditches near the previously approved substation in St. Joseph Township are
22 silted in by the farm field.

23
24 Mr. Hall stated that hopefully the substation will reduce the amount of silt because the area of the substation
25 will be gravel.

26
27 Ms. Lee asked Mr. Hall to explain the purpose of Case 773-AT-14 and what will it accomplish for
28 Champaign County.

29
30 Mr. Hall stated that most erosion complaints staff receives are about people tracking dirt and mud onto the
31 public road while they are grading and Case 773-AT-14 would give staff the tool to stop that practice.

32
33 Ms. Lee asked Mr. Hall if that is the only effect of Case 773-AT-14.

34
35 Mr. Hall stated yes.

36
37 Mr. Passalacqua asked Mr. Hall if Case 773-AT-14 will cover the farmer throwing mud off his tractor tires
38 when moving from field to field.

39
40 Mr. Hall stated no.

41

1 Mr. Randol stated that it is the responsibility of the township highway commissioner to address the farmer
2 throwing mud off of his tractor tires when moving from field to field.
3

4 Mr. Thorsland stated that he rides his motorcycle on the rural roads and 99% of the time the mud and debris
5 on the roads is not from the farmers but from construction activity. He said that very close to his residence
6 he has someone who stages construction activity so that there is always construction activity occurring and
7 they strip the entire lot and when it rains the dirt is in the road. He said that during the construction there are
8 trucks moving in and out of the property therefore they place pebble type gravel on a thin culvert and drag
9 the entire yard out every day onto the road. He said that he supports Case 773-AT-14 if it can stop this
10 nuisance. He said that in the end Case 773-AT-14 is in the best interests of the township highway
11 commissioner, the township and the developer and construction people because there are many people who
12 have had accidents on township roads and have enjoyed wonderful settlements from township insurance due
13 to an accident. He said that eventually Case 773-AT-14 will save municipalities, townships and Champaign
14 County money.
15

16 Ms. Lee asked Mr. Hall if Case 773-AT-14 will include all of Champaign County including the
17 municipalities.
18

19 Mr. Hall stated that Case 773-AT-14 does not include the municipalities or land which is under an
20 annexation agreement with the municipalities. He said that hopefully Case 773-AT-14 will stop the mud
21 from being tracked onto the road but at least by the end of the day it would have to be cleaned off.
22

23 Mr. Thorsland stated that generally 99% of the time the only person who goes back out to the road to clean
24 off the mud is the farmer because he wants his soil in his field. He said that contractor will not go back out
25 and clean off the road because he is off to the next job site.
26

27 Ms. Griest stated that Case 773-AT-14 will not deal with these instances because those are going to be under
28 Case 769-AT-13 because they are not a grading or demolition permit. She said that demolition and grading
29 are separate from construction and if there is construction it would be under Case 769-AT-13.
30

31 Mr. Hall stated that Case 769-AT-13 would address the situation if it is related to other construction and
32 Case 773-AT-14 is only necessary when it is grading that is not related to other construction.
33

34 Mr. Thorsland stated that it tends to be secondary activity.
35

36 Ms. Griest stated that the secondary activity is related to the original construction. She said that what Mr.
37 Thorsland is talking about is still going to be under Case 769-AT-13 because they are not going to come
38 back to obtain a second permit under Case 773-AT-14 for their seeding and grading when they build a new
39 house. She said that personally living in the country close the a municipality she would say that she sees the
40 opposite of what Mr. Thorsland has indicated that occurs in his area because she has the commercial farmers
41 who bring in two combines, four tractors, five semi-trucks and several grain wagons and they come in

1 harvest the field and pull out leaving the road a muddy mess and they never come back to clean the road.
2 She said that the farmers who farm their own ground or who farm less than four or five thousand acres will
3 not leave the roads in a muddy mess but when you see big operators with mass equipment they tend to leave
4 a mess on the roads. She said that there was an accident on High Cross Road recently due to the mud that
5 was tracked out of the field and onto the road by one of these big commercial farm operators. She said that
6 agriculture is exempt therefore this Board is not going to stop these situations. She said that in her area she
7 is not seeing roads left in a muddy mess due to someone putting in a new yard or repairing their lawn and she
8 is not seeing a lot of demolition either. She said that she is in favor of requiring a demolition permit but she
9 is opposed to requiring a grading permit because she is not seeing the value and it puts an unnecessary
10 burden on a segment of the industry that is not causing the problem. She said that she won't say that under a
11 new construction situation they are not as much a problem as the siding and roofing people or the other
12 trucks that come in and out of the property but all of those contractors will not be present if it is only repair
13 to an existing structure.

14
15 Mr. Hall asked Ms. Griest to explain the burden that will be placed on these folks.

16
17 Ms. Griest stated that the documentation indicates that there will be fees for grading and demolition permits.

18
19 Mr. Hall stated that it may state that in the notice but it is not stated in the Ordinance that is before the
20 Board.

21
22 Ms. Griest stated that she is looking at the notice and it isn't uncommon that she has not found it in the
23 Ordinance yet.

24
25 Mr. Hall stated that staff has not proposed any fees for grading permits but that does not mean that 25 years
26 from now we won't add a fee.

27
28 Ms. Griest stated that we are adding costs because it costs them time and money to fill out the application,
29 submit it to the office and that time is money to those contractors.

30
31 Mr. Hall stated that he would say that is a reasonable cost so that staff can answer calls when they are
32 received asking why someone is tracking mud onto the road.

33
34 Mr. Thorsland requested that the Board not go too far into Case 773-AT-14 at this time because we are
35 attempting to review Case 769-AT-13.

36
37 Ms. Lee asked Mr. Hall if a permit was required for the substation which is east of Sidney next to the
38 railroad tracks.

39
40 Mr. Hall stated that the substation is an Ameren Substation which is exempt from County zoning.

41

1 Ms. Lee stated that even Ameren will track mud onto the road.

2
3 Mr. Hall stated that Ameren is a public utility and is exempt from County zoning.

4
5 Mr. Hall stated that Attachment UU, Draft Evidence Regarding Statutory Authority, has evidence that has
6 been reviewed by the State's Attorney and merely establishes that we have the authority to adopt an erosion
7 control ordinance. He said that Attachment UU. ends with the following paragraph: The Champaign
8 County State's Attorney Office has also determined that the best alternative to the use of authority provided
9 in 55 ILCS 5/5-15015 is to enter in to an intergovernmental agreement with the Illinois Environmental
10 Protection Agency. Approval of such an agreement would only require a simple majority approval (12 of 22
11 elected members). He said that this is the best alternative to what staff is proposing and what staff is
12 proposing is to use the authority provided in 55 ILCS 5/5-15015.

13
14 Ms. Lee stated that she looked up 55 ILCS 5/5-15015 and the exception is the following: provided that the
15 authority of the Pollution Control Board of the State of Illinois shall not be superseded.

16
17 Mr. Hall stated that he will guarantee that the County will be doing that.

18
19 Mr. Hall stated that Attachment WW, Draft Evidence Regarding Public Outreach, refers to the draft public
20 handout. He said that if the Board believes that the draft handout is accurate and helpful then he would like
21 to be able to tell that to the County Board. He said that if the Board finds that the revised Zoning Use Permit
22 Application form is adequate then he would also like to share that with the County Board. He said that there
23 are some County Board members who puts a lot of faith into handouts that make sense and that is why staff
24 prepared that evidence.

25
26 Mr. Hall stated that Attachment VV, Draft Evidence Regarding County Board Options is probably the most
27 important evidence. He said that this attachment reviews every option that is part of this text amendment.
28 He said that Part A. reviews the optional minimum requirements which involve Paragraph 6.1F, Paragraph
29 6.4A, Paragraph 6.4B, Paragraph 6.4C, Paragraph 6.4D, Paragraph 6.4E, Paragraph 6.4F and Subsection 6.5.
30 He said that when he wrote this evidence he wasn't sure if the Board would treat all of those as a single
31 thing or pick and choose therefore at the end of each of these discussions there is a narrative IS/IS NOT
32 included in the recommendation by the ZBA. He said that personally he believes that the Board should take
33 this as an all or nothing and those decision points could be removed. He said that the evidence reviews the
34 changes that have been made since ELUC reviewed it the first time and many times there has been no
35 change. He said that the only change is adding greater flexibility in regards to the stockpiles which is under
36 Paragraph A. He said that Paragraph B. discusses ILR10 compliance. He said that the Ordinance has
37 changed a lot from what ELUC saw so evidence regarding ILR10 compliance, even though it is a very small
38 part of the Ordinance, is two pages long because it reviews every change that is being made. He said that
39 once the Board decides whether it HAS or HAS NOT recommended the alternative the Board does not need
40 to say IS/IS NOT at the end therefore additional editing will be required.

1 Mr. Hall stated that the only new fee added in this amendment is for the Minor LDEC Permit and the fee is
2 \$50 in addition to the Zoning Use Permit fee. He said that the fee is not meant to recapture all of the costs
3 because if staff spends more than one hour discussing something with a citizen staff has spent more than \$50
4 of the County's time.

5
6 Ms. Griest asked about the applicability of these permits to those parcels that have a pre-annexation or
7 annexation agreement with the municipalities and how those parcels are exempt. She asked if that
8 exemption further narrows our sampling of permits with respect to Champaign, Urbana and Savoy with
9 respect to if they are within the one and one-half mile jurisdiction to receive approval they have to go
10 through those municipalities and if they have access to or would have access to a sanitary sewer they are
11 required to enter into that pre-annexation agreement before they can obtain a permit. She asked if staff had
12 already factored this situation into the computation of the numbers.

13
14 Mr. Hall stated yes, the numbers indicated already exclude those properties which already have pre-
15 annexation agreements.

16
17 Ms. Griest asked if those parcels will still need to obtain a permit through the County because she has a pre-
18 annexation agreement for her parcel and she obtained her permit through the County.

19
20 Mr. Hall stated that Ms. Griest's permit was approved before the current court decision regarding the
21 *Chatham* decision.

22
23 Ms. Griest stated that she obtained her permit through the County after the court case. She said that she
24 received approval for the creation of the parcel from the City of Urbana but any permitting went through the
25 County.

26
27 Mr. Hall stated that the City of Urbana loves to avoid their responsibilities related to the *Chatham* decision
28 because it requires them to spend time and money on properties for which they do not receive any tax
29 benefits.

30
31 Ms. Griest stated that the City of Urbana would not allow her to create her lot without a pre-annexation
32 agreement.

33
34 Mr. Hall stated that normally the City of Urbana does not require a pre-annexation agreement just for
35 subdivision approval. He said that if Ms. Griest had built her building under a City of Urbana permit, there
36 would have been applicable building codes required and there were no building codes required under the
37 County.

38
39 Ms. Griest stated that there is a big push related to the sanitary sewers and in Urbana Township when a
40 parcel that is connected to the city sewer and was connected prior to the intergovernmental agreement gets
41 sold, the City of Urbana is not requiring that the new homeowners enter into an annexation agreement with

1 Urbana and they are annexing those parcels because they are connected to the sanitary sewer. She said that
2 as this all relates to Case 769-AT-13 will this situation exclude a lot of the parcels that are in the one and
3 one-half mile jurisdiction, because that is a large portion of the MS4 area.
4

5 Mr. Hall stated that our current policies are supposed to be following whether there is a pre-annexation
6 agreement or not. He said that if staff does not know there is a pre-annexation agreement then staff cannot
7 act appropriately. He said that he is not aware of any push by the City of Urbana. He said that it the City of
8 Urbana’s call related to whether or not there is a new sewer connection and a new sewer connection triggers
9 the requirement for an annexation agreement. He said that from what he has observed over the years the
10 City of Urbana tries to minimize annexation agreements and they have fewer than the City of Champaign.
11 He said that this will not change that because we are already supposed to be doing it which is to say if there
12 is a pre-annexation agreement staff does not write permits on the property and it is between the landowner
13 and the municipality. He said that if there is construction related clearly that would go to the city but if Case
14 773-AT-14 is adopted and the grading permit you do not have to have a sewer connection to do grading and
15 Case 773-AT-14 would be unrelated.
16

17 Ms. Griest stated that her question was related to Case 769-AT-13 and if it would further reduce our
18 statistics.
19

20 Ms. Lee stated that all of the MS4 area is outside of the jurisdiction of the municipalities.
21

22 Mr. Hall stated no. He said that the MS4 properties are not within the municipal area but they are within the
23 one and one-half mile jurisdictional area and sometimes they will be under a pre-annexation agreement but
24 most times they will not. He said that he would imagine that the municipalities would be willing to take
25 over all of our permitting in the MS4 area but he knows that a selective part of the County Board would not
26 want to turn over that permitting authority because they are the County Board member’s constituents and
27 they want to be responsible for permitting their constituents. He said that the County could manage to get
28 out of this MS4 requirement if we would just let the municipalities do all of those permits but he has no
29 reason to believe that the County Board will be interested in that.
30

31 Mr. Herb Schildt requested the opportunity to sign the witness register to present testimony.
32

33 Mr. Thorsland called Herb Schildt to testify.
34

35 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet, asked Mr. Hall to indicate what sections of the
36 ordinance are optional.
37

38 Mr. Hall stated that Draft Version of the Storm Water Management and Erosion Control Ordinance dated
39 December 5, 2014, indicates that parenthetical statement in italics underneath each of the optional sections.
40 He said that sections are as follows: Sections 6.1F, 6.4, and 6.5.
41

- 1 Mr. Schildt stated that he just wanted to be clear that the optional sections are 6.1F, all of 6.4 and all of 6.5.
2
- 3 Mr. Hall stated that Section 6 includes one of the requirements that Mr. Schildt had previously asked
4 questions about regarding the location of the sump pump outlets. Mr. Hall stated that Mr. Schildt's question
5 is addressed in Sections 6.1E and 6.1D and they are not optional.
6
- 7 Mr. Schildt asked Mr. Hall if Technical Manuals D & E only apply to LDEC permits outside of the MS4
8 area.
9
- 10 Mr. Hall stated no.
11
- 12 Mr. Schildt asked if a LDEC permit only applies within the MS4 area.
13
- 14 Mr. Hall stated yes.
15
- 16 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Schildt and there were none.
17
- 18 Mr. Thorsland stated that the Board will take a five minute break. He said that he understands that there are
19 a lot of documents to review but it would be very helpful if the Board would start from tonight's
20 memorandum and move backwards and then start again ending with tonight's memorandum.
21
- 22 Mr. Hall stated that in the Draft Finding of Fact that was mailed with the January 9, 2015, Supplemental
23 Memorandum there were little sections of new evidence that were added but they are unlined and the Board
24 should do a quick review to see if any of the evidence is significant enough to actually point out when the
25 Board resumes.
26
- 27 **The Board recessed at 8:24 p.m.**
28 **The Board resumed at 8:30 p.m.**
29
- 30 Mr. Hall stated that the Draft Finding of Fact includes new evidence that the Board has not seen. He said
31 that page 5 of the Draft Finding of Fact indicates Policy 8.4.2 which states the following: "The County will
32 require storm water management designs and practices that provide effective site drainage, protect
33 downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that
34 support healthy aquatic ecosystems." He said that the optional minimum requirements would HELP
35 ACHIEVE Policy 8.4.2 and so will ILR10 compliance.
36
- 37 Mr. Hall stated that Page 16 includes evidence regarding Policy 8.5.1 which states the following: "For
38 discretionary development, the County will require land use patterns, site design standards and land
39 management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and
40 restore habitat." He said that the underlined text indicates that the proposed text amendment will NOT
41 IMPEDE the achievement of Policy 8.5.1. He said that the proposed text amendment will not achieve Policy

1 8.5.1 because it deals with such a small area that you can't say that it will actually save habitat.
2

3 Mr. Hall stated that page 23 includes shaded text which will be relocated in the Finding of Fact and the area
4 that the text is relocated to is also shaded. He said that item #16.B.(4)a.(b) has been relocated to page 26,
5 item 16.B(5)(b) and item #16.B(4)a.(c) has been relocated to page 27 item 16.B(6)b. He said that the shaded
6 area discusses staffing impacts related to the optional minimum requirements and he believes that it will
7 have little impact on staffing requirements.
8

9 Mr. Hall stated that pages 25 and 26 include new evidence about staffing impacts related to ILR10
10 compliance and text was added regarding the added construction cost related to the optional minimum
11 requirement. He said that he spoke before about how any added cost would be more or less directly related
12 to the problems that have to be fixed with the optional minimum requirements. He said that pages 26 and 27
13 include evidence about the added cost for ILR10 compliance and theoretically there would be no added cost
14 because ILR10 compliance is already a requirement. He said that the reality is that some people avoid ILR10
15 compliance today and if we start requiring it for County permits they will no longer be able to avoid it. He
16 said that evidence indicates that there may be some new cost and it would help the EPA enforce ILR10
17 compliance.
18

19 Ms. Lee stated that item # (6) on page 26 indicates that the added cost that could result from requiring ILR10
20 compliance for county permitting of land disturbance outside of the Champaign County MS4 Jurisdictional
21 Area. She asked if we just discussed that Case 769-AT-13 covers outside of the MS4 area.
22

23 Mr. Hall stated that he remembers some question regarding inside and outside of the MS4 area. He said that
24 the ILR10 compliance, the option, is all outside of the MS4 area but inside the MS4 area, we have to require
25 ILR10 compliance.
26

27 Ms. Lee asked if this text indicates that we are going to require it outside of the MS4 area.
28

29 Mr. Randol stated that requiring ILR10 compliance outside of the MS4 is the option and the Board could
30 decide not to require it.
31

32 Mr. Hall stated that the evidence has to be written as if it was to be required and this is what the impact
33 would be. He said that pages 27 and 28 include important evidence regarding the impact of the optional
34 minimum requirements on the Zoning Ordinance's purpose in promoting public health, safety, comfort,
35 morals, and general welfare throughout the County. He said that given that that the optional minimum
36 requirements are what would come into play when staff receives a complaint from a neighbor then requiring
37 those would help achieve or promote public health, safety, comfort, morals, and general welfare throughout
38 the County and the only cost would be whatever you have to do in any given instance. He said that it is a
39 great value for the cost unless he is overlooking something in which case new evidence will need to be
40 added.
41

1 Mr. Hall stated that pages 31 and 32 include evidence regarding the size of the MS4 Jurisdictional Area. He
2 said that the MS4 area is 1% of the County’s jurisdiction and it may get larger in the future.

3
4 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

5
6 Mr. Thorsland stated that this text amendment is very important and every member of the Board should have
7 an opportunity to work on it. He said that Mr. Passalacqua will be absent from the January 29th meeting and
8 Ms. Griest will be absent from the February 12th meeting therefore he hopes that everyone will be present for
9 the February 26th meeting. He said that a continuance to January 29th would allow the Board to continue
10 working through the information and the Board can receive input from Ms. Capel with the intent of not
11 finalizing the case but moving it forward.

12
13 Mr. Thorsland entertained a motion to continue Case 769-AT-13 to the January 29, 2015, public hearing.

14
15 **Ms. Griest moved, seconded by Mr. Randol to continue Case 769-AT-13 to the January 29, 2015,**
16 **public hearing. The motion carried by voice vote.**

17
18 Mr. Hall noted that if the first opportunity for the whole Board to vote on Case 769-AT-13 is in fact on
19 February 26th the one month would be worth it to give every Board an opportunity to weigh in on that vote
20 because this is an important amendment.

21
22 **773-AT-14 Petitioner: Zoning Administrator Request to amend the Champaign County Storm Water**
23 **Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by adding**
24 **the following: A. Add a requirement for a Grading and Demolition Permit for any grading or**
25 **demolition that disturbs an acre or more of land or for any grading or demolition that is part of a**
26 **larger common plan of development in which one acre or more of land disturbance will occur, and**
27 **that is not related to any proposed construction; and B. Add fees for Grading and Demolition Permits;**
28 **and C. Add required information to be provided in the application for a Grading and Demolition**
29 **Permit; and D. Add a requirement that any grading or demolition pursuant to a Grading or**
30 **Demolition Permit shall comply with the Illinois Environmental Protection Agency’s ILR 10 General**
31 **Storm Water Permit for Construction; and E. Add a requirement that any demolition pursuant to a**
32 **Demolition Permit shall comply with the Illinois Environmental Protection Agency’s regulations**
33 **enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos; and F.**
34 **Add prohibitions against changing the flow of water and blocking the flow of water; and G. Add other**
35 **requirements related to Grading and Demolition Permits.**

36
37 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
38 the witness register for that public hearing. He reminded the audience that when they sign the witness
39 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
40 time.

41

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

2
3 Mr. John Hall, Zoning Administrator, stated that these cases have been going on so long that it is easy to
4 forget how long ago it was that the Board reviewed this case. He said that since the last time that the Board
5 has reviewed this case staff has introduced the general exemptions therefore eliminating a lot of text from
6 this particular amendment because a lot those exemptions are part of the general exemptions. He said that in
7 the previous version we had a copy of the ILR10 Notice of Intent but in the current version of Case 769-AT-
8 13 whether or not ILR10 applies is located in Section 4.1.A. it was therefore deleted from Section 6 under
9 Case 773-AT-14. He said that the only thing at issue for Case 773-AT-14 is whether we require a
10 demolition and grading permit or do we not. He said that there are no fees proposed in Case 773-AT-14
11 although fees were proposed in the legal advertisement because we are not going to do a lot on the grading
12 and demolition permit other than taking it in and making sure that it is complete. He said that the only
13 reason he is proposing a demolition and grading permit is so that the optional minimum requirement in Case
14 769-AT-13 can be made to apply in these instances. He said that if we do not require a grading permit he
15 does not believe that the courts would allow us to apply the minimum optional requirements to instances of
16 grading not related to other construction because we are not requiring a permit. He said that the logic of
17 Case 773-AT-14 is that those protections apply in instances of demolition or grading.

18
19 Mr. Passalacqua asked if a contractor is going to do some grading on property and he submits a permit will
20 there be an inspection at some point or will the inspection only be complaint driven.

21
22 Mr. Hall stated that there is no inspection and the contractor will only need to apply for a permit if he is
23 grading one acre or more and anything less that is not related to anything else does not require a permit.

24
25 Mr. Passalacqua asked if he is not satisfied with his property because when he mows it is rough therefore he
26 hires a contractor to grade ¾ of an acre of his 1.99 acre parcel. He said that he does not need to apply for a
27 permit but ILR10 will apply.

28
29 Mr. Hall stated that no permit and not ILR10 is required because only ¾ of an acre is being disturbed.

30
31 Mr. Passalacqua stated that in this instance this would be grading not related to anything else and no permit
32 is required.

33
34 Mr. Hall stated yes. He said that he believes that the optional minimum requirements would apply if Mr.
35 Passalacqua's grading created problems for his neighbors. He requires grading permits; therefore, that gives
36 us the right to apply the optional minimum requirements. He said that in Mr. Passalacqua's case, however,
37 he is not grading one acre or more but the optional minimum requirement will apply.

38
39 Mr. Passalacqua stated that this is much like his 11.5' x 11.5' shed which did not require a Zoning Use
40 Permit but it was still required to meet the requirements of the Zoning Ordinance for setbacks and yards.

41

1 Mr. Hall stated yes.

2

3 Mr. Randol stated that the only reason why an inspection would be completed would be because a complaint
4 was filed with staff.

5

6 Mr. Hall stated yes.

7

8 Mr. Hall stated that Attachment B. for Case 773-AT-14 is provided for the Board's review. He said that the
9 Board has also received a Preliminary Finding of Fact for Case 773-AT-14 and there is evidence throughout
10 the Finding of Fact.

11

12 Mr. Thorsland asked the Board if there were any questions regarding any of the information included in the
13 Preliminary Finding of Fact for Case 773-AT-14.

14

15 Ms. Griest stated that earlier Mr. Hall indicated that there were no fees proposed for a demolition and
16 grading permit although page 19, item #E, indicates the following: At the time the application is filed for a
17 Demolition Permit or a Grading Permit a fee of \$50 shall be paid.

18

19 Mr. Hall stated that Ms. Griest is correct and the last page of the Supplemental Memorandum dated January
20 9, 2015, retains the \$50 fee.

21

22 Ms. Griest asked if the \$50 fee should be stricken.

23

24 Ms. Lee stated that item B. of the description also indicates the following: Add fees for Grading and
25 Demolition Permits.

26

27 Mr. Hall stated that he knows that description creates the case in which the County Board can act.

28

29 Mr. Hall stated that \$50 may capture most of staff's costs for a grading permit because there is so little work
30 involved and if not having a fee is what it takes to get the grading permit requirement in place, then he would
31 say don't add the fee; but this is for the Board to determine.

32

33 Mr. Randol asked Mr. Hall for how small of an area would this be applicable. He asked if he wanted to
34 grade where the downspouts are located, which may be less than ¼ acre, would he be required to obtain a
35 grading permit.

36

37 Mr. Hall stated no. He said that one acre is the threshold.

38

39 Mr. Randol stated that the fee would apply.

40

41 Mr. Passalacqua stated no. He said that if the grading is less than one acre no permit is required although the

1 grading must be in compliance.

2
3 Mr. Hall stated that the grading permit kicks in at one acre or more. He said that currently the County has a
4 three acre parcel outside of Urbana that has been graded with no construction on it but staff received
5 complaints the entire time that the grading took place. Mr. Hall said that the property owner would have
6 paid \$50 and received a permit. He said that eventually the Illinois EPA found out about the grading and
7 made the property owner apply for an ILR10.

8
9 Mr. Randol asked Mr. Hall to indicate the cost of an ILR10.

10
11 Mr. Hall stated that an ILR10 costs more than \$50.

12
13 Ms. Lee asked Mr. Hall when ILR10 applies when doing demolition and grading.

14
15 Mr. Hall stated that ILR10 applies if the property owner is doing one acre or more. He said that it would
16 require the application fees for the ILR10 and would require erosion and sedimentation controls which could
17 be substantial at a few thousand dollars.

18
19 Ms. Lee stated that if it is already required for one acre or more why does the EPA want the County involved
20 as well.

21
22 Mr. Randol stated that they want the County involved for enforcement.

23
24 Mr. Hall stated that he wants to give the County Board the option to say that they will have their staff go out
25 and enforce erosion and sedimentation controls when a complaint is received. He said that regarding the
26 case near Urbana the neighbors called the EPA and they received action and mud was no longer tracked on
27 their road. He said that when those neighbors called staff we had no idea of what was going on therefore
28 staff had to visit the property.

29
30 Ms. Lee asked if a public utility, such as Ameren, is subject to ILR10.

31
32 Mr. Hall stated that a public utility is subject to ILR10 but that is between them and the EPA.

33
34 Ms. Lee asked if a citizen complained would the EPA do anything about it since it is a public utility.

35
36 Mr. Hall stated that the EPA has talked to Ameren about the new power line that they plan to install. He said
37 that as short staffed as the EPA is they always go out and investigate a complaint when it is received.

38
39 Ms. Griest asked Mr. Hall if they had ILR10 compliance requirement for a permit Case 773-AT-14 would
40 also require them to get a permit through the County.

41

1 Mr. Hall stated yes.
2
3 Mr. Passalacqua stated that it is double indemnity.
4
5 Mr. Hall stated that they are already subject to the ILR10 requirement.
6
7 Mr. Passalacqua stated that they are already subject to the ILR10 requirement regardless of whether we adopt
8 this ordinance.
9
10 Mr. Hall stated yes.
11
12 Mr. Passalacqua asked if the County is doing this for the \$50 or so that the County answers the call instead
13 of the Illinois EPA.
14
15 Mr. Hall stated that the Illinois EPA will also answer the call.
16
17 Mr. Passalacqua stated that it is his understanding that the State and Federal governments are coming out to
18 the counties requesting that they do this.
19
20 Mr. Hall stated that ILR10 only applies and the EPA will only go out when there is one acre or more being
21 disturbed. He said that the main reason for the optional minimum requirements and the grading permit is so
22 that if there is less than one acre the optional minimum requirements still apply and you still cannot cause
23 harm to your neighbors. He said that the EPA will not come out to do anything because ILR10 is not
24 required.
25
26 Mr. Passalacqua stated that we have to write this to guarantee compliance even if it is under the minimums.
27
28 Mr. Hall stated yes, because he does not believe that the courts would not allow us to apply something to
29 grading when we made the decision not to require a grading permit.
30
31 Mr. Passalacqua stated that we will have to have a requirement for building permits on covered buildings to
32 be able to enforce compliance on buildings that do not require a permit. He said that if we did not have a
33 building permit on a home we could not enforce compliance on a structure that did not require a permit. He
34 said that without this amendment we have no enforcement on compliance even if it is under the minimum.
35
36 Mr. Hall stated yes.
37
38 Ms. Lee asked Mr. Hall if staff had the enforcement power now.
39
40 Mr. Hall stated no, the enforcement would fall to the Illinois EPA. He said that to the extent of giving
41 people the recourse when they have a complaint will further the Zoning Ordinance's objective of public

1 welfare.
2
3 Ms. Lee stated that currently when staff receives complaints from people regarding the dirt on the road staff
4 cannot do anything about it.
5
6 Mr. Hall stated that he cannot do anything about dirt on the road unless it is a County Highway and then he
7 will contact Jeff Blue, Champaign County Highway Engineer, and then Jeff Blue will do something about it.
8 He said that if he knows a highway commissioner is concerned he will let him know but the highway
9 commissioners loath upsetting any member of their constituency, at least in his experience. He said that he
10 hasn't yet met a highway commissioner who is deeply concerned about mud on the road and perhaps that is
11 because they cannot do anything about agricultural mud.
12
13 Mr. Hall stated that the Finding of Fact for Case 773-AT-14 includes the Board decision points and those
14 decision points are indicated in bold italics. He said that he included the \$50 fee just because we know this
15 is a new task that we will be doing but this is much less work than the Minor LDEC permit so he believes
16 that we could justify not having the fee. He said that we all know that if the County Board wants to add a fee
17 later they will. He said that when the Board finally takes action on Case 773-AT-14 the issue of the fee is
18 another part of defining the amendment that can be recommended to the County Board.
19
20 Ms. Griest stated that a multi-acre parcel that is staged in sections less than one acre for grading and seeding
21 will get around the requirement as long as it has re-established before they disturb another section.
22
23 Mr. Hall stated yes. He said that if they could do each of those phases and achieve final stabilization before
24 they have one acre in total disturbed at any time then that is exactly what the NPDES wants which is no
25 more than one acre disturbed at any time.
26
27 Ms. Lee stated that Attachment CCC indicates Case 769-AT-14 therefore should it be Case 769-AT-13 or is
28 the table for Case 773-AT-14.
29
30 Mr. Hall stated that Attachment CCC is the new table and it is only for Case 769-AT-13.
31
32 Ms. Griest stated that the Documents of Record on Pages 14 & 15 in the Finding of Fact for Case 773-AT-14
33 indicates Case 769-AT-14 rather than Case 769-AT-13.
34
35 Mr. Hall stated that he will correct these typos.
36
37 Mr. Thorsland stated that if the Board sees any other typos in the text they should contact staff.
38
39 Mr. Thorsland asked the Board if there were any other questions for Mr. Hall regarding Case 773-AT-14 and
40 there were none.
41

1 Mr. Thorsland entertained a motion to continue Case 773-AT-14 to the January 29, 2015, public hearing.

2
3 **Ms. Lee moved, seconded by Mr. Randol to continue Case 773-AT-14 to the January 29, 2015, public**
4 **hearing. The motion carried by voice vote.**

5
6 **6. New Public Hearings**

7
8 **Case 791-AT-14 Petitioner: Zoning Administrator Request to amend the standard conditions and**
9 **special provisions for a ‘heliport restricted landing area’ and ‘restricted landing area’ in Section 6.1.3**
10 **of the Champaign County Zoning Ordinance to make permanent and to correct the amendment**
11 **adopted in Case 768-AT-13 regarding ‘heliport restricted landing area’ and ‘restricted landing area’,**
12 **as follows: Part A. Revise the standard conditions and special provisions in Section 6.1.3 for a**
13 **‘Heliport or Heliport Restrict Landing Area’ as follows: 1. Replace “runway” with “Final Approach**
14 **and Takeoff (FATO) Area”; and 2. Delete the paragraph preceding Standard Condition 2. that limits**
15 **the time that Standard Conditions 2. and 3. will be in effect to no more than 365 days from the date**
16 **that they were adopted; and 3. Add a new Standard Condition 2. That indicates that the following**
17 **Standard Conditions apply on to a HELIPORT-RESTRICTED LANDING AREA; and 4. Renumber**
18 **existing Standard Condition 2. to be new Standard Condition 2.A.; and 5. Add a new Standard**
19 **Condition 2.B. that requires that no part of a Final Approach and Takeoff (FATO) Area may be**
20 **closer than 1,320 feet from the nearest dwelling under different ownership than the HELIPORT-**
21 **RESTRICTED LANDING AREA; and 6. Add a new Standard Condition 2.C. that requires that no**
22 **part of a Final Approach and Takeoff (FATO) Area may be closer than 280 feet from the nearest**
23 **property under different ownership than the HELIPORT-RESTRICTED LANDING AREA; and 7.**
24 **Delete existing Standard Condition 3. And add a new Standard Condition 2.D. to provide that the**
25 **requirement of Section 4.3.8 notwithstanding, any DWELLING or LOT established after a**
26 **HELIPORT-RESTRICTED LANDING AREA is established is not required to comply with Standard**
27 **Conditions 2.B. or 2.C. for a HELIPORT/RESTRICTED LANDING AREA and no Special Use**
28 **Permit shall be required. Part B. Revise the existing standard conditions and special provisions to**
29 **Section 6.1.3 for a ‘Restricted Landing Area’ as follows: 1. Replace all references to Section 4.3.7 with**
30 **references to Section 4.3.8; and 2. Replace all references to “Table 5.3 note (12)” with references to**
31 **“Footnote 11 in Section 5.3”; and 3. Delete the paragraph preceding Standard Condition 5. that limits**
32 **the time that Standard Conditions 5. and 6. will be in effect to no more than 365 days from the date**
33 **that they were adopted; and 4. Add a new Standard Condition 6 that requires that no part of a**
34 **runway may be closer than 1,320 feet from the nearest dwelling under different ownership than the**
35 **RESTRICTED LANDING AREA; and 5. Add a new Standard Condition 7 that requires that no part**
36 **of a runway may be closer than 280 feet from the nearest property under different ownership than the**
37 **RESTRICTED LANDING AREA; and 6. Delete Standard Condition 6 and add a new Standard**
38 **Condition 8 to provide that the requirement of Section 4.3.8 notwithstanding, any BUILDING or**
39 **STRUCTURE or USE or LOT established after a RESTRICTED LANDING AREA is established is**
40 **not required to comply with Standard Conditions 6 or 7 for a RESTRICTED LANDING AREA AND**
41 **no Special Use Permit shall be required provided there is compliance with Standard Condition 3 for a**

1 **RESTRICTED LANDING AREA.**

2

3 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
4 the witness register for that public hearing. He reminded the audience that when they sign the witness
5 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
6 time.

7

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

9

10 Mr. John Hall, Zoning Administrator, stated that this is the permanent amendment that is intended to replace
11 Case 768-AT-13. He said that Case 791-AT-14 is complete as far as staff is concerned and he generally does
12 not recommend that the Board take final action at the first meeting, but the Board could if the Board is so
13 inclined.

14

15 Mr. Hall stated that the one thing that he would like to bring to the Board's attention is that in Case 768-AT-
16 13, the only separation that the Board spent the most time discussing was the separation to a dwelling under
17 other ownership. He said that staff provided information which indicated the average for the County and
18 during the interim amendment the Board was not concerned with the difference between the proposed
19 regulation and the average because Case 768-AT-13 was just an interim amendment. He said that perhaps
20 nothing has happened during the interim to cause the Board to reduce the 1,320 foot separation that was
21 adopted in Case 768-AT-13 but this time it is in the Finding of Fact and like everything else in the Finding
22 of Fact it is for the Board's approval.

23

24 Mr. Hall stated that on Page 20 of the Preliminary Finding of Fact dated January 15, 2015, there is an item of
25 evidence #16.E.8 which states the following: This Case 791-AT-14 does not propose any substantive
26 changes to the requirements that were established in the previous related Case 768-AT-13 and adopted in
27 Ordinance No. 944. He said that if item of evidence #16.E. 8 is true then the Board could leave it the way it
28 is but if it is not true staff could possibly obtain additional information for the next meeting or the Board
29 could just debate the current information amongst themselves. He said that this is one thing that he wants to
30 make sure that the Board spends some time on before this case is finalized.

31

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

33

34 Mr. Randol asked Mr. Hall if this case is pertinent to any one issue or anyone that would desire to install a
35 helicopter landing site.

36

37 Mr. Hall stated that Case 768-AT-13 and Case 791-AT-14 relate only to helicopter restricted landing areas
38 and restricted landing areas, not airports, and Case 791-AT-14 only relates to those helicopter restricted
39 landing areas and restricted landing areas that are within a certain distance of the CR District. He said that
40 the CR District was intentionally set up to have mature trees and mature trees and glide ratios don't mix. He
41 said that Case 791-AT-14 also establishes a separation between and HRLA and an RLA and a dwelling

1 under separate ownership so in effect it is adding a protection for all dwellings in the rural area so that no
2 one can get closer than that with an RLA unless this Board would waive that standard condition.

3
4 Mr. Randol asked Mr. Hall how Case 791-AT-14 will affect other operations that are already in existence
5 and may not fit these guidelines.

6
7 Mr. Hall stated that existing operations are grandfathered.

8
9 Mr. Randol stated that there is a crop duster in Seymour that has been in operation for years and he is not
10 sure that this existing crop dusting operation would comply with these guidelines.

11
12 Mr. Hall stated that these guidelines would not affect a bonafide agricultural crop dusting restricted landing
13 area because it is agriculture and is exempt. He said that any existing RLA indicated on Page 20 of the
14 Finding of Fact that is closer than 1,320 feet from a dwelling under separate ownership is nonconforming.
15 He said that an RLA cannot be expanded beyond what IDOT allows it to be and none of those have
16 conditions which limit them to anything less therefore by definition this amendment cannot affect existing
17 restricted landing areas.

18
19 Ms. Lee stated that a previous hearing Mr. Passalacqua suggested that the separation distance be 1,600 feet
20 rather than 1,320 feet. She asked Mr. Hall if the Board could increase the separation distance to 1,600 feet.

21
22 Mr. Hall stated that as long as the Board has evidence to supporting that the Board could set the separation
23 distance at whatever distance the Board thinks it should be but legally the Board needs evidence to support
24 any increase.

25
26 Mr. Passalacqua stated that the Board justified the 1,320 feet separation that was completed in Case 768-AT-
27 13 regardless of the fact there were so many other average numbers. He said that he wasn't moved by the
28 other averages for Case 768-AT-13 and he hasn't seen anything happen since then that would change his
29 mind regard a separation of 1,320 feet. He said that if someone proposes an RLA that doesn't conform they
30 will be before this Board indicating why it doesn't conform therefore he is perfectly comfortable with
31 leaving the separation distance at 1,320 feet.

32
33 Mr. Thorsland stated that he agrees with Mr. Passalacqua. He said that the Board has set a basic framework
34 and if someone has some sort of extenuating circumstance they can come before the Board to request that the
35 separation distance be revised. He said that he agrees with Mr. Hall in that having the separation distance of
36 1,320 feet from the nearest dwelling under different ownership for a year the Board would need to have
37 evidence to support extending the separation distance to 1,600 feet.

38
39 Mr. Passalacqua stated that this is the type of case where separation is the key because there will be two sets
40 of people on separate sides of the fence and separation may be what gets the petitioner their permit. He said
41 that he is perfectly happy with a separation distance of 1,320 feet.

1

2 Mr. Thorsland stated that this is the first public hearing for this case therefore the Board tends not to do
3 everything in one night but because there are not a lot of changes it may be possible to finalize this case
4 tonight. He said that he would like to begin reviewing the changes and decision points in the Finding of
5 Fact. He said that all of the LRMP Goals are the same and personally does not see any reason to change any
6 of those findings. He said that Pages 19 and 20 discusses the 1,320 separation distance and points out that
7 there has been no evidence presented that would cause the Board to reduce or increase the separation
8 distance.

9

10 Mr. Hall stated that there have been one or two accidents in the past year which could be considered
11 evidence.

12

13 Mr. Passalacqua asked Mr. Hall if he was referring to the plane crash in Rantoul.

14

15 Mr. Hall stated that he believed there was an accident in Rantoul and one other one also.

16

17 Ms. Griest stated that there was an accident between Champaign and Mahomet which involved a helicopter
18 crop duster.

19

20 Mr. Passalacqua stated that the accident in the Rantoul area occurred over two years ago.

21

22 Mr. Thorsland stated that neither one of these accidents were in the prevue of this case.

23

24 Ms. Griest stated that the crop duster accident involved a high tension power line and had nothing to do with
25 landing.

26

27 Mr. Thorsland stated that the accident in Rantoul was actually on the Chanute Air Force Base airport landing
28 strip therefore it has nothing to do with this case.

29

30 Mr. Passalacqua stated that even though the Rantoul accident has nothing to do with this case it would be
31 important data for this case in regards to distances.

32

33 Mr. Thorsland asked the Board if they desired to add this accident data to the findings and the Board
34 indicated that they did not. He noted that this case takes Case 768-AT-13 from a temporary one year
35 amendment to a permanent ordinance change. He said that Case 791-AT-14 would be the framework that all
36 new restricted landing areas would be required to operate under but it would not affect any existing restricted
37 landing areas. He said that if someone comes before the Board with a unique circumstance which would
38 require a different separation the Board will have the flexibility to hear their case.

39

40 Mr. Passalacqua asked Mr. Hall if the Board heard testimony regarding the requested Jones' RLA during six
41 hearings.

1

2 Mr. Hall stated that the Board heard testimony regarding that case during more than six hearings.

3

4 Mr. Passalacqua stated that he was just indicating that the Board went over the case with a fine tooth comb
5 and has reviewed almost every angle related to this case. He said that he is comfortable with moving
6 forward with final action for this case tonight.

7

8 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
9 regarding this case.

10

11 Mr. Thorsland called Jean Fisher to testify.

12

13 Ms. Jean Fisher, who resides at 195 County Road 1600E, Villa Grove, stated that she is one of the parties
14 that gave testimony in Case 768-AT-13. She said that she lives in the CR district and has for over 27 years.
15 She said that a petition consisting of 33 signatures from landowners in a specific area requested that a
16 proposed restricted landing area be denied in the CR district. She said that people were opposed to the RLA
17 due to reasons regarding the protection and preservation of the Conservation-Recreation District, the
18 inhabitants, water shed and trees. She said that while going through the previous case it appeared evident
19 that it would be helpful to have a new ordinance with restrictions in place for the protection of the CR
20 district. She said that a lot of background and research had been completed in determining how other
21 counties address the separation distance from an RLA and a dwelling under different ownership so that a
22 property owner would not have an RLA within 110 feet of his bedroom. She said that proposals were
23 submitted to the Zoning Administrator and staff worked very hard in putting this amendment together. She
24 said that staff had a lot of graphing and technical work to complete for this amendment and she would like to
25 thank staff for their efforts.

26

27 Ms. Fisher stated that she supports Case 791-AT-14 and would request that Case 791-AT-14 be
28 recommended for final action as soon as possible to continue the protection of the CR district. She said that
29 the group of citizens who have been involved in this process is happy with the proposed amendment and
30 would appreciate the Board's support in approving this case.

31

32 Mr. Thorsland asked the Board if there were any questions for Ms. Fisher and there were none.

33

34 Mr. Thorsland asked if staff had any questions for Ms. Fisher and there were none.

35

36 Ms. Lee asked Mr. Thorsland if there is any reason why the Board could not recommend final action tonight.

37

38 Mr. Thorsland stated no.

39

40 Ms. Lee stated that she understands that Mr. Hall stated the generally the Board will not recommend final
41 action within one meeting but the Board has dealt with this before.

1
2 Mr. Thorsland stated that the fundamental question is that the Board did work very hard to come up with the
3 two numbers which establish the entire ground rules. He said that if the Board is comfortable with these
4 numbers, which have been in place for one year with no problems then the Board could move forward
5 tonight. He said that the numbers would stay at 1,320 feet for the dwelling and 280 feet for the property line.
6

7 Mr. Thorsland stated that Page 23 of the Finding of Fact includes the Summary Finding of Fact and item
8 1.B. indicates that the proposed amendment will NOT IMPEDE or is NOT RELEVANT TO the following
9 LRMP Goal(s):1, 2, 3, 4, 5, 6, 7, 9, and 10. He asked the Board if they agreed with Item #1.B. and they
10 agreed. Mr. Thorsland stated that LRMP Goal 8 is the one goal that is most involved in this amendment.
11

12 Mr. Thorsland read item #1 of the Summary Finding of Fact as follows: A. Regarding Goal 8: Objective 8.5
13 requiring the County to encourage the maintenance and enhancement of aquatic and riparian habitats because
14 while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will
15 HELP ACHIEVE the following the same as for the previous and related Case 768-AT-13: Policy 8.5.1.
16 requiring discretionary development to preserve existing habitat, enhance degraded habitat and restore
17 habitat (See Item 18.A.(2)).; and Policy 8.5.2 requiring discretionary development to cause no more than
18 minimal disturbance to the stream corridor environment (See Item 18.A.(3)).; He said that Objective 8.6 that
19 avoids loss or degradation of habitat will HELP ACHIEVE the following the same as for the previous and
20 related Case 768-AT-13: Policy 8.6.2 requiring new development to minimize the disturbance of habitat or
21 to mitigate unavoidable disturbance of habitat (See Item 19.B.(2)).; and based on achievement of the above
22 Objective and Policies and because it will either not impede or is not relevant to the other Objectives and
23 Policies under this goal, the proposed map amendment will HELP ACHIEVE Goal 8 Natural Resources the
24 same as for the previous and related Case 768-AT-13. Mr. Thorsland asked the Board if they agreed to Item
25 1.A. and the Board agreed.
26

27 Mr. Thorsland stated that Item 1.C indicates that overall, the proposed text amendment will HELP
28 ACHIEVE the Land Resource Management. He asked the Board if they agreed with Item 1.C and the Board
29 agreed.
30

31 Mr. Thorsland continued to Summary Finding of Fact Item #2. as follows: The proposed Zoning Ordinance
32 map amendment will HELP ACHIEVE the purpose of the Zoning Ordinance the same as for the previous
33 and related Case 768-AT-13 because: The proposed text amendment WILL conserve the value of land,
34 BUILDINGS, and STRUCTURES throughout the COUNTY the same as for the previous and related CASE
35 768-AT-13 (Purpose 2.O (b); see Item 16.B.); and the proposed text amendment WILL promote the public
36 health, safety, comfort, morals, and general welfare the same as for the previous and related Case 768-AT-13
37 (Purpose 2.0(3); see Item 16.E).; and the proposed text amendment WILL regulate and limit the intensity of
38 the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings
39 and structures the same as for the previous and related Case 768-AT-13 (Purpose 2.0(h); see Item 16.H).; and
40 the proposed text amendment WILL classify, regulate, and restrict the location of trades and industries
41 and the location of buildings, structures, and land designed for specified industrial, residential, and other

1 land uses the same as for the previous and related Case 768-AT-13 (Purpose 2.0(i); see Item 16.I.); and the
2 proposed text amendment WILL divide the entire County into districts of such number, shape, area, and such
3 different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of
4 open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance
5 the same as for the previous and related Case 768-AT-13 (Purpose 2.0(j); see Item 16.J.); and the proposed
6 text amendment WILL fix regulations and standards to which buildings, structures, or uses therein shall
7 conform the same as for the previous and related Case 768-AT-13 (Purpose 2.0(I); see Item 16.K.); and the
8 proposed text amendment WILL prohibit uses, buildings, or structures incompatible with the character of
9 such districts the same as for the previous and related Case 768-AT_13 (Purpose 2.0(I); see Item 16.L.); and
10 the proposed text amendment WILL protect the most productive agricultural lands from haphazard and
11 unplanned intrusions of urban uses the same as for the previous and related Case 768-AT-13 (Purpose
12 2.0(n); see Item 16.N.); and the proposed text amendment WILL protect natural features such as forested
13 areas and watercourses the same as for the previous and related Case 768-AT-13 (Purpose 2.0 (o); see Item
14 16.). Mr. Thorsland asked the Board if they agreed Item #2 of the Summary Finding of Fact and the Board
15 agreed.

16
17 Mr. Thorsland stated that there are no new Documents of Record.

18
19 Mr. Thorsland entertained a motion to adopt the Finding of Fact, Documents of Record and Summary
20 Finding of Fact as amended.

21
22 **Ms. Griest moved, seconded by Mr. Randol to adopt the Finding of Fact, Documents of Record and**
23 **Summary Finding of Fact as amended. The motion carried by voice vote.**

24
25 Mr. Thorsland entertained a motion to move to the Final Determination for Case 791-AT-14.

26
27 **Ms. Lee moved, seconded by Ms. Griest to move to the Final Determination for Case 791-AT-14. The**
28 **motion carried by voice vote.**

29
30 Mr. Thorsland informed the petitioner that currently the Board has one vacant Board seat and one absent
31 Board member therefore it is at his discretion to either continue Case 791-AT-14 until a full Board is present
32 or request that the present Board move to the Final Determination. He informed the petitioner that four
33 affirmative votes are required for approval.

34
35 Mr. Hall requested that the present Board move to the Final Determination.

36
37 **Final Determination for Case 791-AT-14:**

38
39 **Ms. Griest moved, seconded by Mr. Passalacqua that pursuant to the authority granted by Section 9.2**
40 **of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
41 **determines that the Zoning Ordinance Amendment requested in Case 791-AT-14 should BE**

1 **ENACTED by the County Board in the form attached hereto.**

2
3 Mr. Thorsland requested a roll call vote.

4
5 The roll was called as follows:

6
7 **Lee-yes** **Passalacqua-yes** **Randol-yes**
8 **Capel-absent** **Griest-yes** **Thorsland-yes**
9

10 Mr. Hall thanked the Board and informed the Board and the audience that Case 791-AT-14 will be
11 forwarded to the Environment and Land Use Committee at their February 5, 2015, meeting.

12
13 **7. Staff Report**

14
15 None

16
17 **8. Other Business**

- 18 A. Review of Docket
19 B. 2015 Zoning Board of Appeals Calendar

20
21 Mr. Thorsland entertained a motion to cancel the December 31, 2015, ZBA meeting.

22
23 **Ms. Griest moved, seconded by Mr. Passalacqua to cancel the December 31, 2015, ZBA meeting. The**
24 **motion carried by voice vote.**

25
26 Mr. Thorsland requested that to ensure a quorum, any Board member who anticipates an absence of any
27 meeting that they contact staff as soon as possible. He said that currently the following absences have been
28 noted: Mr. Passalacqua – January 29th; and Ms. Griest – February 12th; and Mr. Thorsland – possibly on
29 March 26th.

30
31 Mr. Thorsland entertained a motion to approve the 2015 Champaign County Planning and Zoning Calendar
32 as amended.

33
34 **Ms. Griest moved, seconded by Ms. Lee to approve the 2015 Champaign County Planning and Zoning**
35 **Calendar as amended. The motion carried by voice vote.**

36
37 **9. Audience Participation with respect to matters other than cases pending before the Board**

38
39 None

40
41 **10. Adjournment**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

Mr. Thorsland entertained a motion to adjourn the meeting.

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

The meeting adjourned at 9:07 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

CASE NO. 792-V-14

PRELIMINARY MEMORANDUM

January 21, 2015

Champaign
County

Department of

**PLANNING &
ZONING**

Petitioner: **Robert Frazier**

Request: **Authorize the following Variance from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District on the subject property described below:**

Part A. Variance for 48 parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.

Part B. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.

(217) 384-3708

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

Subject Property: **Lot 4 of the Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX building located at 310 Tiffany Court, Champaign.**

Site Area: **51,625 square feet (1.19 acres)**

Time Schedule for Development: **As Soon as Possible**

Prepared by: **Susan Chavarria**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

In late June 2014 the Zoning Administrator received multiple complaints from a neighboring business that customers of the subject property (formerly LEX) were parking on his property due to inadequate parking on the subject property. The Champaign Township Highway Commissioner also called the Zoning Administrator about a reported removal of street curb at the subject property without authorization. An inspection by the Zoning Administrator and Zoning Officer found that the petitioner was constructing a roof over a newly constructed porch (raised walkway) without a Zoning Use Permit and that the new covered walkway did not comply with the minimum required 25 feet front yard and the minimum required 55 feet setback from Tiffany Court. The applicant was made aware of the need for the variance for the covered walkway and aware of the complaints about inadequate parking.

Upon submission of the site plan for the Variance case it was determined that a bus garage that had previously been constructed (for the former LEX) without a Zoning Use Permit actually occupied area that had previously been used for parking for Bright Ideas (prior to the establishment of LEX).

The existing self-storage facilities and office space were authorized by ZUPA # 219-86-02 and 166-96-01 for the storage facilities and ZUPA # 351-02-03 for the office space and additional self-storage facilities.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning. Municipalities are not notified of Variance cases and do not have protest rights.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Self-storage and office space	I-1 Light Industry
North	Industrial	I-1 Light Industry
East	Industrial	A-2 Agriculture and B-4 General Business
West	Industrial	I-1 Light Industry
South	Industrial	I-1 Light Industry

UNAUTHORIZED CONSTRUCTION

The Petitioner constructed a five foot by 115 foot covered porch over a sidewalk on the west side of the office building without applying for (or receiving an approved) Zoning Use Permit. The construction reduced the front yard to 20 feet and the setback to 50 feet, each five feet less than the Zoning Ordinance requires. The Petitioner was notified by phone on June 25, 2014 and by letter on June 26, 2014 that further construction on the covered porch was at his own risk until the ZBA approved the necessary variance. A site visit on December 30, 2014 confirmed that the porch construction was completed without the necessary variance.

PARKING CONCERNS

There appears to be no additional area on the subject property for more parking spaces. The area surrounding the existing buildings is not adequate to accommodate any significant parking because of the minimum separation requirement from the property line and a parking space. A Variance from the minimum separation could be requested, but it would still not add enough parking.

PARKING REQUIREMENTS FOR SELF-STORAGE WAREHOUSES

The Zoning Ordinance does not clearly establish parking requirements for self-storage warehouses.

Parking requirements for “commercial ESTABLISHMENTS” are found in paragraph 7.4.1.C. of the Ordinance. Self-storage warehouse is not listed in subparagraph 7.4.1.C.3. and therefore a self-storage warehouse could be considered as an “ESTABLISHMENTS other than specified above” in subparagraph 7.4.1.C.3.e., in which case the requirement is one parking space for every 200 square feet of floor area.

However, a self-storage warehouse is very similar to the warehouses found in modern office & light industry developments and previous Zoning Administrators have used the parking requirement for industrial uses that is found in paragraph 7.4.1.D. for those warehouses and also for self-storage warehouses. Paragraph 7.4.1.D. requires one parking space per each three employees based on the maximum number of employees during a work period. When applied to self-storage warehouses that standard that has been administered as “one space per three self-storage warehouse units” and that is the standard used to determine the required parking spaces for the self-storage warehouse portion of the subject property. The minimum required parking for the office portion is still 7.4.1.C.3.e., which is one parking space for every 200 square feet of floor area.

ATTACHMENTS

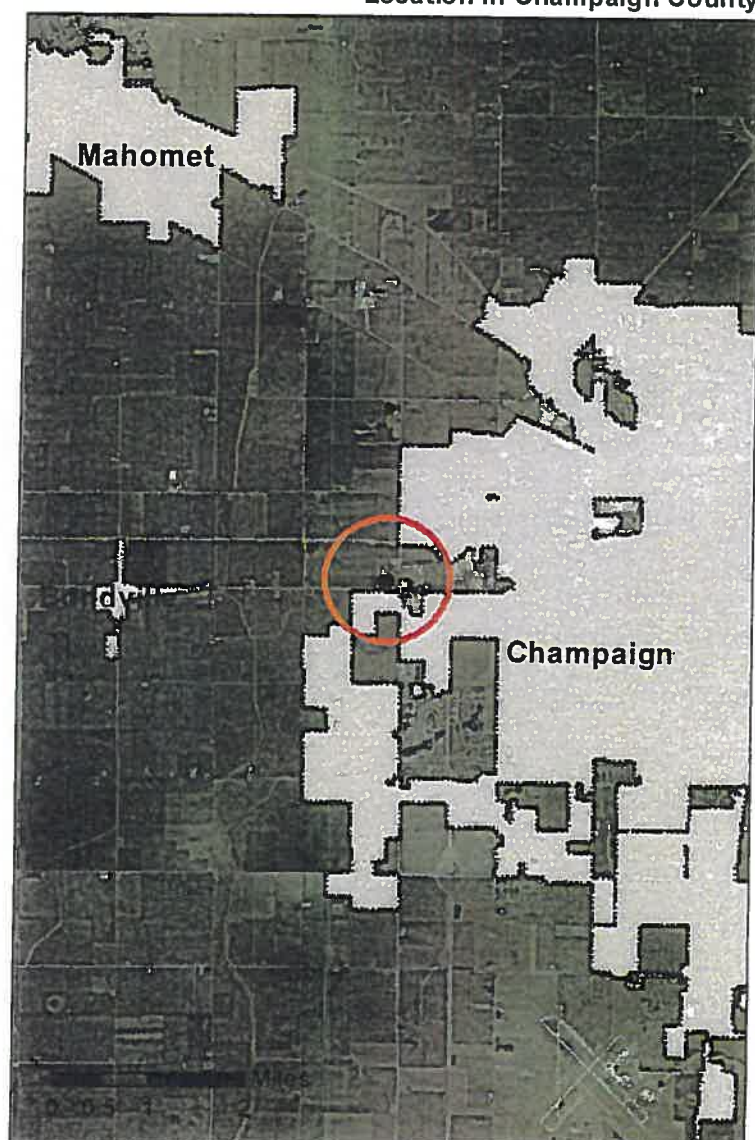
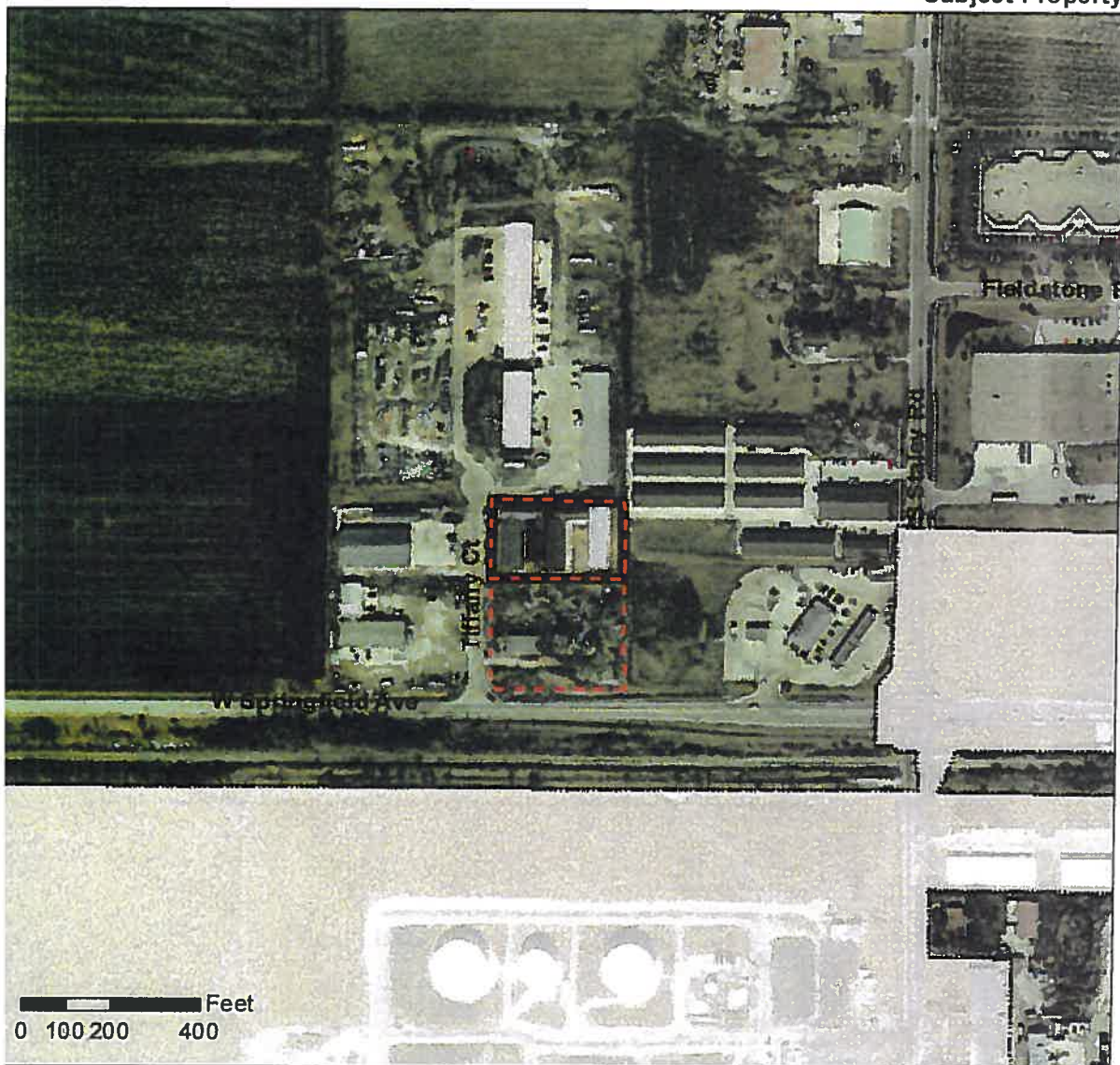
- A Case Maps (Location, Land Use, Zoning)
- B Approved Site Plan for ZUPA # 351-02-03
- C Site Plan received July 17, 2014
- D Annotated Site Plan
- E Images packet dated December 30, 2014
- F Draft Summary of Evidence, Finding of Fact, and Final Determination




Location Map

Case 792-V-14
January 29, 2015

Subject Property

Location in Champaign County

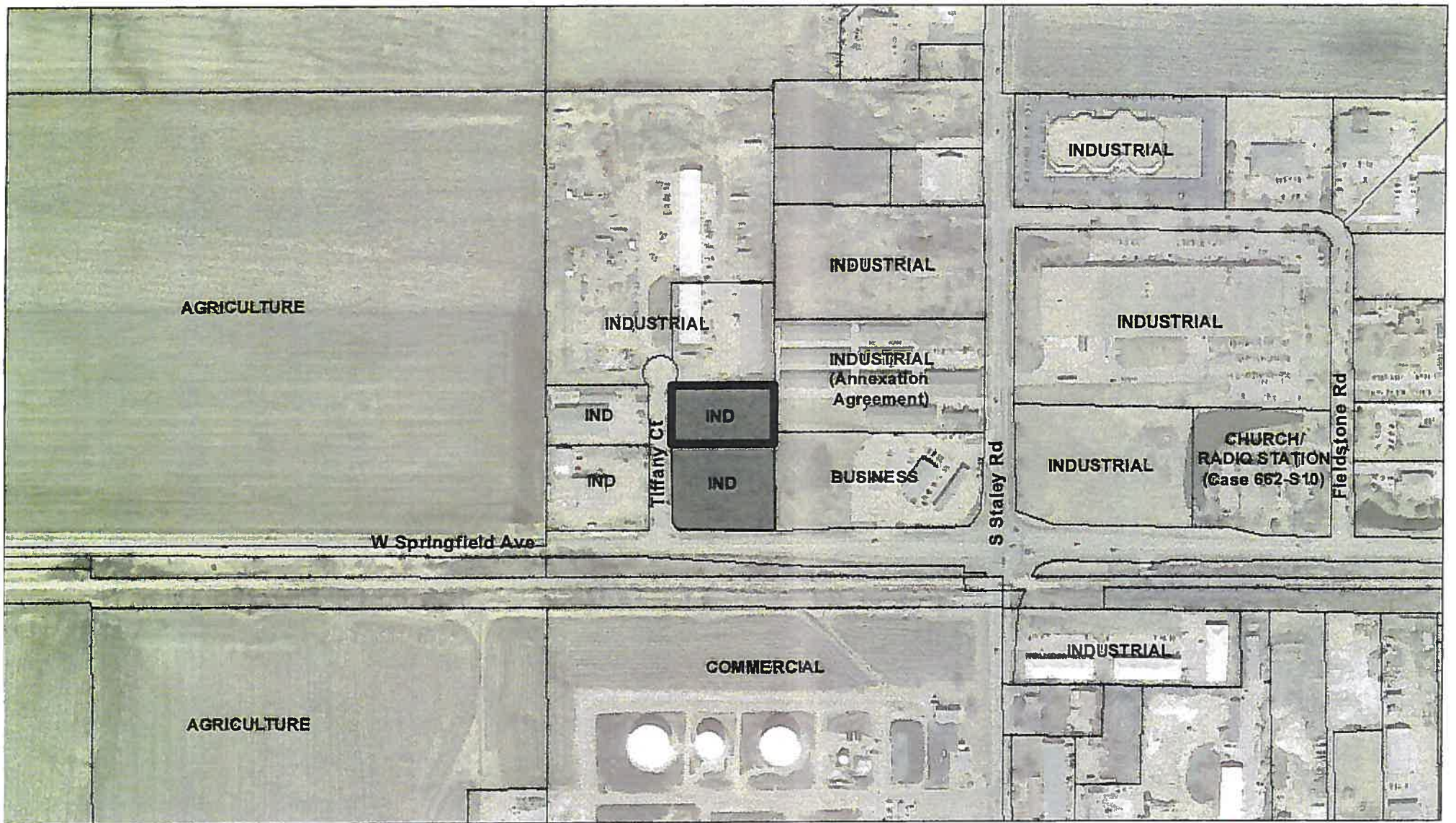


- Legend**
-  Subject Property
 -  Formerly the LEX property
 -  Municipal Boundary






Land Use Map

Case 792-V-14
January 29, 2014



Legend

-  Subject Property
-  Formerly the LEX property
-  Parcels

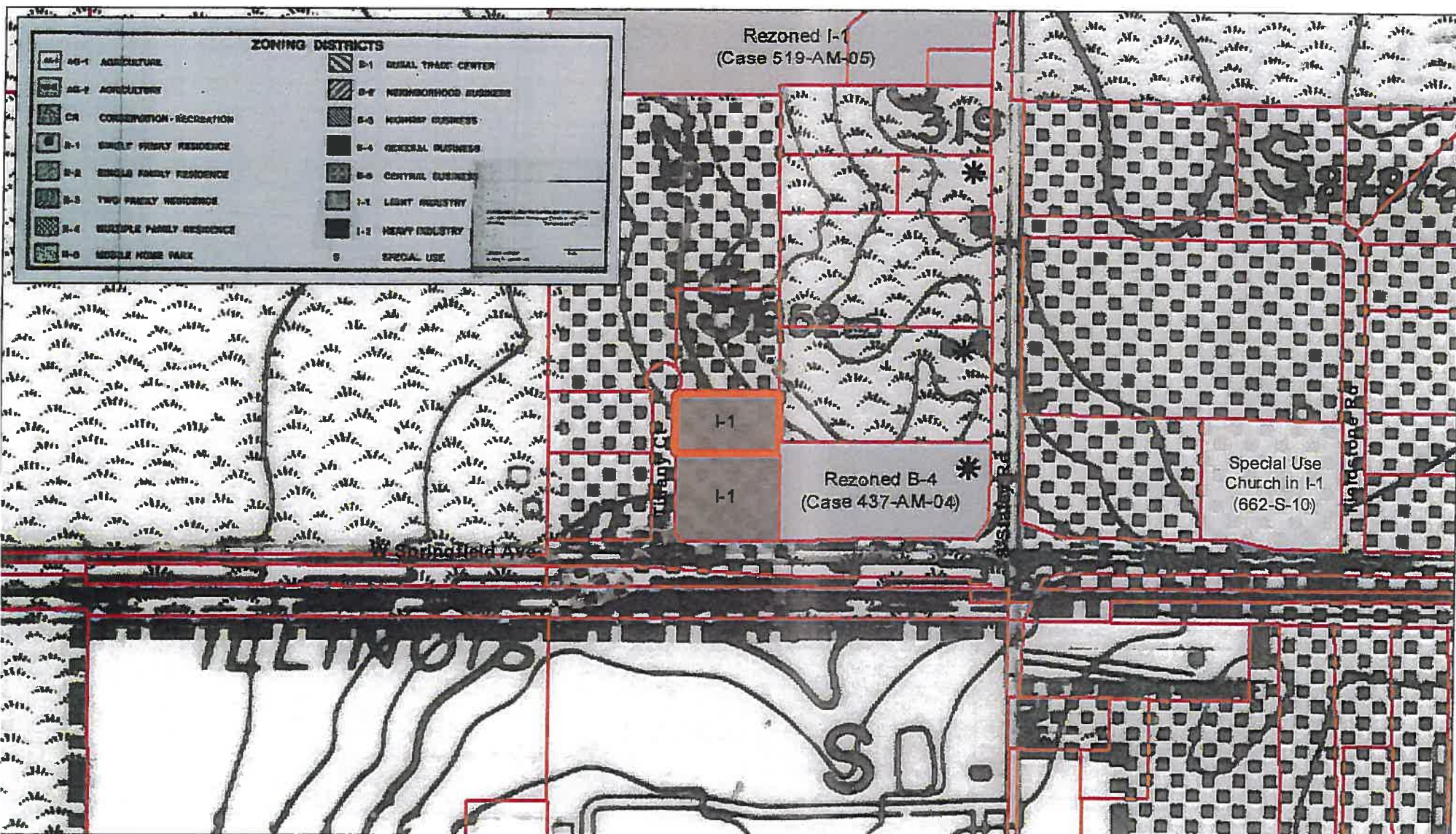
0 100 200 400 Feet

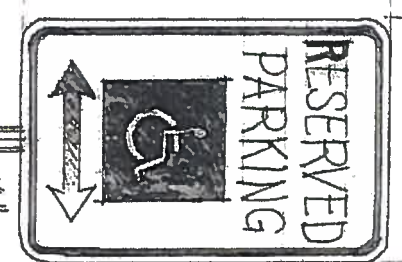
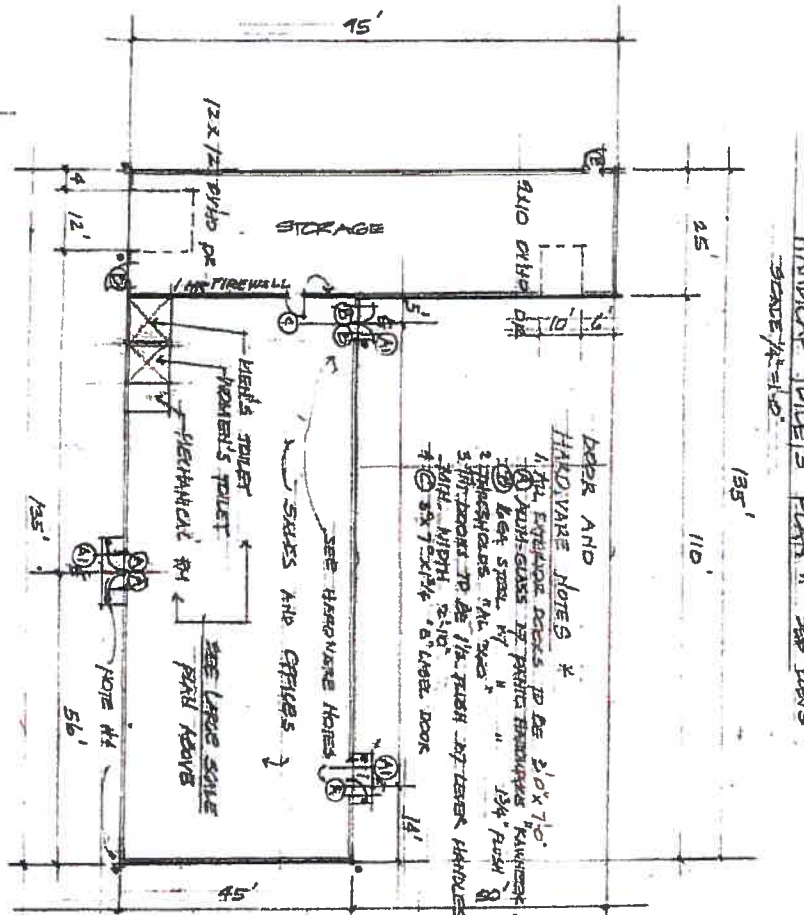
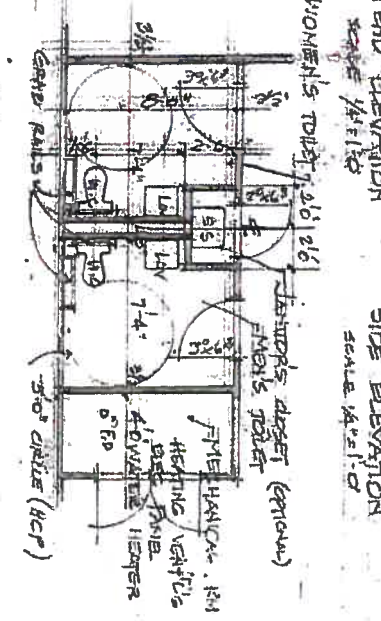
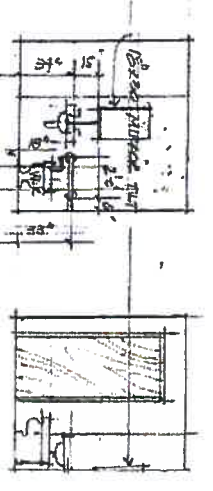


Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 792-V-14
January 29, 2014





RESERVED PARKING
RESERVED PARKING
RESERVED PARKING

KEEP AND HANDICAP NOTES *

- 1. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 2. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 3. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 4. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 5. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 6. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 7. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 8. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 9. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 10. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"

HANDICAP NOTES (SEE R.T. 8) BACK GREEN ON WHITE

1. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"

2. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"

3. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"

4. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"

5. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"

6. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"

7. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"

8. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"

9. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"

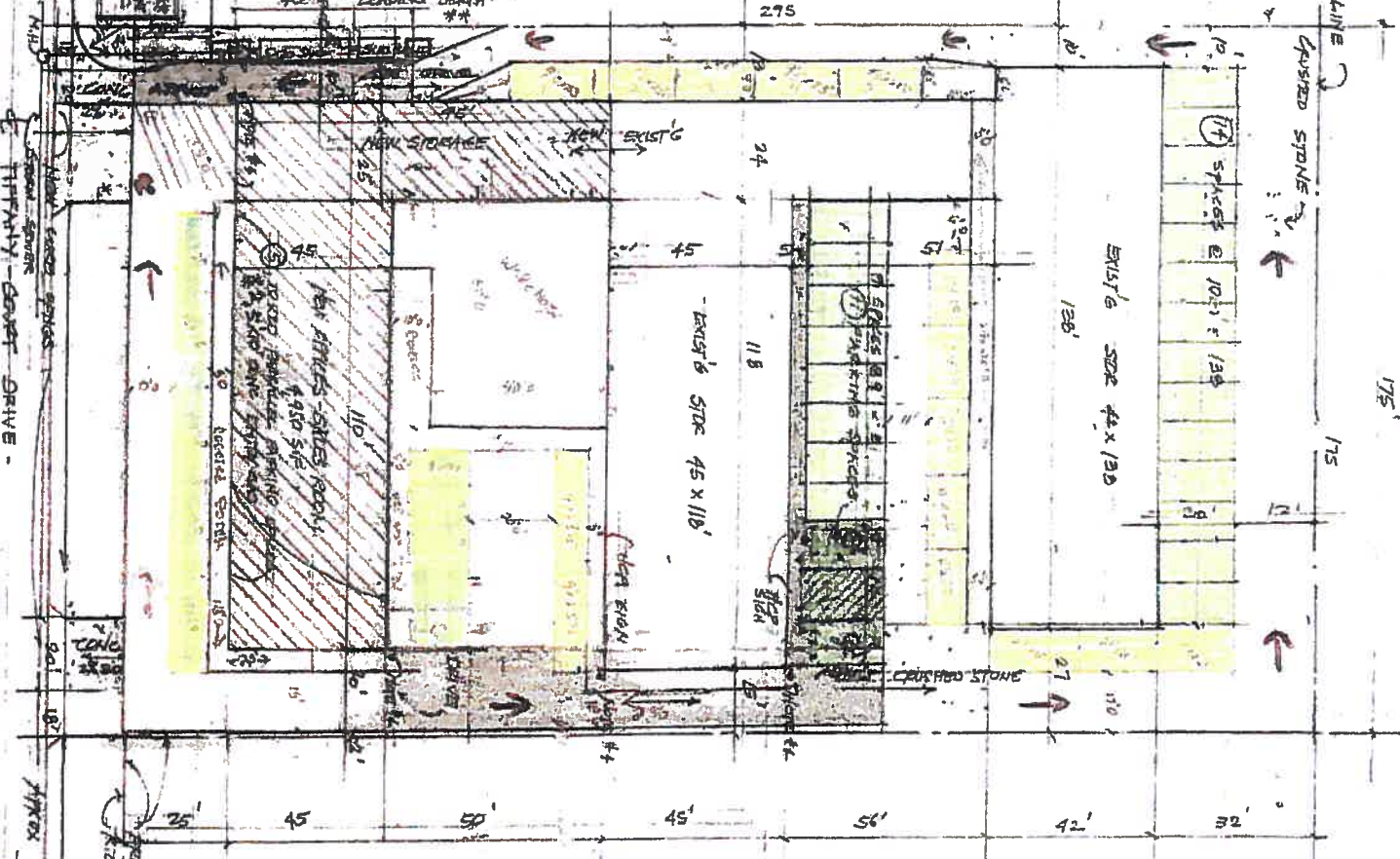
10. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"

GENERAL NOTES

1. SITE AREA = 51,045 S.F.
2. 1.2 STORIES APPROX.
3. BUILDING AREA (EXIST.) 12,240 S.F. (65 UNITS) APPROX.
4. NEW BUILDING AREA 12,650 S.F. (65 UNITS) APPROX.
5. TOTAL BUILDING AREA 24,890 S.F. (130 UNITS) APPROX.
6. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
7. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
8. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
9. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
10. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"

KEY TO SYMBOLS

- 1. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 2. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 3. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 4. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 5. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 6. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 7. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 8. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 9. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"
- 10. 1/4" RIGID POLYURETHANE FLOORING TO BE 3'0" x 7'0"



STATEMENT OF COMPLIANCE

I, *[Signature]*, STATE THAT THIS SITE PLAN AND SCHEMATIC FLOOR PLAN IS IN COMPLIANCE WITH LOCAL ORDINANCES, SEPTIC SYSTEM NOT INCLUDED.



COMB architectural

Joseph F. Coble, architect
404 W. Clark, Chicago, IL 60620
(312) 352-1600 • (312) 352-5456

DATE: 12/17/02
BY: JFC/1/16/03
CHECKED: JFC/1/16/03

SHEET NO. 1 OF 1



Subject property from Tiffany Court facing northeast



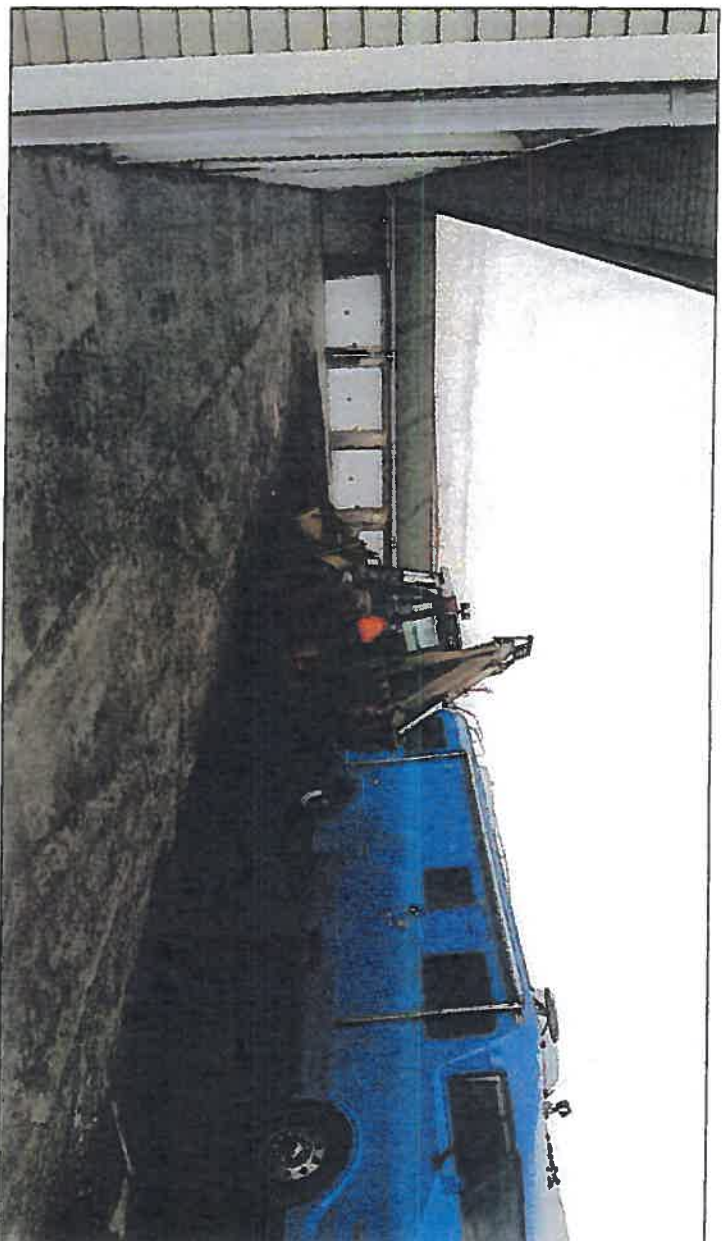
Entrance from Tiffany Court facing east



Entrance driveway facing east, sales office is on left



Bus maintenance area to east of sales office, facing north from driveway



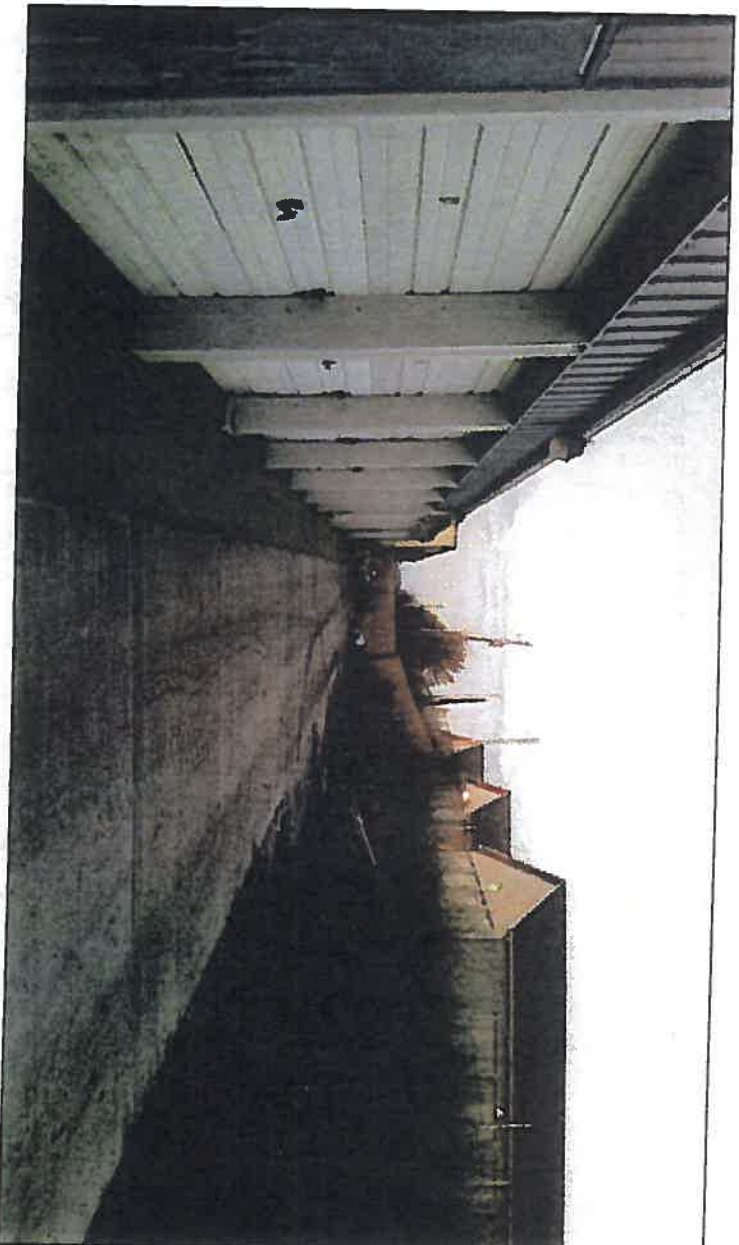
Center storage area to east of bus maintenance area, facing north from driveway



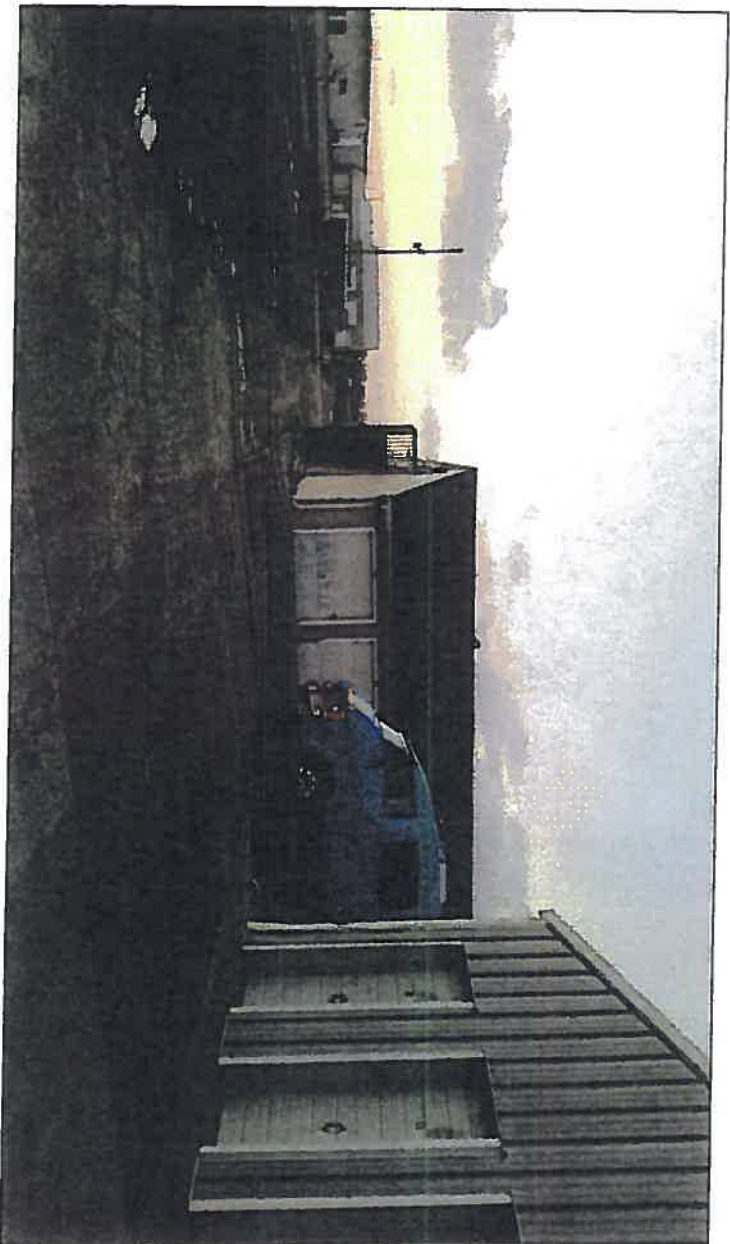
Center storage area, facing northeast from driveway



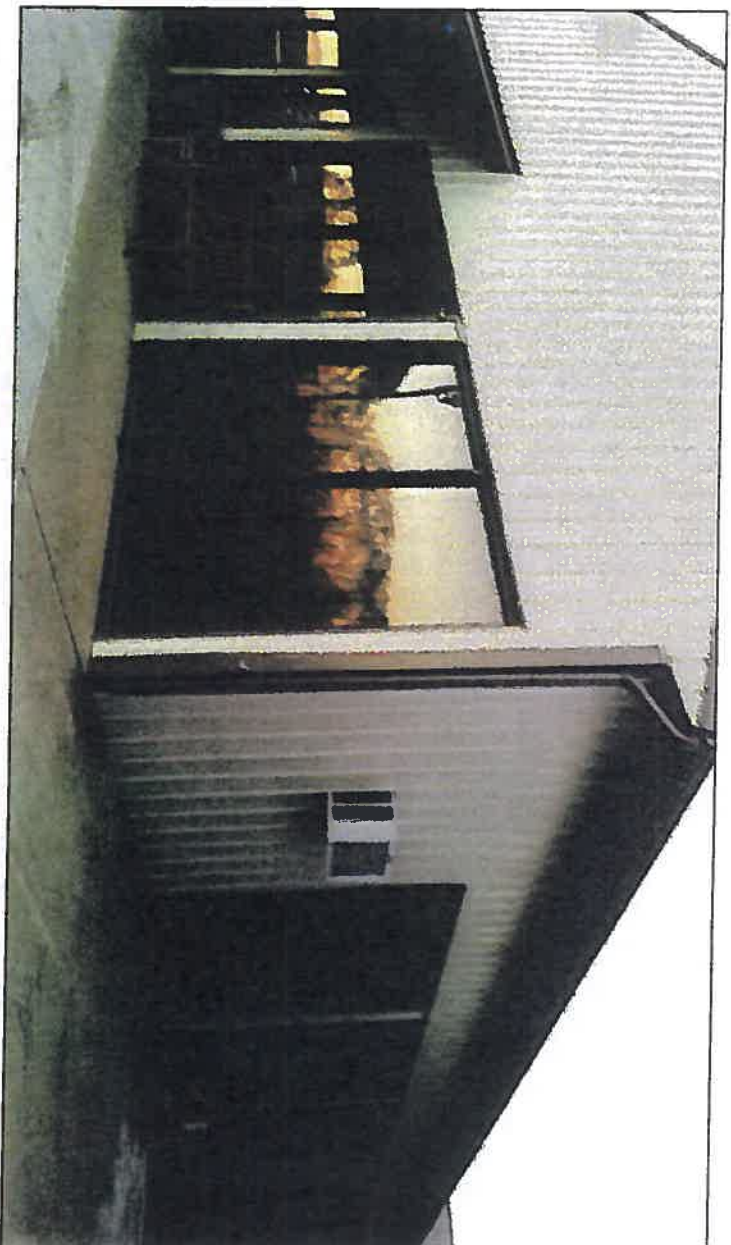
Center storage area, facing north from driveway



East side of storage area facing north from driveway



Center storage area, facing west from east end of driveway



Sales office from driveway in front of bus maintenance area, facing northwest



Sales office from west entrance, facing north



Offices on west end of property, from Tiffany Ct facing southeast

01/21/15 DRAFT

792-V-14

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

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

Date: *{date of final determination}*

Petitioner: Robert Frazier

Request: Authorize the following Variance from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District on the subject property described below:

Part A. Variance for 48 parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.

Part B. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.

Table of Contents

General Application Information 2

Requested Variance 4

Specific Ordinance Requirements5-8

Variance Evidence8-12

Documents of Record..... 13

Case 792-V-14 Findings of Fact..... 14

Case 792-V-14 Final Determination 15

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 29, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Robert Frazier, owns the subject property.
2. The subject property is a 1.19 acre tract of land on Lot 4 of the Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX building located at 310 Tiffany Court, Champaign.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning.
 - B. The subject property is located within Champaign Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 1.19 acre tract and is currently zoned I-1 Light Industry. Land use is a combination of storage facilities and multi-tenant offices.
 - B. Land to the south and west of the subject property is zoned I-1 Light Industry and is industrial in use.
 - C. Land to the north is zoned I-1 Light Industry and is industrial in use.
 - D. Land to the east is zoned AG-2 Agriculture and B-4 General Business and is commercial in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. Previous Zoning Use Permits on the subject property are as follows:
 - (1) Zoning Use Permit # 219-86-02 issued on 8/7/86 authorized construction of mini warehouse facilities.
 - (2) Zoning Use Permit # 166-96-01 issued on 6/17/96 authorized construction of an addition to an existing mini-warehouse building.
 - (3) Zoning Use Permit # 280-99-01 issued on 10/8/99 authorized placement of a wall sign on an existing building.

01/21/15 DRAFT

**Case 792-V-14
Page 3 of 15**

- (4) Zoning Use Permit # 351-02-03 issued on 1/10/03 authorized construction of an office/sales area for Bright Ideas and warehouse addition to an existing mini-warehouse building.
 - (5) A Zoning Use Permit Application to authorize the construction of a bus garage, installation of new signs, and installation of new fuel tanks and fuel dispensing equipment for the LEX Lincolnland Express operations on the subject property and the adjacent lot to the south (a total area of approximately 73,300 square feet) was received on March 23, 2011. The Zoning Administrator replied with a letter dated 4/14/11 in which continued operation of LEX was allowed but additional information was required prior to issuance of a conditional Zoning Compliance Certificate. No additional information was received and LEX Lincolnland Express eventually went out of business by March 2013. A subsequent company, Illini Express, also closed in the summer of 2013.
- B. The Petitioner, without required Zoning Use Permits, has made the following changes to the property, as indicated in a letter from John Hall, Zoning Director, to the Petitioner dated June 26, 2014:
- (1) Modifying the existing office area that was formerly the offices of LEX by subdividing the interior space into at least four different spaces with their own exterior entrances; renting the new office spaces to various uses including a photographer, a musician, a painter, and a gymnasium (including converting storage area into the gymnasium);
 - (2) Adding a wrap-around covered porch to provide covering for the exterior entrances;
 - (3) Removing a portion of a bus maintenance garage.
 - (4) These changes are in addition to the change in lot area due to the fact that the adjacent lot (PIN 03-20-08-476-005) is no longer part of the property.
 - (5) It has also been reported that the Petitioner removed the curb along Tiffany Court without prior authorization from the Champaign Township Highway Commissioner.
- C. The Petitioner's Site Plan, received July 17, 2014, is a partial modification of the site (and building) plan from Zoning Use Permit #351-02-03 and therefore it does not accurately reflect the new uses on the subject property. An Annotated Site Plan has been prepared by staff to highlight relevant evidence and discrepancies on the Site Plan received July 17, 2014. The Annotated Site Plan indicates the following:
- (1) Regarding the building on the subject property:

01/21/15 DRAFT

- (a) The building addition authorized in Zoning Use Permit #351-02-03 on 1/10/03 is indicated with hatching (diagonal lines) and labeled “NEW OFFICES- SALES ROOM” (totaling 4,950 square feet in area) that is still used as offices and “NEW STORAGE” (totaling 2,375 square feet in area) that has been converted to a gymnasium.
 - (b) Note that a covered porch that is five feet deep has been added to the west and south sides of the building addition authorized in Zoning Use Permit #351-02-03. The addition of this covered porch was not authorized by Zoning Use Permit.
 - (c) A portion of the building indicated as “warehouse” is attached to the east and south sides of the building addition authorized in Zoning Use Permit #351-02-03. The “warehouse” is a bus garage that was added for the former LEX use and it has never been authorized by Zoning Use Permit. The “warehouse” is 2,664 square feet in area. The “warehouse” occupies land area that was previously used for a loading berth and six parking spaces.
 - (d) The middle portion of the building is indicated as “EXIST’G STOR” and was authorized in Zoning Use Permit # 166-96-01 on 6/17/96 and is 45 feet by 118 feet and totals 7,734 square feet in area. The original Zoning Use Permit application indicated 31 self-storage units in this portion of the building.
 - (e) The eastern-most portion of the building was authorized in Zoning Use Permit # 219-86-02 on 8/7/86. This portion is 42 feet by 138 feet and totals 5,796 square feet and reportedly contains 22 self-storage units.
- (2) Regarding parking areas on the subject property:
- (a) The site (and building) plan from Zoning Use Permit #351-02-03 included a total of 40 parking spaces but there are areas where an additional 15 parking spaces could have been located for a total of 55 possible parking spaces.
 - (b) The Site Plan received July 17, 2014, indicates a proposed 15 new parking spaces and 5 relocated parking spaces in addition to 28 existing parking spaces for a total of 48 parking spaces and no additional parking spaces could be located on the subject property.
- D. The structures on the property were constructed after the Zoning Ordinance was adopted by Champaign County on October 10, 1973.
- E. The required variance is as follows:

01/21/15 DRAFT

**Case 792-V-14
Page 5 of 15**

- (1) Part A: Variance for 48 parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.
- (2) Part B: Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding Parts A and B of the proposed variance:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Variance (capitalized words are defined in the Ordinance):
 - (1) “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.
 - (2) “CANOPY” is a non-retractable roof-like STRUCTURE of either a permanent or non-permanent nature which projects from the wall of a STRUCTURE, is supported above the surface of the ground by poles, posts, columns, beams, girders, or other similar framework attached to the ground, and overhangs or covers the public way or adjacent YARD or COURT.
 - (3) “COVERAGE” is the percentage of the LOT AREA covered by the BUILDING AREA.
 - (4) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
 - (5) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (6) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
 - (7) “LOT LINES” are the lines bounding a LOT.
 - (8) “PARKING GARAGE or LOT” is a LOT, COURT, YARD, or portion thereof used for the parking of vehicles containing one or more PARKING SPACES together with means of ACCESS to a public way.

01/21/15 DRAFT

- (9) "PARKING SPACE" is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (10) "SETBACK LINE" is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (11) "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.
- (12) "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.
- (13) "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.
- (14) "WAREHOUSE" is a BUILDING within which raw materials, goods, or equipment including vehicles, are kept and wherein no manufacturing, assembly, construction, repair, sales or other activity is performed except for the packaging of goods and materials for shipment.
- (15) "WAREHOUSE, SELF-STORAGE" is a BUILDING or BUILDINGS containing multiple, independently accessible spaces where raw materials, goods or equipment, or personal goods including personal vehicles, are kept and wherein no other commercial or industrial activity occurs.
- (16) "YARD" is an OPEN SPACE, other than a COURT, of uniform width or depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (17) "YARD, FRONT" is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each but a STREET RIGHT-OF-WAY both such YARDS shall be classified as front YARDS.

01/21/15 DRAFT

**Case 792-V-14
Page 7 of 15**

- B. The I-1, Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
- C. Paragraph 9.1.9.D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9.C. have been met and justify granting the variance. Paragraph 9.1.9.C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
- (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
- (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
- (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
- (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
- (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9.D.2.
- D. Paragraph 7.4.1.C.2. requires that the number of PARKING SPACES for commercial establishments shall be the sum of the individual requirements of the various individual SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT.
- E. Paragraph 7.4.1.C.3.b.ii. requires for outdoor areas, including non-permanent STRUCTURES, used for exhibit, educational, entertainment, recreational, or other purpose involving assemblage of patrons, one PARKING SPACE per three patrons based on the estimated number of patrons during peak attendance on a given day during said USE is in operation.
- F. Paragraph 7.4.1.C.3.e. requires ESTABLISHMENTS other than specified above: one such PARKING SPACE for every 200 square feet of floor area or portion thereof.

01/21/15 DRAFT

- G. Regarding the parking requirements for a self-storage warehouse:
- (1) The Zoning Ordinance does not clearly establish parking requirements for self-storage warehouses. Parking requirements for “commercial ESTABLISHMENTS” are found in paragraph 7.4.1.C. of the Ordinance. Self-storage warehouse is not listed in subparagraph 7.4.1.C.3. and therefore a self-storage warehouse could be considered as an “ESTABLISHMENTS other than specified above” in subparagraph 7.4.1.C.3.e., in which case the requirement is one parking space for every 200 square feet of floor area.
 - (2) However, a self-storage warehouse is very similar to the warehouses found in modern office & light industry developments and previous Zoning Administrators have used the parking requirement for industrial uses that is found in paragraph 7.4.1.D. for those warehouses and also for self-storage warehouses. Paragraph 7.4.1.D. requires one parking space per each three employees based on the maximum number of employees during a work period. When applied to self-storage warehouses that standard that has been administered as “one space per three self-storage warehouse units” and that is the standard used to determine the required parking spaces for the self-storage warehouse portion of the subject property. The minimum required parking for the office portion is still 7.4.1.C.3.e., which is one parking space for every 200 square feet of floor area.
- H. Paragraph 7.4.1.D.1. requires for industrial uses that one space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.
- I. Minimum FRONT SETBACK in the I-1 Light Industry District is established in Section 5.3 of the Zoning Ordinance as 55 feet.
- J. Minimum FRONT YARD in the I-1 Light Industry District is established in Section 5.3 of the Zoning Ordinance as 25 feet.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“Original plans do not allow but two 5 foot by 10 foot slabs thus limiting HCP and general accessibility to various entry and exit points. Covered porch protects sidewalk and entry points from environmental elements that could cause them to be hazardous, while improving esthetic view of the neighborhood.”**

01/21/15 DRAFT

**Case 792-V-14
Page 9 of 15**

B. Regarding Part A of the Variance, for 48 parking spaces in lieu of the minimum required 58 parking spaces:

(1) There appears to be no additional area on the subject property for more parking spaces. The area surrounding the existing buildings is not adequate to accommodate any significant parking because of the minimum separation requirement from the property line and a parking space. A Variance from the minimum separation could be requested, but it would still not add enough parking.

(2) The 2,664 square feet “warehouse” shown in the Site Plan dated July 17, 2014 is a bus garage that was added for the former LEX use and it has never been authorized by Zoning Use Permit. The “warehouse” occupies land area that was previously used for a loading berth and six parking spaces.

C. Regarding Part B of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet:

(1) The Petitioner, without a Zoning Use Permit, constructed a five foot wide covered porch over a sidewalk on the west side of the existing offices and sales room. Without this covered porch, the front yard would be 25 feet and the setback from the street centerline would be 55 feet, both compliant with the Zoning Ordinance.

GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:

A. The Petitioner has testified on the application, **“Adhering to strict letter of provision could limit gainful earnings of rental space, by limiting accessibility of patrons of Frazier Properties. Without upgrading and maintaining property could affect property value for entire subdivision.”**

B. Regarding Part A of the Variance, for 48 parking spaces in lieu of the minimum required 58 parking spaces:

(1) Without the proposed Variance, the Petitioner would have to demolish at least 3,000 square feet of existing buildings and/or covered areas to meet the parking requirements.

C. Regarding Part B of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet:

01/21/15 DRAFT

(1) Without the proposed Variance, the Petitioner would have to demolish the existing porch to meet the setback and front yard requirements, and that would not provide enough area for the required parking spaces.

D. The Zoning Ordinance does not clearly establish parking requirements for self-storage warehouses.

Parking requirements for “commercial ESTABLISHMENTS” are found in paragraph 7.4.1.C. of the Ordinance. Self-storage warehouse is not listed in subparagraph 7.4.1C.3. and therefore a self-storage warehouse could be considered as an “ESTABLISHMENTS other than specified above” in subparagraph 7.4.1.C.3.e., in which case the requirement is one parking space for every 200 square feet of floor area.

However, a self-storage warehouse is very similar to the warehouses found in modern office & light industry developments and previous Zoning Administrators have used the parking requirement for industrial uses that is found in paragraph 7.4.1.D. for those warehouses and also for self-storage warehouses. Paragraph 7.4.1.D. requires one parking space per each three employees based on the maximum number of employees during a work period. When applied to self-storage warehouses that standard that has been administered as “one space per three self-storage warehouse units” and that is the standard used to determine the required parking spaces for the self-storage warehouse portion of the subject property. The minimum required parking for the office portion is still 7.4.1.C.3.e., which is one parking space for every 200 square feet of floor area.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
A. The Petitioner has testified on the application, **“With the upgrades, I would say that I have not caused any difficulties or hardships to other properties or myself.”**

B. The nearest building on neighboring property is approximately 125 feet from the shared property line to the south.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
A. The Petitioner has testified on the application, **“By granting this variance and permitting upgrades, it will be the final face of construction in the west yard. With the exception of preventive maintenance will be no more need to improve property in that area.”**

01/21/15 DRAFT

***Case 792-V-14
Page 11 of 15***

- B. Regarding the requested Variance:
- (1) Regarding Part A of the Variance, for 48 parking spaces in lieu of the minimum required 58 parking spaces: the requested variance provides 10 fewer parking spaces, equivalent to 83% of the minimum required, for a variance of 17%.
 - (2) Regarding Part B of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet: the requested variance for the setback is 5 feet less, or 91% of the minimum required, for a variance of 9%; the front yard is 5 feet less, or 80% of the minimum required, for a variance of 20%.
- C. Regarding Part A of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie the parking requirements. Presumably the parking space requirements are intended to ensure that employees, customers, and deliverers of goods and services have ample room to park safely in consideration of pedestrians and other roadway users.
 - (2) In a memo to the Petitioner dated December 15, 2014, John Hall indicated that “if there are more or less than 3 company vehicles, the number of required spaces will change and if any company vehicles are parked indoors the number of required spaces would be reduced accordingly.”
 - (3) Eighteen of the 58 required parking spaces are for use by patrons of the self-storage units. One can reasonably assume that all patrons would rarely enter the property at the same time, which would result in less demand for the available parking spaces.
- D. Regarding Part B of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie the front setback and front yard requirements. Presumably the front setback and front yard are intended to ensure the following:
 - (a) Adequate separation from roads.
 - (b) Allow adequate area for road expansion and right-of-way acquisition.
 - (c) Parking, where applicable.
 - (2) The subject property is on a cul-de-sac with generally lower traffic volumes and speed limits than other minor roads. No further right-of-way acquisition is anticipated.
- E. The requested variance is not prohibited by the *Zoning Ordinance*.

Case 792-V-14
Page 12 of 15

01/21/15 DRAFT

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioner has testified on the application: “Factors that tend to insure that variance will not be injurious to the neighborhood or otherwise to the public health safety or welfare are: 1) We will not be asking for parking spaces to change or impede into public roadway, just move them 5 feet to the west (that still maintains 300 sq. ft. as required and 10 foot setback requirement) and 2) 5 feet dedicated to covered porch will insure safe HCP, general public and patrons accessibility to Frazier Properties.”
 - B. The Township Road Commissioner has been notified of this variance but no comments have been received.
 - C. The Scott Fire Protection District has been notified of this variance but no comments have been received.
 - D. The nearest building on neighboring property is approximately 125 feet from the shared property line.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

12. Generally regarding and other circumstances which justify the Variance:
 - A. The Petitioner has testified on the application: “Upgrades and allowing of variance will provide strong and ensured growth to Stahly subdivision by providing a safe and inviting place for small business to grow and contribute to the local economy.”

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:

No Special Conditions are proposed at this time.

01/21/15 DRAFT

Case 792-V-14
Page 13 of 15

DOCUMENTS OF RECORD

1. Variance Application received on July 17, 2014, with attachments:
 - A Site Plan

2. Preliminary Memorandum dated January 22, 2014 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Approved Site Plan for ZUPA # 351-02-03
 - C Site Plan received July 17, 2014
 - D Annotated Site Plan
 - E Images packet dated December 30, 2014
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination

01/21/15 DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 792-V-14 held on January 29, 2014, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* 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 because: _____

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because: _____

3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: _____

4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because: _____

5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____

6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because: _____

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW}***

01/21/15 DRAFT

Case 792-V-14
Page 15 of 15

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C ~~SHAVE/HAVE NOT~~ been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case 792-V-14 is hereby ~~GRANTED / GRANTED WITH CONDITIONS/ DENIED~~ to the petitioner **Robert Frazier** to authorize the following variances in the I-1 Light Industry Zoning District:

Part A. Variance for 48 parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.

Part B. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

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

SIGNED:

Eric Thorstland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date

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

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

CASE NO. 793-S-14
PRELIMINARY MEMORANDUM

February 5, 2015

Petitioner: **Lawrence Johnson and Fuad Handal**

Request:

- 1) **Authorize a kennel as a Special Use on 1.8 acres located in the AG-1 Agriculture Zoning District.**
- 2) **Authorize the following waivers to the standard conditions of the Kennel special use as per Section 6.1.3 of the Zoning Ordinance:**
 - a. **A separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet; and**
 - b. **No noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height installed separating the exercise and/or training area from any adjacent residential structure and/or use; and**
 - c. **A side yard setback of 85 feet in lieu of the required 200 feet.**

Location: **A 1.8 acre tract in the Southeast Quarter of the Southeast Quarter of Section 5 T. 19 N. R. 8 E. in Champaign Township with an address of 1211 N Staley Road, Champaign.**

Site Area: **1.8 acres (80,772 square feet)**

Time Schedule for Development: **As Soon as Possible**

Prepared by: **Susan Chavarria**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

Petitioners Lawrence Johnson and Fuad Handal request a Special Use Permit to start a Kennel on Mr. Handal's property west of Champaign. Mr. Johnson resides on the property and would manage the kennel. The Petitioners erected a sign in the front yard advertising the Kennel in 2014. It is unknown if kennel operations have begun.

The petitioners propose to board up to 15 animals inside the house. They would allow the animals periodic supervised access to an outdoor fenced activity area on the property. The petitioner already installed the activity area fence toward the front of the property; he did not provide the required noise buffer plantings between the activity area and the residential area that is on the other side of Staley Road. The petitioner did not construct the fence with a 200 foot space between the fence and the nearest adjacent residential structure. There is insufficient side yard for a Kennel use, but the property is surrounded by agricultural land on both sides. The revised Site Plan received January 21, 2015

indicates a 20 feet by 20 feet “play kennel” located south of the garage and behind the house. This kennel is covered and also has a 6 foot tall wire mesh fence. The Petitioner indicated that the covered kennel would be used if inclement weather prevented them from using the fenced activity area.

EXTRATERRITORIAL JURISDICTION

The property is located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning. The City was notified of the proposed Special Use.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

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

IMPACTS TO SURROUNDING AREA

Residents adjacent to the proposed kennel may experience noise from boarded animals. However, the dogs will be boarded inside and will spend minimal time outdoors for basic needs. The closest residences are across the street from Staley Road; the backs of their houses face the road, and they all have privacy fences.

The Zoning Office has received several public comments from the West Ridge Subdivision to the east asking that the ZBA deny the petition for the Special Use. Those comments are included as Attachment G to this memo.

No transportation safety impacts are expected due to anticipated low traffic at the kennel.

ADDITIONAL INFORMATION MAY BE REQUIRED

Additional information may be required for the Board to make a final determination in this case. For example, the Board may need to request floor plans of the house (and other relevant information) illustrating how the house will actually be modified to accommodate kenneling 15 dogs. It seems unlikely that 15 dogs (or even two dogs) could be accommodated in a kennel situation without placing the dogs in crates for at least some part of the time. The question then arises, where will the crates be located in the house and how will the crates and the crate area be maintained in a clean and healthy way and does the cleaning of the crates or the crate area pose any risk or cause concerns related to the septic system?

Also, will bathing of the dogs be offered as a service or at least, as required when a dog soils itself, and would dog bathing pose any risk or cause concerns related to the septic system?

The petitioner should also contact the Illinois Capital Development Board to determine what accessibility requirements apply and that will probably require both a site plan and the floor plan of the house indicating the alterations made to the house.

PROPOSED SPECIAL CONDITIONS

- A. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

- B. **The number of animals to be boarded at one time will not exceed {15}, which is the number the Petitioner indicated as the maximum that they would board, and no dogs will be housed outside.**

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

That noise from the proposed Special Use is minimally disruptive to the surrounding area and that there are acceptable living conditions for the dogs.

ATTACHMENTS

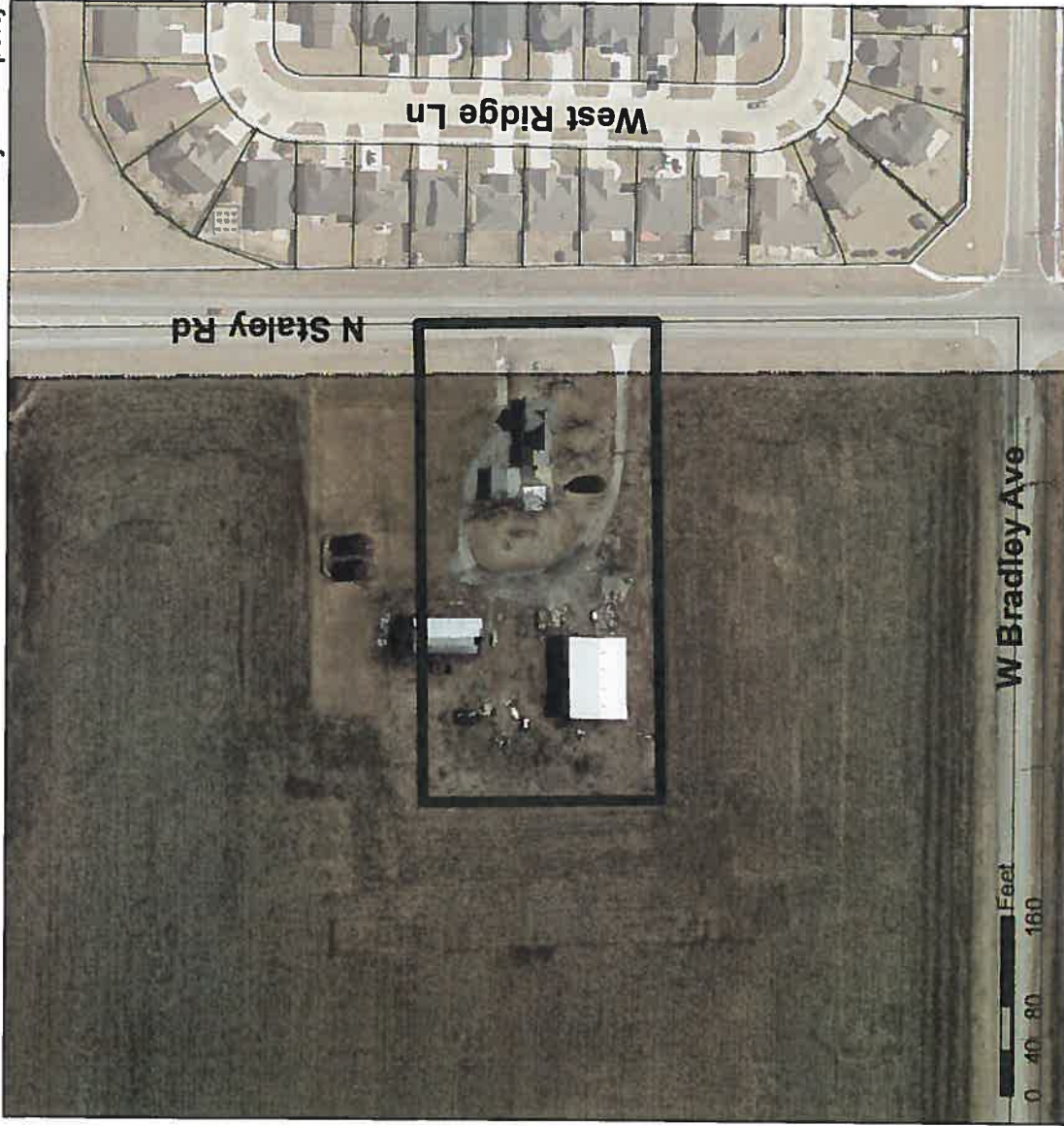
- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received December 5, 2014
- C Revised Site Plan received January 21, 2015
- D Natural Resources Report from Champaign County Soil and Water Conservation District received January 23, 2015
- E Site Visit Photos taken December 30, 2014
- F Draft Summary of Evidence, Finding of Fact, and Final Determination
- G Public comments received as of February 5, 2015

Location Map

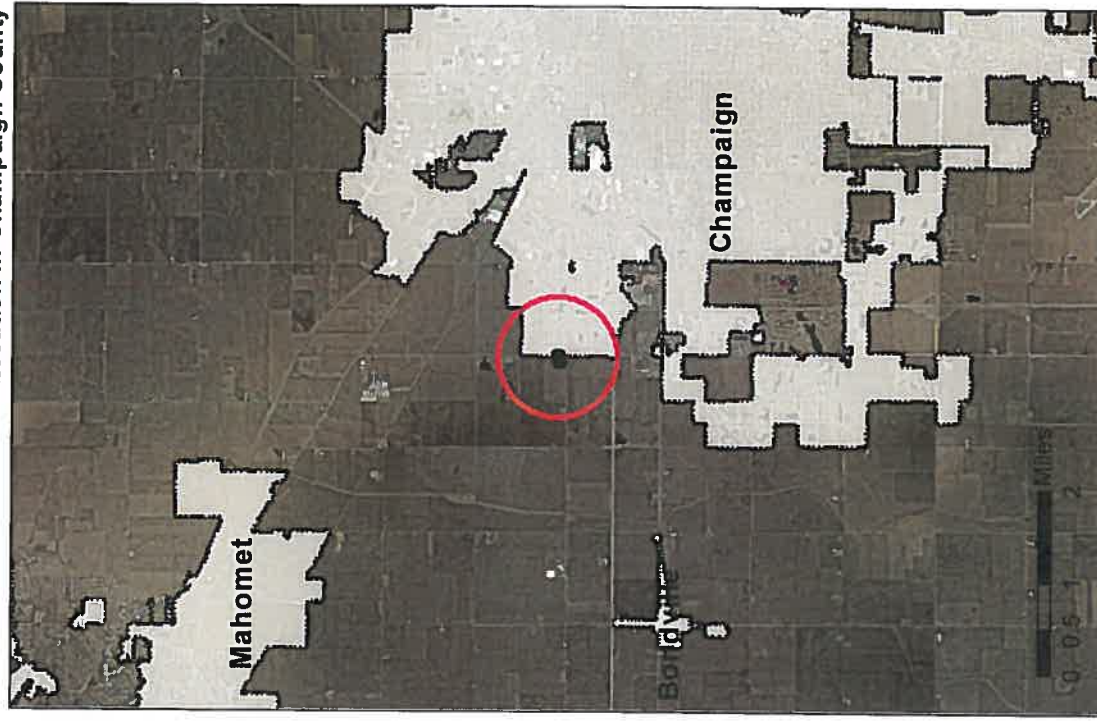
Case 793-S-14

February 12, 2015

Subject Property



Location in Champaign County



Legend

 Subject Property

 Municipal Boundary



Champaign County
Department of

PLANNING &
ZONING

Land Use Map

Case 793-S-14
February 12, 2015



Legend

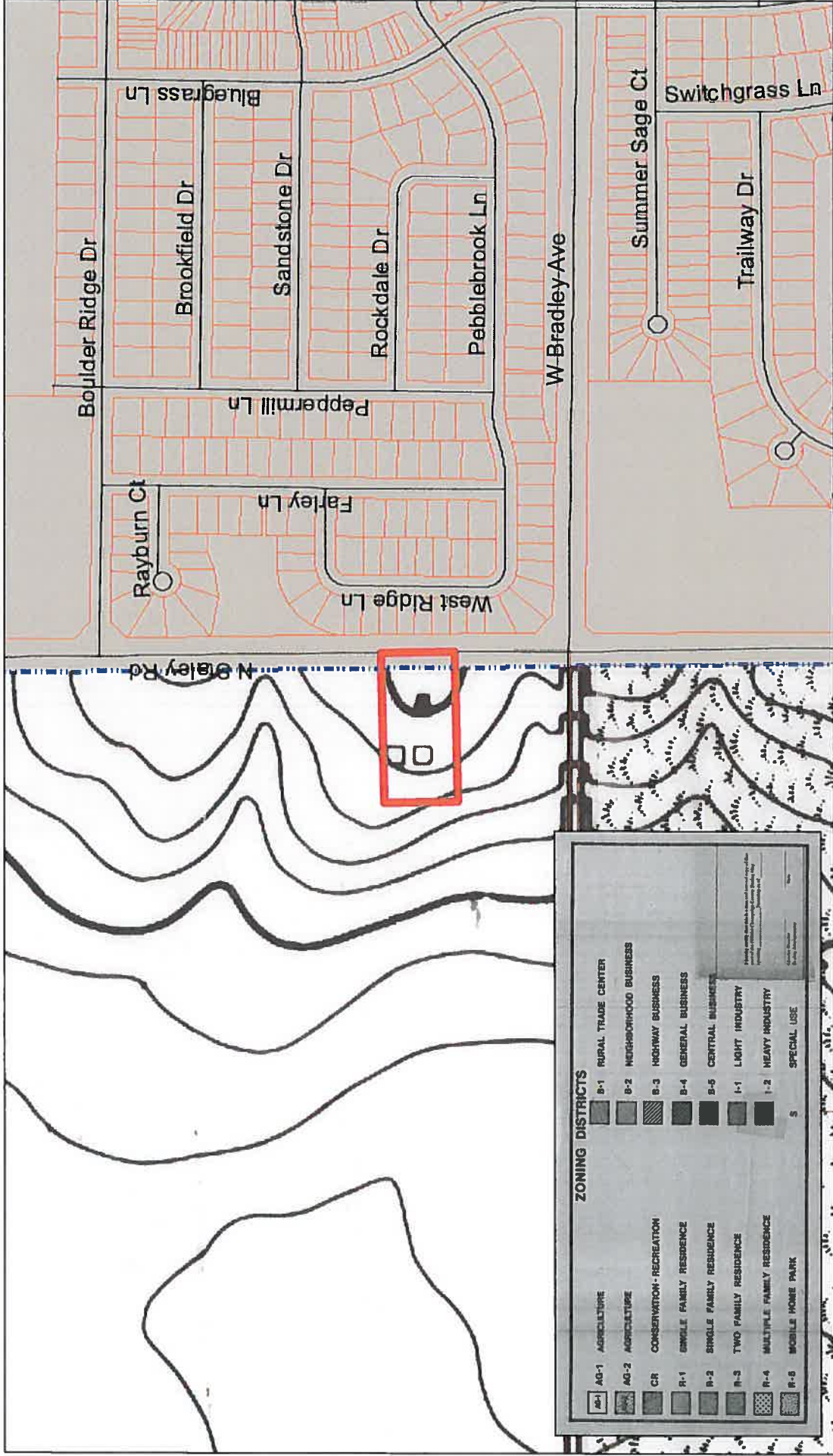
-  Subject Property
-  Commercial
-  Agriculture
-  SF Residential



Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 793-S-14
February 12, 2015



Champaign County
Department of
PLANNING &
ZONING



ZONING DISTRICTS	
AG-1 AGRICULTURE	B-1 RURAL TRADE CENTER
AG-2 AGRICULTURE	B-2 HIGHWORTHHOOD BUSINESS
CR CONSERVATION - RECREATION	B-3 HIGHWAY BUSINESS
R-1 SINGLE FAMILY RESIDENCE	B-4 GENERAL BUSINESS
R-2 SINGLE FAMILY RESIDENCE	B-5 CENTRAL BUSINESS
R-3 TWO FAMILY RESIDENCE	I-1 LIGHT INDUSTRY
R-4 MULTIPLE FAMILY RESIDENCE	I-2 HEAVY INDUSTRY
R-5 MOBILE HOME PARK	S SPECIAL USE

Legend

-  Subject Property
-  Champaign Corporate Limits

RECEIVED

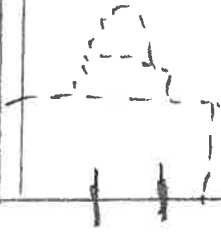
CHAMBERLAIN & ASSOCIATES

kennels

Garage

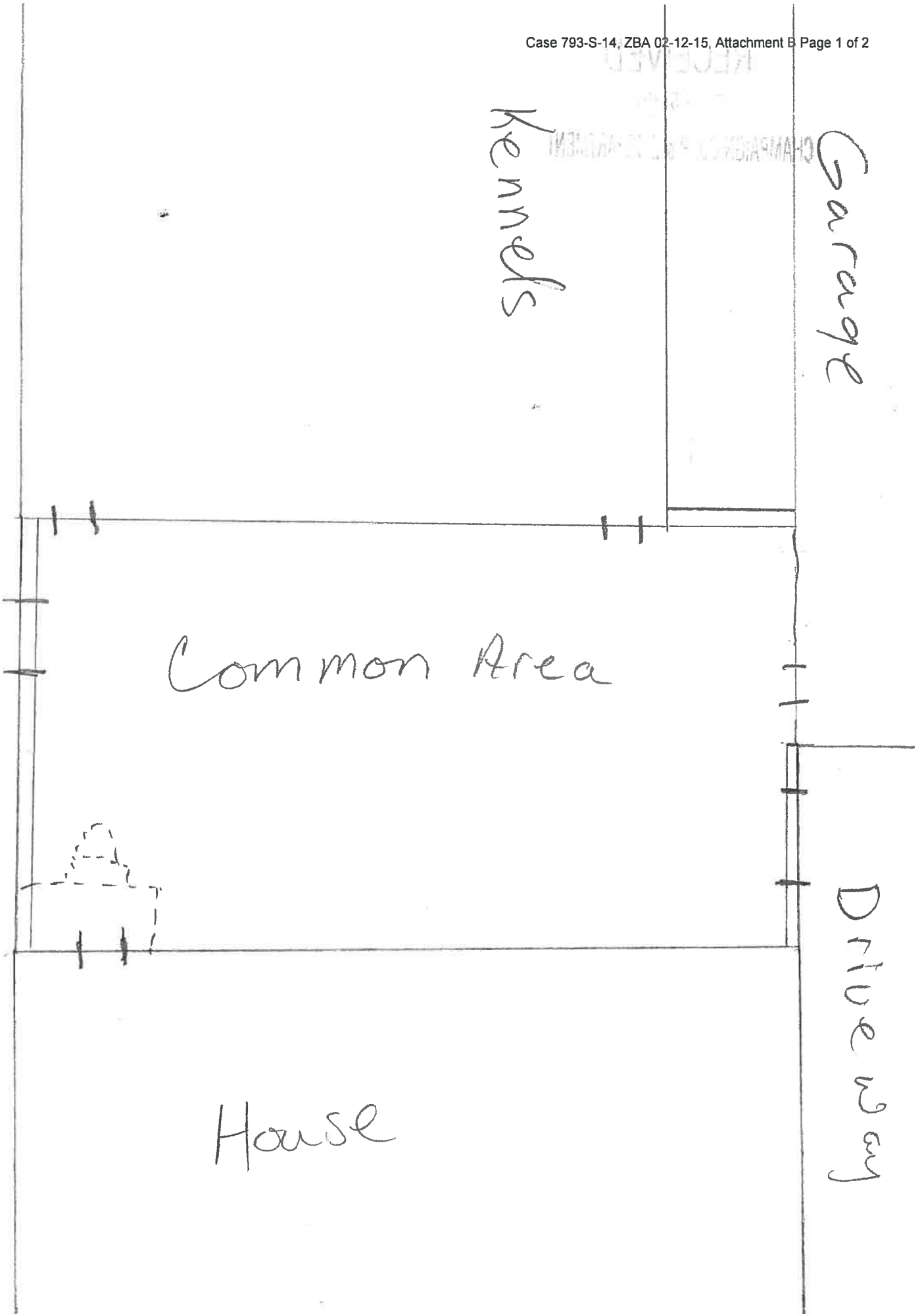
S

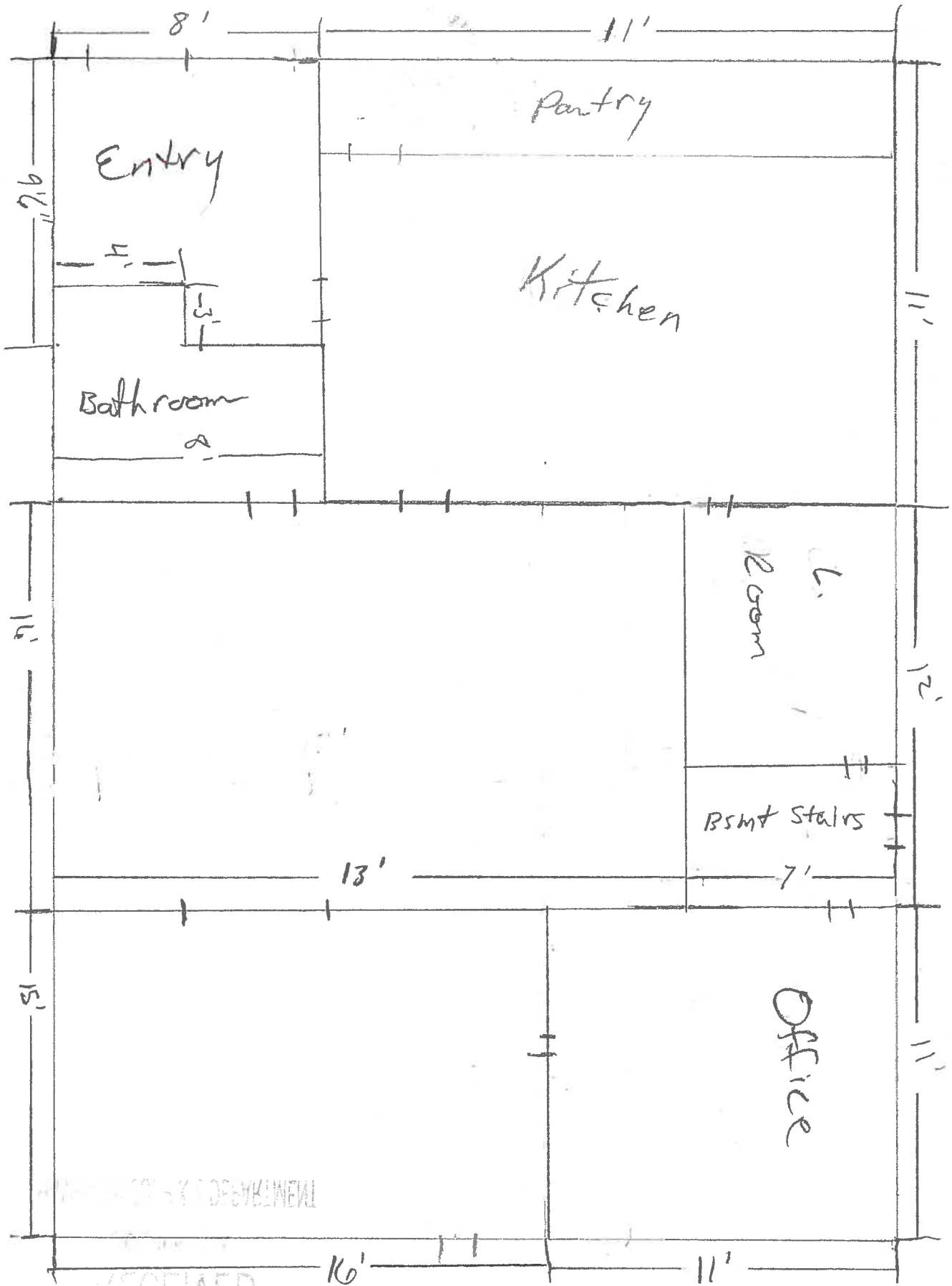
Common Area



House

Driveway





TRANSPARENCY DEPARTMENT

SECRETED

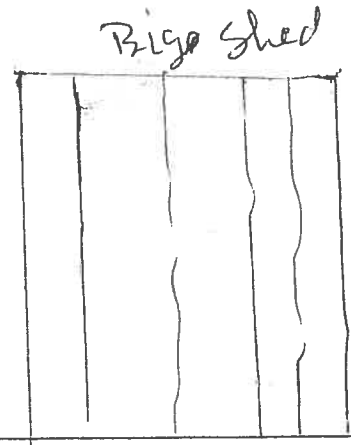
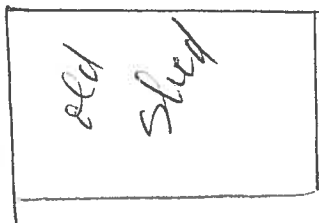
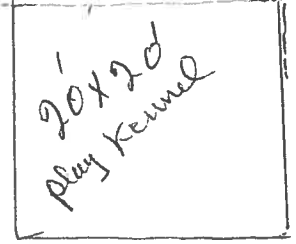
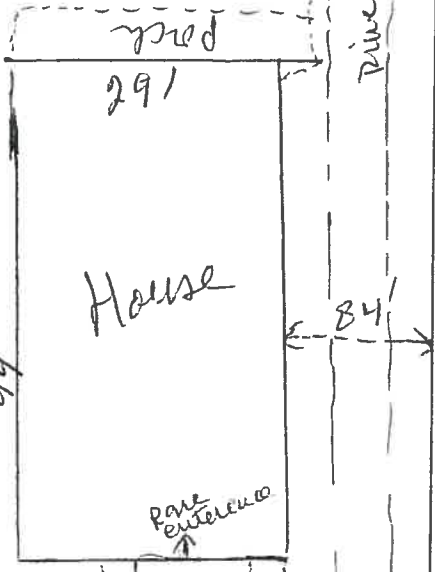
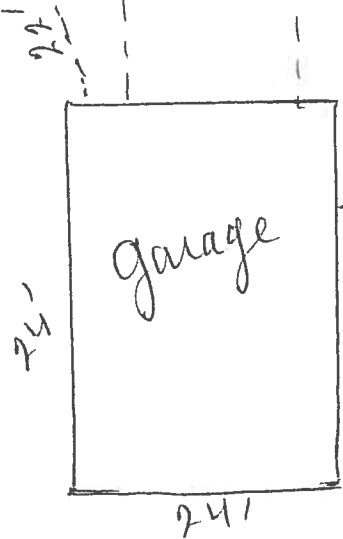
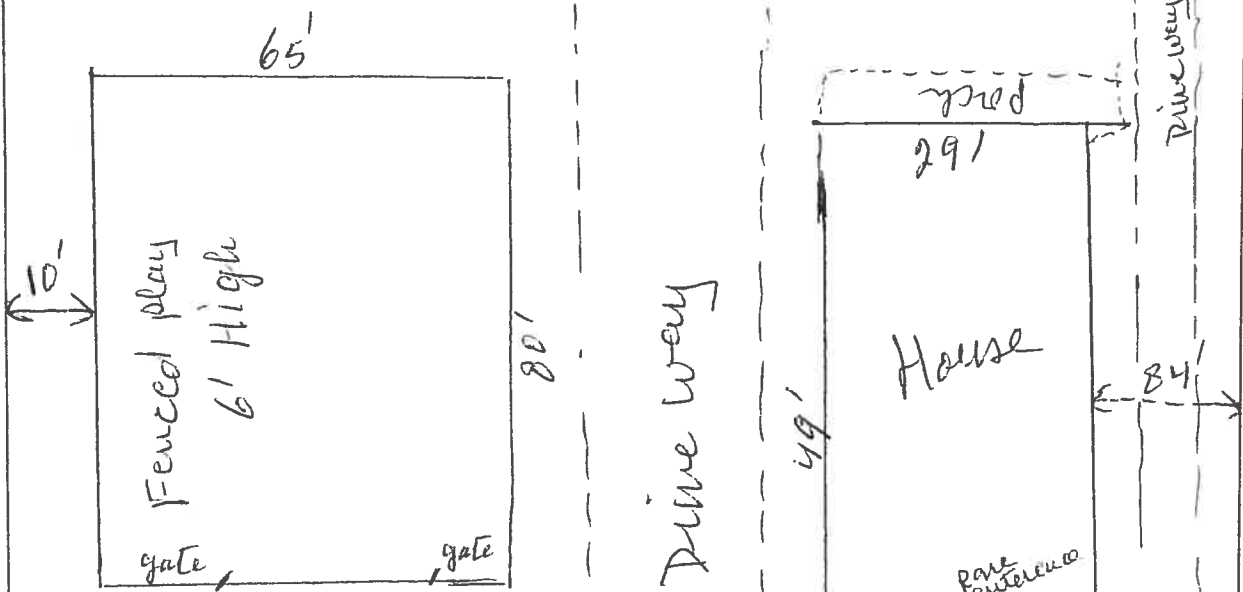
1211 N. W. Wards

E

1211 N. Stacy

Case 793-S-14, ZBA 02-12-15, Attachment C Page 1 of 1

N



W.

(Handwritten mark)



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- www.ccswd.com

NATURAL RESOURCE REPORT

Development Name: Reggie Johnson

Date Reviewed: January 5th, 2015

Requested By: Reggie Johnson

Address: 1211 N. Staley Rd.
Champaign, IL 61822

Location of Property: part of the SE $\frac{1}{4}$ of sec. 5 in TWP.19N., R.8E., of the 3rd. P.M.

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on January 6th, 2015.



RECEIVED

JAN 23 2015

January 6, 2015

CHAMPAIGN CO. P & Z DEPARTMENT



Champaign County

Soil and Water Conservation District
 2110 West Park Court Suite C Champaign, IL 61821
 (217) 352-3536 Extension 3 --- www.ccswcd.com

SITE SPECIFIC CONCERNS

1. The area that is to be developed has 2 soil types (Dana Silt Loam 56B, Wyanet Silt Loam 622C2) that are severe to wetness on Dwellings without a basement.

SOIL RESOURCE

a) Prime Farmland:

This tract is considered best prime farmland for Champaign County.

This tract has an L.E. Factor of 91; see the attached worksheet for this calculation.

b) Soil Characteristics:

There is two (2) soil types on this site; see the attached soil map. The soil present has severe limitations for development in its natural, unimproved state. The possible limitations include severe to wetness in shallow excavations. A development plan will have to take the soil characteristics into consideration.

Map Symbol	Name	Shallow		Roads	Septic Fields	Steel Corrosion	Concrete Corrosion
		Slope	Excavations				
56B2	Dana Silt Loam	2-5%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: percs slow/high	moderate
622C2	Wyanet Silt Loam	5-10%	moderate: dense lay	Slight	Severe: low strength	Severe: percs slow/moderate	moderate

c) Erosion:

This area will be susceptible to erosion both during and after construction. Extra care should be taken to protect the down slope on the back and sides of the property. Any areas left bare for more than 7 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area has slope which could allow erosion during construction and heavy rainfall events. The area has ground cover at the time of inspection, erosion control measures must be installed before construction starts.

d) Sedimentation:

A complete erosion and sedimentation control plan should be developed and implemented on this site prior to and during major construction activity. This plan should also have information for the land owner to continue Sedimentation control after. Example: When will inlets for storm drains need to be cleaned out or how often? All sediment-laden runoff should be routed through sediment basins before discharge. Silt fences should be used in flow areas with drainage areas that do not exceeding 0.5 acres. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control. The website is: <http://www.aiswcd.org/IUM/>



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- www.ccsxcd.com

WATER RESOURCE

a) Surface Drainage:

The site is the top of a hill, water now travels off the site to the North, South, and West. Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much of possible should be considered.

Rain Gardens could be incorporated into the development plan. They can be used to increase infiltration of runoff water for minimal cost. A rain garden can also be incorporated into roadway ditches to help control stormwater.

b) Subsurface Drainage:

It is likely that this site contains agricultural tile, if any tile is found care should be taken to maintain the tile in working order.

Severe ponding, along with wetness may be a limitation associated with the two soil types on the site. Installing a properly designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils.

c) Water Quality:

As long as adequate erosion and sedimentation control systems are installed as described above, the quality of water should not be significantly impacted.

EPA Stormwater Pollution Prevention Plan Reference Tool:

EPA requires a plan to control stormwater pollution for all construction sites over 1 acre in size. *A Guide for Construction Sites* is a reference tool for construction site operators who must prepare a SWPPP in order to obtain NPDES permit coverage for their stormwater discharges. The guide describes the SWPPP development process and provides helpful guidance and tips for developing and implementing an effective plan.

Two model plans, based on hypothetical sites, are now available as a supplement to the guide. The first example plan is for a medium-sized residential subdivision and the second is for a small commercial site. Both examples utilize the SWPPP template that is included in the guide. To view the guide, models and template, visit <http://www.epa.gov/npdes/swpppguide>.



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- www.ccswd.com

d) Low impact development:

The EPA's new report, "Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices." Provides ideas to improve water quality through unique designs. The report contains 17 case studies from across North America that show using LID practices in construction projects can lower costs while improving environmental results. LID practices are innovative stormwater management practices used to manage urban stormwater runoff at its source. The goal of LID practices is to mimic the way water moves through an area before development occurs, which is achieved using design techniques that infiltrate, evapotranspiration and reuse runoff close to its source. Some common LID practices include rain gardens, grassed swales, cisterns, rain barrels, permeable pavements and green roofs. LID practices increasingly are used by communities across the country to help protect and restore water quality. For a copy of the report, go to www.epa.gov/owow/nps/lid/costs07.



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- www.ccsxcd.com

CULTURAL, PLANT, AND ANIMAL RESOURCE

a) Cultural:

The Illinois Historic Preservation Agency may require a Phase 1 Archeological Review to identify any cultural resources that may be on the site.

b) Illinois Endangered Species Protection Act & Illinois Natural Areas Preservation Act:

State agencies or units of local government must consult the Department about proposed actions that they will authorize, fund or perform. Private parties do not have to consult, but they are liable for prohibited taking of state-listed plants or animals or for adversely modifying a Nature Preserve or a Land and Water Reserve.

Home rule governments may delegate this responsibility, through duly enacted ordinances, to the parties seeking authorization or funding of the action.

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered land and water Reserves in the vicinity of the project location.

c) Plant:

For eventual landscaping of the site, the use of native species is recommended whenever possible. Some species include White Oak, Blue Spruce, Norway Spruce, Red Oak, and Red Twig Dogwood. For areas to be restored to a more natural area several groups in the area may be able to help with seed.

If you have further questions, please contact the Champaign County Soil and Water Conservation District.

Signed by _____ Prepared by _____
Steve Stierwalt Jonathon Manuel
Board Chairman Resource Conservationist



Reggie Johnson

Date: 1/5/2015

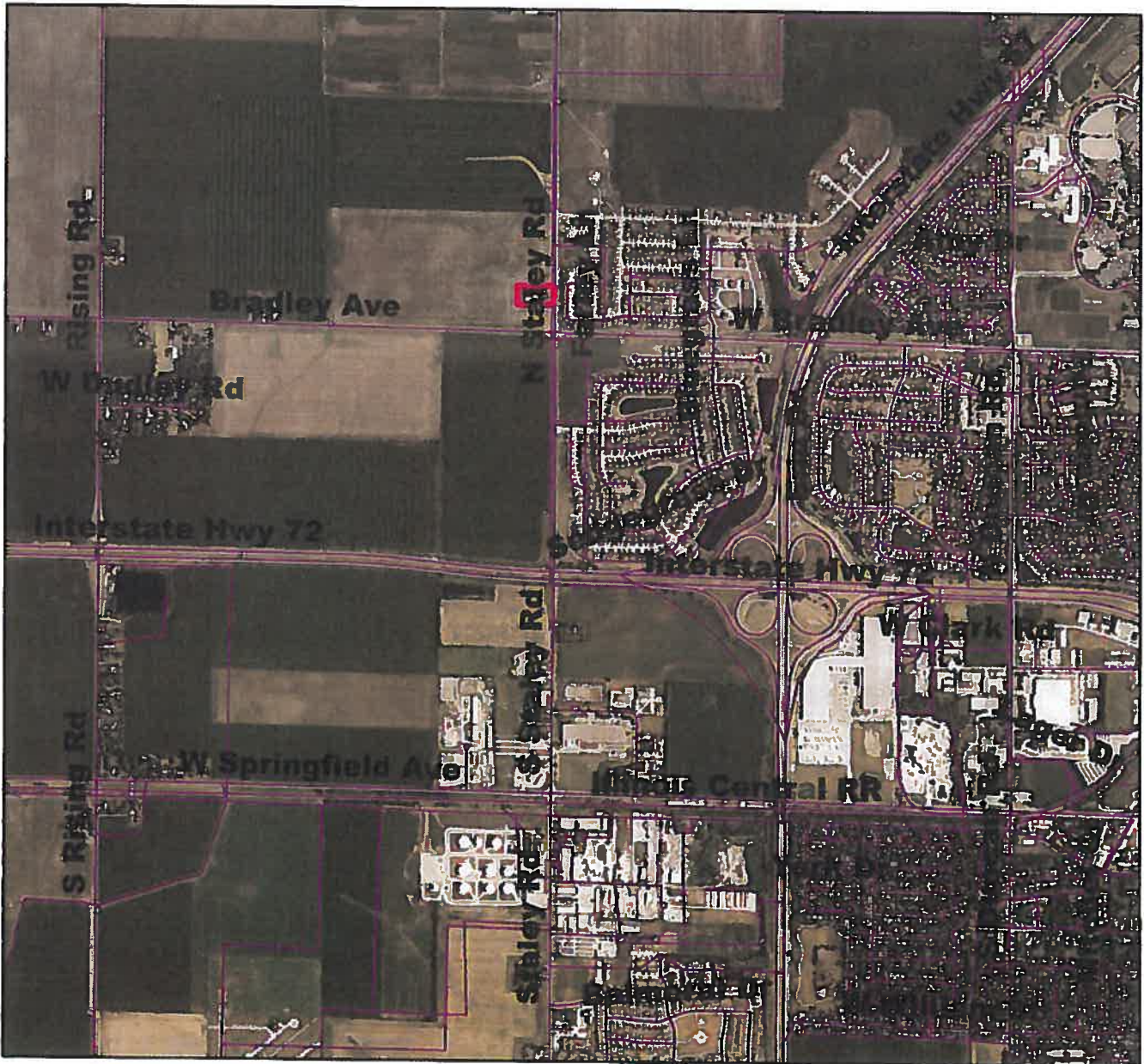
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

-  Reggie Johnson site
-  Road





Reggie Johnson

Date: 1/5/2015

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

- Reggie Johnson site
- Road





Reggie Johnson

Date: 1/5/2015

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

MUSYM

■ 56B

■ 622C2

□ Reggie Johnson site



LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
56B	Dana Silt Loam	4	91	2	182.0
622C2	Wyanet Silt Loam	11	78	0.01	0.8
					0.0
					0.0
					0.0
					0.0
					0.0
					0.0

acreage for calculation slightly larger than tract acreage due to rounding of soils pro

Total LE Weighted Factor= 182.78

Acreage= 2.01

Land Evaluation Factor For Site= 91

Note: A Soil Classifier could be hired for additional accuracy if desired

Data Source: Champaign County Digital Soil Survey

ogram



Reggie Johnson

Date: 1/5/2015

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

— 3_T19N_R08E_SEC05

□ Reggie Johnson site





Reggie Johnson

Date: 1/5/2015

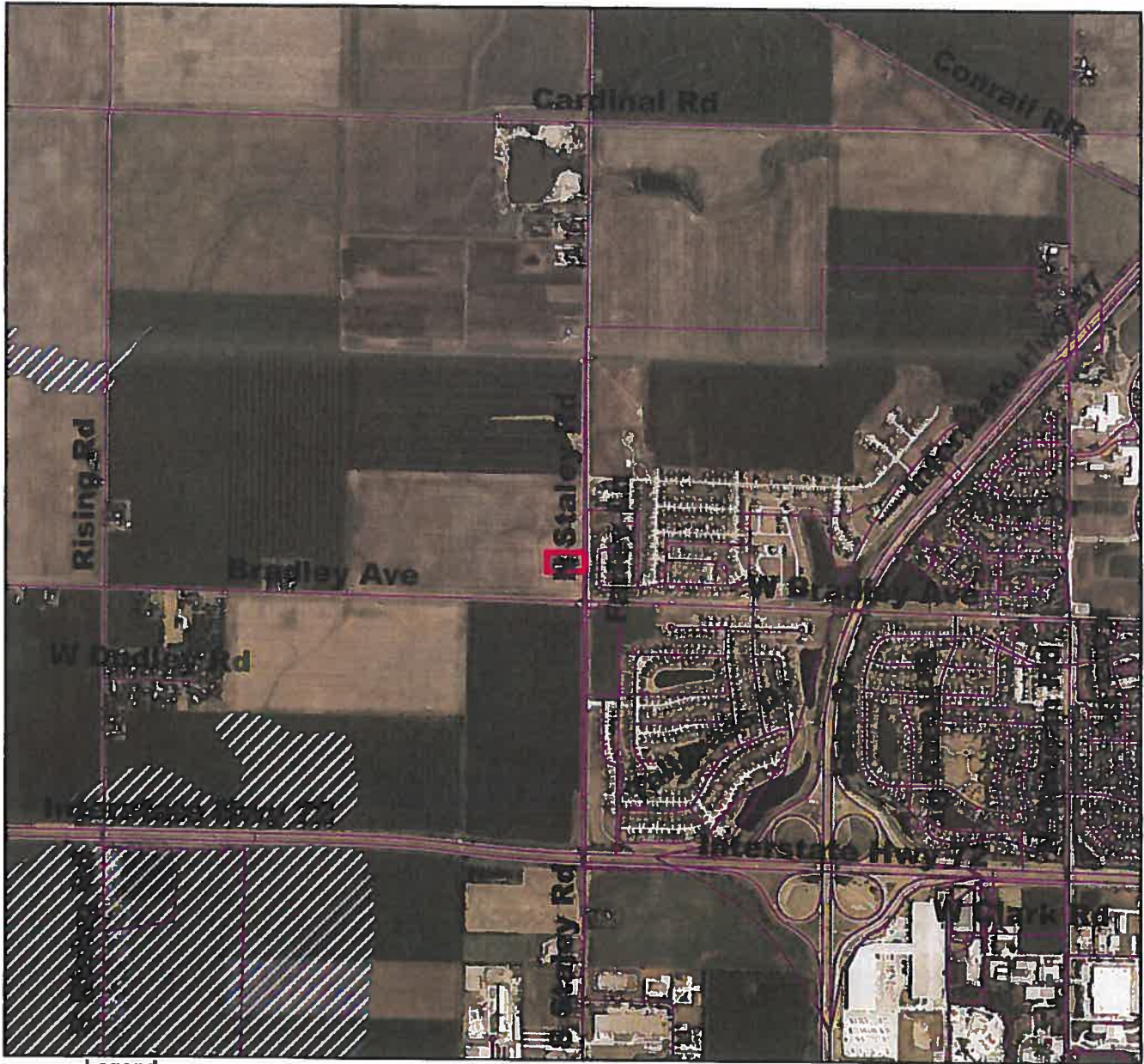
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT




Assisted By: JONATHON MANUEL

2012 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

-  Reggie Johnson site
-  Road
-  fema_a_il019





Applicant: Champaign County Soil & Water Conservation District **IDNR Project Number:** 1507847
Contact: Jonathon Manuel **Date:** 01/05/2015
Address: 2110 West Park Court
 Suite C
 Champaign, IL 61821

Project: Reggie Johnson
Address: 2110 W. Park Court, Champaign

Description: Splitting off farm buildings from farm Ground

Natural Resource Review Results

This project was submitted for information only. It is not a consultation under Part 1075.

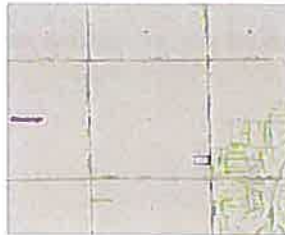
The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Champaign

Township, Range, Section:
19N, 8E, 5



IL Department of Natural Resources
Contact
 Impact Assessment Section
 217-785-5500
 Division of Ecosystems & Environment

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

IDNR Project Number: 1507847

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.



Reggie Johnson

Date: 1/5/2015

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Field Office: CHAMPAIGN SERVICE CENTER

Assisted By: JONATHON MANUEL

2012 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

 Reggie Johnson site



N





Reggie Johnson

Date: 1/5/2015

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2010 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

 Reggie Johnson site





Reggie Johnson

Date: 1/5/2015

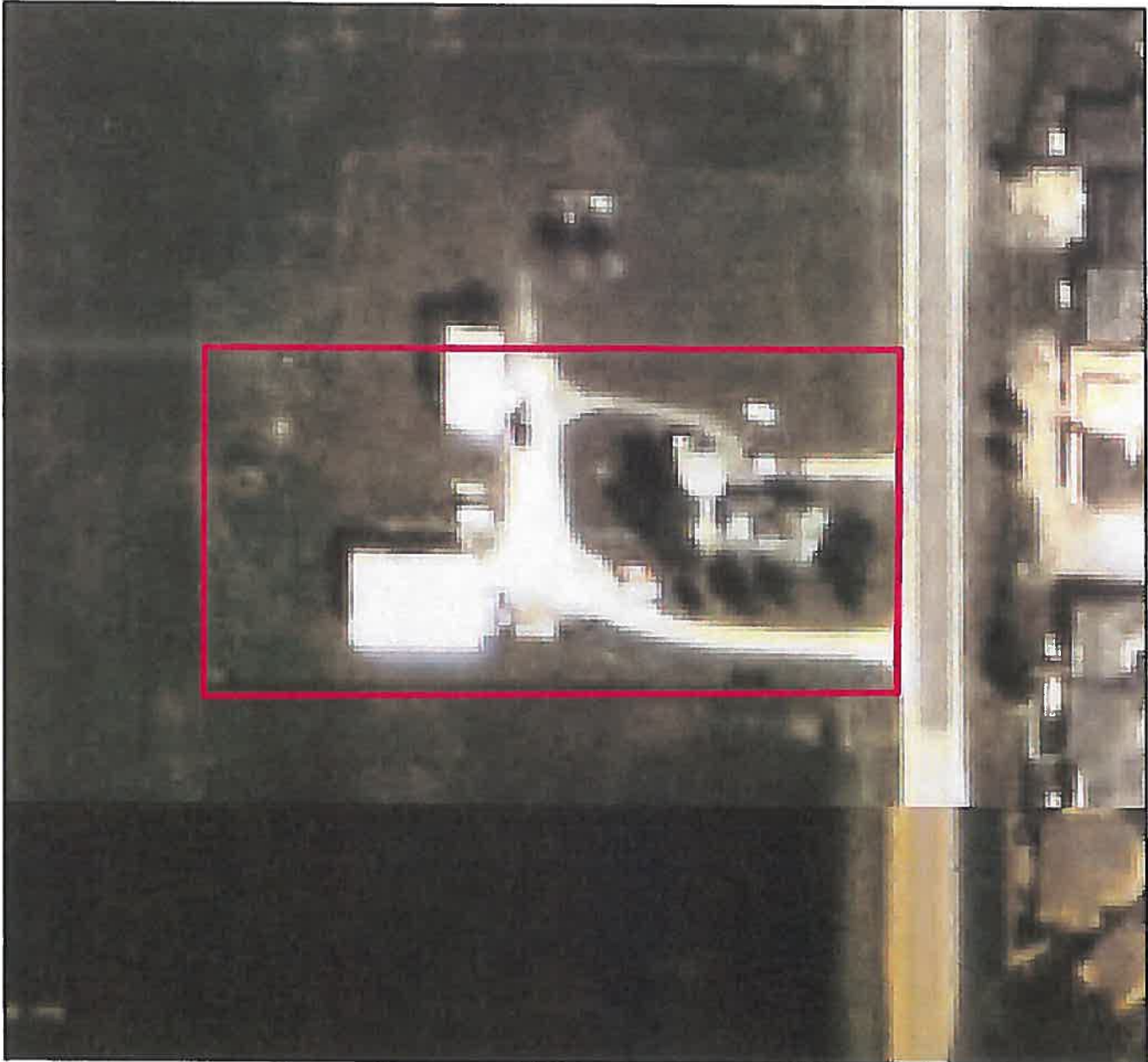
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Field Office: CHAMPAIGN SERVICE CENTER

Assisted By: JONATHON MANUEL

2007 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

 Reggie Johnson site





Reggie Johnson

Date: 1/5/2015

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Field Office: CHAMPAIGN SERVICE CENTER

Assisted By: JONATHON MANUEL

2004 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

 Reggie Johnson site



NOT TO SCALE

J5-1-76-54

1990

Page 19 of 21

74.6

1966



793-S-14 Johnson/Handal images



From Staley Road facing property to NW



**From south access driveway facing north along Staley Road –
primary structure at left, fenced yard to north, business sign**

793-S-14 Johnson/Handal images



Property from south access drive facing west



Principal structure (residence and indoor kennel) from north access drive facing SW

793-S-14 Johnson/Handal images



Principal structure, garage, outbuilding (to be demolished) and fenced area from north access drive facing west

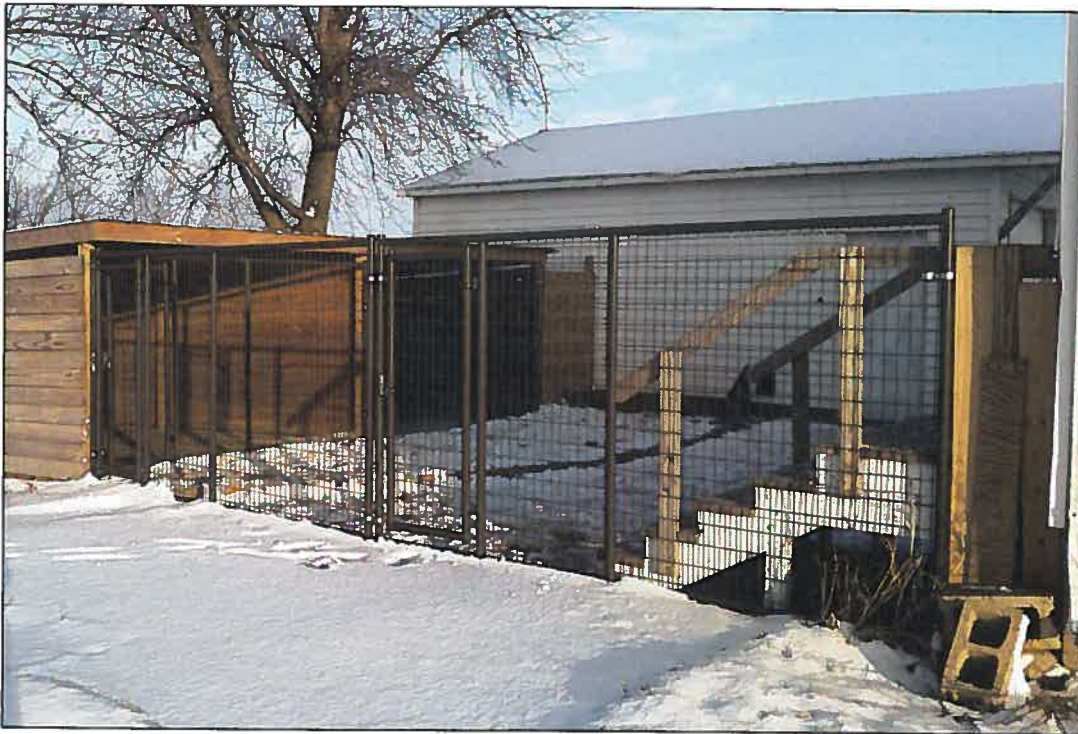


Fenced area along Staley Road – from north access drive facing north

793-S-14 Johnson/Handal images



Residential area across from property (east side of Staley Road)



Covered play kennel area behind house with 6' fence

793-S-14 Johnson/Handal images



Covered play kennel area behind house with 6' fence



Fenced yard between covered kennel and back of house

02/05/15 DRAFT

793-S-14

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

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

Date: *{date of final determination}*

Petitioners: Lawrence Johnson and Fuad Handal

Request: 1) Authorize a kennel as a Special Use on 1.8 acres located in the AG-1 Agriculture Zoning District.

2) Authorize the following waivers to the standard conditions of the Kennel special use as per Section 6.1.3 of the Zoning Ordinance:

- a. A separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet; and
- b. No noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height installed separating the exercise and/or training area from any adjacent residential structure and/or use; and
- c. A side yard setback of 85 feet in lieu of the required 200 feet.

Table of Contents

General Application Information 2 - 4

Specific Ordinance Requirements 4 - 9

Special Use Evidence 10 - 23

Documents of Record 24

Case 793-S-14 Finding of Fact 25 - 26

Case 793-S-14 Final Determination 27

Case 793-S-14
Page 2 of 27

02/05/15 DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 12, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Fuad Handal owns the subject property and Lawrence Johnson resides on the property; the latter will manage the kennel.
2. The subject property is a 1.8 acre tract in the Southeast Quarter of the Southeast Quarter of Section 5 T. 19 N. R. 8 E. in Champaign Township with an address of 1211 N Staley Road, Champaign.
3. The subject property is located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ, however they do receive notice of such cases and they are invited to comment.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 1.8 acre tract zoned AG-1 Agriculture and is in use as a single family residence.
 - B. Land to the north, west, and south of the subject property is zoned AG-1 Agriculture and is in use as farmland.
 - C. Land to the east of the subject property is in the City of Champaign, is zoned SF-1 Single Family Residential and is in use as single family dwellings.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan of the subject site:
 - A. The Petitioner's Revised Site Plan, received January 21, 2015 indicates the following:
 - (1) Existing residence with footprint of approximately 29 feet by 49 feet;
 - (2) Existing detached garage, approximately 24 feet by 24 feet;
 - (3) Existing detached, covered "play kennel", approximately 20 feet by 20 feet;
 - (4) Existing large shed, approximately 60 by 80 feet;
 - (5) Existing smaller "old shed", to be demolished;
 - (6) Existing fenced activity area for dogs, 65 feet by 80 feet.
 - (7) No additional improvements are anticipated for the proposed Special Use.

02/05/15 DRAFT

Case 793-S-14
Page 3 of 27

- B. The petitioner applied for and received a license from the Illinois Department of Agriculture to run a dog kennel, which requires renewal by June 30th each year.
- (1) The license application specific to “buildings and premises” for kennels operator include review of the following:
 - (a) Describe buildings and premises where applicant intends to conduct operation (dimensions, type of flooring, roofing, and size of different rooms;
 - (b) Number of cages, pens, and/or aquariums on the premises;
 - (c) Average number of dogs, cats, birds, fish, or reptiles on hand;
 - (d) Describe storage and disposal of waste materials and dead animals (schedule of pick-up service and by whom);
 - (e) What control measures are taken to prevent infestation of animals and premises with external parasites and vermin;
 - (f) What precautions are taken for the isolation of diseased animals to avoid exposure to healthy and salable animals;
 - (g) How often are cages, runs, and tanks cleaned and disinfected when in current use; and
 - (h) Describe heating and ventilation system in the kennel area.
 - (2) The license application specific to “animals in transit” for kennels operator include review of the following:
 - (a) Method of handling animals in transit in relation to feeding, watering, freedom of movement, type of conveyance, heat and ventilation, disinfecting, and sanitary measures.
- C. Petitioner Johnson indicated they can board up to 15 dogs in the house; the dogs will only be let outside for periodic necessary activity.
- D. The petitioner has requested the following waivers (variances) specific to the Kennel use:
- (1) A separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet;
 - (2) No noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height installed separating the exercise and/or training area from any adjacent residential structure and/or use;

02/05/15 DRAFT

- (3) A side yard setback of 85 feet in lieu of the required 200 feet.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding the proposed Special Use:

A. Section 5.2 authorizes a “Kennel” as a Special Use only in the CR, AG-1, AG-2 and B-4 Zoning Districts, and by-right in the I-1 and I-2 Zoning Districts.

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

(1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:

(a) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.

(b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.

(c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.

(d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.

(e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.

(2) Subsection 6.1.3 indicates the following standard conditions that apply specifically to Kennels:

(a) Enclosed KENNELS shall not permit animals to be kept either temporarily or permanently outside the KENNEL. One SINGLE FAMILY DWELLING may be permitted on the site provided it is for occupancy by the OWNER or employee of the KENNEL.

(b) KENNELS where animals are kept temporarily or permanently outside of the KENNEL shall adhere to the following requirements:

(1) Provide a 6' wire mesh fence to encompass outdoor animal exercise and/or training area.

02/05/15 DRAFT

Case 793-S-14
Page 5 of 27

- 2) Any outdoor animal exercise and/or training area shall be 200' from any adjacent residential STRUCTURE and/or USE and shall have a noise buffer of evergreen shrubs or trees a minimum of four feet in HEIGHT installed separating the exercise and/or training area from any adjacent residential STRUCTURE and/or USE. Measurements shall be made from LOT LINE of an adjacent residential STRUCTURE and/or USE.
- 3) Maintain a SIDE YARD setback and a REAR YARD setback of 200 feet.

C. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):

- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
- (2) "ACCESSORY STRUCTURE" is a STRUCTURE on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
- (3) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
- (4) "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.
- (5) "BUILDING, DETACHED" is a BUILDING having no walls in common with other BUILDINGS.
- (6) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (7) "BUILDING RESTRICTION LINE" is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STUCTURE.
- (8) "KENNEL" is a LOT or PREMISES on which six or more dogs or six or more cats (or any combination thereof) at least six months of age are kept, boarded, bred, or retained for compensation; or a LOT or PREMISES on which dogs and/or cats are raised and offered for sale, adoption, or exchange, with or without compensation.

02/05/15 DRAFT

- (9) "LOT LINE, FRONT" is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (10) "LOT LINE, REAR" is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (11) "PARKING SPACE" is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (12) "SCREEN" is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (13) "SETBACK LINE" is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (14) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
- (15) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (16) "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.
- (17) "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.
- (18) "SUITED OVERALL" is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
 - a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;

02/05/15 DRAFT

**Case 793-S-14
Page 7 of 27**

- c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (19) "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.
- (20) "YARD" is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (21) "YARD, FRONT" is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
- (22) "YARD, REAR" is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- (23) "YARD, SIDE" is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- D. 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;
 - (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.

02/05/15 DRAFT

- (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.
- E. 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.
- 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.
 - (3) Including findings based on all of the criteria that are required for a VARIANCE for any waiver of a standard condition will eliminate any concern related to the adequacy of the required findings for a waiver of a standard condition and will still provide the efficiency of not requiring a public hearing for a VARIANCE, which was the original reason for adding waivers of standard conditions to the Ordinance.

02/05/15 DRAFT

**Case 793-S-14
Page 9 of 27**

- (4) Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- a. That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - b. That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2. The requested variances are as follows:
 - (a) A separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet; and
 - (b) No noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height installed separating the exercise and/or training area from any adjacent residential structure and/or use; and
 - (c) A side yard setback of 85 feet in lieu of the required 200 feet.

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:

Case 793-S-14
Page 10 of 27

02/05/15 DRAFT

- A. The Petitioner has testified on the application received April 30, 2014, **“I am an important service to the community. I provide a resource for people with pets who require a safe place for their pets to stay while they work, travel, are in school, and also offer emergency pet care for people that may end up in the hospital or another tragic event like a house fire. I aid and assist the average dog owner with proper care taking, which includes exercise and training, thus curbing behavioral issues, which often leads to the dog going to the pound or other over-crowded rescues.”**

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, **“Not more injurious or detrimental. As this property is zoned AG-1, it could be used as a farm, or to keep other livestock. Dogs are cleaner than livestock that are kept in barns or pastures like cows and pigs that create smells that go beyond the perimeter of the property. All dogs are boarded indoors. I care for household pets that are family companions. They are tended to regularly both day and night. The dogs are let out into play areas that are enclosed with human supervision. They are not allowed outside of these areas without being on a leash. All trash including feces are thrown away in the garbage and collected weekly by a professional trash collector.”**
- B. Regarding surface drainage:
- (1) The subject property is located in the Fountain Head drainage district.
 - (2) The site is located at the top of a hill; drainage appears to flow across the property primarily to the west but also to the north and south.
 - (3) The Champaign County Soil and Water Conservation District Natural Resource Report does not identify any concerns related to surface drainage for the proposed project.
- C. The subject property location is on Staley Road, approximately 325 feet north of Bradley Avenue. Regarding the general traffic conditions on Staley Road at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- (1) The Illinois Department of Transportation (IDOT) measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The AADT on Staley Road north of Bradley Avenue is 6,800 as of 2011, the most recent year counts were done.

02/05/15 DRAFT

Case 793-S-14
Page 11 of 27

- (2) Visits to the subject property might be several vehicles a day. No significant increase in traffic is anticipated.
 - (3) The Township Highway Commissioner and County Engineer have been notified of these cases and no comments have been received at this time.
- D. The subject property is located on best prime farmland. The subject property soil consists of Dana Silt Loam (56B2) and Wyonet Silt Loam (622C2). The site has a relative Land Evaluation (LE) value of 91. The following factors must be considered to ensure that the property is WELL SUITED OVERALL:
- 1) Will the site features or site location to operate as a Kennel detract from the proposed use?
 - 2) Will the site create a risk to health, safety or property of the occupants, the neighbors or the general public?
 - 3) Is the site clearly inadequate in one respect even if it is acceptable in other respects?
 - 4) Is the necessary infrastructure in place or provided by the proposed development?
 - 5) Are available public services adequate to support the proposed development effectively and safely?
- E. Regarding fire protection of the subject property, the subject property is within the protection area of the Scott Fire Protection District. The subject property is approximately 4.2 road miles from the fire station in Bondville. The Fire Protection District Chief has been notified of this request and no comments have been received.
- F. Regarding subsurface drainage:
- 1) The subject property is not located within a Special Flood Hazard Area.
 - (2) It is unknown if the subject property contains any agricultural field tile. Any tile that is discovered on the subject property will have to be protected as per the requirements of the Stormwater Management Policy.
 - (3) The Champaign County Soil and Water Conservation District Natural Resource Report for the proposed project received January 23, 2015 states: "It is likely that this site contains agricultural tile, if any tile is found care should be taken to maintain the tile in working order. Severe ponding, along with wetness may be a limitation associated with the two soil types on the site. Installing a property designed subsurface drainage system will minimize adverse effects. Reinforcing

02/05/15 DRAFT

foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils.”

- G. Regarding outdoor lighting on the subject property:
 - (1) The Revised Site Plan received January 21, 2015 indicates no outdoor lighting.
 - (2) Field inspection indicates that there is outdoor lighting from the second story of the house illuminating the detached garage/driveway area. It is unknown if the fixtures are full cut off.

- H. Regarding wastewater treatment and disposal on the subject property:
 - (1) No information has been provided regarding the existing septic system.

- 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.

*02/05/15 DRAFT***Case 793-S-14**
Page 13 of 27

- (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
 - (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
- (a) The 2006 or later editions of the following codes developed by the International Code Council:
 - 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.
- J. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such

Case 793-S-14
Page 14 of 27

02/05/15 DRAFT

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, no further alteration will be made to the property.”**
 - B. Regarding compliance with the *Zoning Ordinance*, the following evidence was provided:
 - (1) Section 5.2 authorizes a “Kennel” as a Special Use only in the CR, AG-1, AG-2 and B-4 Zoning Districts, and by-right in the I-1 and I-2 Zoning Districts.
 - (2) Paragraph 6.1.2 A. establishes standard conditions for exterior lighting that apply to all Special Use Permits (see Item 6.B.1 above). The petitioner has not provided specifications on the exterior lighting installed on the north side of the house.
 - (3) Subsection 6.1.3 indicates standard conditions that apply specifically to kennels:
 - (a) Enclosed KENNELS shall not permit animals to be kept either temporarily or permanently outside the KENNEL. One SINGLE FAMILY DWELLING may be permitted on the site provided it is for occupancy by the OWNER or employee of the KENNEL.
 - (1) The Petitioner has stated that the animals will be boarded inside the house, and that they will only be outside in the fenced activity area temporarily.
 - (2) The revised site plan received January 21, 2015, indicates a 20 feet by 20 feet “play kennel” with a 6 foot tall fence south of the garage and behind the residence. The Petitioner indicated that this area would be used as a temporary, covered activity area when weather conditions prevent use of the uncovered, fenced play area.
 - (b) KENNELS where animals are kept temporarily or permanently outside of the KENNEL shall adhere to the following requirements:
 - (1) Provide a 6' wire mesh fence to encompass outdoor animal exercise and/or training area. The Petitioner installed a six foot wire mesh fence for both the activity area on the north side of the property and the covered play kennel area behind the house.

02/05/15 DRAFT

**Case 793-S-14
Page 15 of 27**

- (2) Any outdoor animal exercise and/or training area shall be 200' from any adjacent residential STRUCTURE and/or USE and shall have a noise buffer of evergreen shrubs or trees a minimum of four feet in HEIGHT installed separating the exercise and/or training area from any adjacent residential STRUCTURE and/or USE. Measurements shall be made from LOT LINE of an adjacent residential STRUCTURE and/or USE. The activity area for the proposed Special Use is 95 feet away from the nearest lot line of an adjacent residential structure. There are no shrubs planted as a noise buffer.
 - (3) Maintain a SIDE YARD setback and a REAR YARD setback of 200 feet. The rear yard has a 300 foot setback. The north side yard has a 92 foot setback. The south side yard has an 85 foot setback.
- C. Regarding compliance with the *Stormwater Management Policy*, the Champaign County Stormwater Management Policy does not apply in this case because the Petitioner will not build any new structures or make further improvements.
 - D. Regarding the Special Flood Hazard Areas Ordinance, the subject property is not located in the Special Flood Hazard Area.
 - E. Regarding the Subdivision Regulations, the subject property conforms to the Champaign County Subdivision Regulations.
 - F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District, the proposed use is "Kennel". The property is in a rural setting on the fringe of the urban area, is already converted from farmland yet maintains a rural landscape, is surrounded by farmland on three sides, and will involve the care of animals.
 - G. The proposed Special Use is exempt from the Illinois Accessibility Code because no additional improvements will be made.

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. KENNEL may be authorized by the ZBA in the AG-1 Agriculture Zoning District as a Special Use provided all other zoning requirements and standard conditions are met or waived.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:

Case 793-S-14
Page 16 of 27

02/05/15 DRAFT

- (1) Subsection 5.1.14 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):

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 AGRICULTURE pursuits.

- (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-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.

C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:

- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements. However, waivers are required if standard conditions are not met.

- (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, it is unclear what impact the proposed SUP will have on 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.

There are two access drives to the property. Traffic at the kennel is expected to 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.

The requested Special Use Permit is exempt from the Champaign County Stormwater Management Policy; it is outside of the Special Flood Hazard Area,

02/05/15 DRAFT

Case 793-S-14
Page 17 of 27

and there are no special drainage problems that appear to be created by the Special Use Permit.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- (a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
- (b) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

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

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions. A Special Condition has been identified regarding exterior lighting.

02/05/15 DRAFT

- (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.

This purpose is not relevant to the proposed Special Use Permit because it relates to nonconforming buildings, structures, or uses that existed on the date of the adoption of the Ordinance and the proposed use will be entirely new.

- (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.

The subject property is located in the AG-1 Agriculture District and the proposed use will maintain rural characteristics.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features and there are no natural features in the vicinity of the subject property.

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

The subject property is located in the AG-1 Agriculture District and will serve a nearby population and will not require any new public utilities or public infrastructure.

- (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.

The subject property is located in the AG-1 Agriculture District and serves the agricultural nature of the rural area by requiring no further development to the property's rural character.

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

The proposed use in this case is not related to this purpose.

02/05/15 DRAFT

**Case 793-S-14
Page 19 of 27**

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 property is not a non-conforming use.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES FOR A WAIVER (VARIANCE)

12. Regarding specific *Zoning Ordinance* requirements relevant to this case:
 - A. Minimum setbacks from the centerline of a street, minimum front yards, minimum side yards, minimum rear yards, and maximum lot size in the AG-1 District are established in Section 5.3 and Subsection 4.3.2 of the *Zoning Ordinance* as follows:
 - (1) The minimum setback from a local street is listed in Section 5.3 and Subsection 4.3.2 as 55 feet.
 - (2) The minimum front yard in regards to a local (collector) street is listed in Footnote 3 of Section 5.3 and Subsection 4.3.2 as 30 feet.
 - (3) The minimum side yard is listed in Section 5.3 as 15 feet.
 - (4) The minimum rear yard is listed in Section 5.3 as 25 feet.

RELATED TO THE WAIVER (VARIANCE), GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

13. Generally regarding the *Zoning Ordinance* requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. Regarding Part (a) of the waiver (variance) that a separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet:
 - (1) The nearest residential lot line is 95 feet away across Staley Road to the east. The residence, which faces away from the kennel, has a fenced back yard adjacent to Staley Road.
 - (2) The fenced animal exercise area abuts a large slope and ditch along Staley Road, which would make buffer plantings difficult to establish.
 - B. Regarding Part (b) of the waiver (variance) for no noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height:

02/05/15 DRAFT

- (1) The animal exercise area abuts a large slope and ditch along Staley Road, which would make buffer plantings difficult to establish.
- C. Regarding Part (c) of the waiver (variance) for a side yard setback of 85 feet in lieu of the required 200 feet:
- (1) The nearest dwelling is approximately 3,500 feet from the side property line.
 - (2) The nearest dwelling is approximately 2,900 feet away from the rear property line.
 - (3) The land adjacent to the sides and rear property lines is agricultural in use.

RELATED TO THE WAIVER (VARIANCE), GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

14. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. Regarding Part (a) of the waiver (variance) for a separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet:
- (1) The petitioner recently installed the fence around the outdoor activity area, not knowing that permission was needed from the Zoning Department to do so.
 - (2) Without the proposed variance the petitioner would have to remove and reinstall the fence.
- B. Regarding Part (b) of the waiver (variance) for no noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height:
- (1) The animal exercise area abuts a large slope and ditch along Staley Road, which would make buffer plantings difficult to establish.
- C. Regarding Part (c) of the waiver (variance) for a side yard setback of 85 feet in lieu of the required 200 feet:
- (1) The subject property is adjacent to agricultural land on its side and rear property lines. There are no residences within one-half mile on the sides and rear of the property.
 - (2) Without the proposed waiver, the petitioners would be unable to establish the proposed Special Use on this property.

02/05/15 DRAFT

Case 793-S-14
Page 21 of 27

RELATED TO THE WAIVER (VARIANCE), GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

15. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. Regarding Part (a) of the waiver (variance) for a separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet:
 - (1) The petitioner recently installed the fence around the outdoor activity area, not knowing that permission was needed from the Zoning Department to do so.
 - B. Regarding Part (b) of the waiver (variance) for no noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height:
 - (1) The petitioner indicated he was not aware of the Zoning Ordinance requirements; he could have installed the fencing farther back from the difficult topography in order to accommodate the noise buffering shrubs.
 - C. Regarding Part (c) of the waiver (variance) for a side yard setback of 85 feet in lieu of the required 200 feet:
 - (1) The Petitioner owned the property prior to establishing the Kennel. He was unaware that there are Zoning Ordinance regulations specific to the Kennel use.

GENERALLY PERTAINING TO WHETHER OR NOT THE WAIVER (VARIANCE) IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

16. Regarding the *Zoning Ordinance* requirement that the waivers (variances) of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
 - A. Regarding Part (a) of the waiver (variance) for a separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet,
 - (1) The requested variance is 48% of the minimum required, for a variance of 52%.
 - (2) The Zoning Ordinance does not clearly state the considerations that underlie the separation distance requirement. Presumably the requirement is intended to ensure that there is adequate separation from noise made by the animals in the activity area.
 - (a) The Petitioner has indicated that they could board up to 15 animals at one time.
 - (b) The nearest residence is across Staley Road, is fenced, and faces away from the proposed Kennel.

Case 793-S-14
Page 22 of 27

02/05/15 DRAFT

- B. Regarding Part (b) of the waiver (variance) for no noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height:
- (1) The requested variance is 0% of the minimum required, for a variance of 100%.
 - (2) The Zoning Ordinance does not clearly state the considerations that underlie the noise buffer requirement. Presumably the requirement is intended to ensure that noise made by the animals in the activity area will not disrupt nearby residents.
 - (a) The Petitioner has indicated that they could board up to 15 animals at one time.
 - (b) The nearest residence is across Staley Road, is fenced, and faces away from the proposed Kennel.
- C. Regarding Part (c) of the waiver (variance) for a side yard setback of 85 feet in lieu of the required 200 feet,
- (1) The requested variance is 43% of the minimum required, for a variance of 57%.
 - (2) The Zoning Ordinance does not clearly state the considerations that underlie the side yard setback. Presumably the requirement is intended to ensure the following:
 - (a) Adequate light and air: The subject property is surrounded by agriculture use on three sides.
 - (b) Separation of structures to prevent conflagration: The nearest structure on adjacent property to the proposed addition is approximately 95 feet.
 - (c) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED WAIVER (VARIANCE) ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

17. Regarding the Zoning Ordinance requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Township Road Commissioner has received notice of these waivers (variances) and no comments have been received.
 - B. The Fire Protection District has been notified of these waivers (variances) and no comments have been received.
 - C. Neighbors have indicated their concerns about potential noise that may result from up to 15 dogs being cared for at the proposed Kennel.

02/05/15 DRAFT

Case 793-S-14
Page 23 of 27

- (1) In an email from Tim Donohue, President of the West Ridge Homeowners Association (HOA), received February 3, 2015, the Zoning Office was copied on an email sent to HOA members informing them of the proposed Kennel and encouraging them to submit their opinions and attend the ZBA meeting for this case. West Ridge Subdivision is east of Staley Road across from the proposed use.
- (2) In an email from the West Ridge Homeowners Association received February 3, 2015, officers of the HOA wrote on behalf of their homeowners asking the ZBA to deny this petition for a Special Use permit because they are concerned about noise coming from the boarded animals.
- (3) In an email from Ralph and Janet Miller of the West Ridge Subdivision received February 3, 2015, they oppose approval for a Special Use Permit for a Kennel on the subject property. They mention noise concerns and suggest that even a noise buffer of plantings will not reduce the noise of barking dogs.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

18. Regarding proposed special conditions of approval:

- A. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

- B. **The number of animals to be boarded at one time will not exceed 15, which is the number the Petitioner indicated as the maximum that they would board. Further, no dogs will be housed outside.**

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

That noise from the proposed Special Use is minimally disruptive to the surrounding area.

Case 793-S-14
Page 24 of 27

02/05/15 DRAFT

DOCUMENTS OF RECORD

1. Special Use Permit application received November 20, 2014, with attachments:
 - A Site Plan received December 5, 2014
2. Revised Site Plan received January 21, 2015
3. Natural Resources Report from Champaign County Soil and Water Conservation District received January 23, 2015
4. Preliminary Memorandum dated February 4, 2015, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received December 5, 2014
 - C Revised Site Plan received January 21, 2015
 - D Natural Resources Report from Champaign County Soil and Water Conservation District received January 23, 2015
 - E Site Visit Photos taken December 30, 2014
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination
 - G Public comments received as of February 5, 2015

02/05/15 DRAFT

Case 793-S-14
Page 25 of 27**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 793-S-14 held on February 12, 2015, 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 *{because*}*: _____
 - 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 *{because*}*: _____
 - h. The existing public services *{ARE / ARE NOT}* available to support the proposed special use effectively and safely without undue public expense *{because*}*: _____
 - 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 *{because*}*: _____

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

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

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.

Case 793-S-14
Page 26 of 27

02/05/15 DRAFT

- 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 / IS NOT}*** 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. For the requested waivers, special conditions and circumstances ***{DO / DO NOT}*** 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 ***{because: *}*** _____

- 7. For the requested waivers, practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied ***{WILL / WILL NOT}*** prevent reasonable or otherwise permitted use of the land or structure or construction ***{because: *}*** _____

- 8. For the requested waivers, the special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant ***{because: *}***: _____

- 9. ***{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.

02/05/15 DRAFT

**Case 793-S-14
Page 27 of 27**

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 **793-S-14** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED }* to the applicants Fuad Handal and Lawrence Johnson, to:

- 1) Authorize a kennel as a Special Use on 1.8 acres located in the AG-1 Agriculture Zoning District.
- 2) Authorize the following waivers to the standard conditions of the Kennel special use as per Section 6.1.3 of the Zoning Ordinance:
 - a. A separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet; and
 - b. No noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height installed separating the exercise and/or training area from any adjacent residential structure and/or use; and
 - c. A side yard setback of 85 feet in lieu of the required 200 feet.

{ 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:

ATTEST:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

Susan Chavarria

From: Tim Donohue <tim.donohue@gmail.com>
Sent: Tuesday, February 03, 2015 3:28 PM
To: westridge-homeowners@googlegroups.com
Cc: Susan Chavarria
Subject: Re: [westridge-homeowners] Fwd: [westridge-hoaboard] large kennel construction across the road
Attachments: WestRidgeHOA_Case_793-S-14.pdf

West Ridge Homeowners,

On behalf of the West Ridge Homeowners Association, the West Ridge HOA Board has emailed the attached request for denial of Case 793-S-14 (see attached PDF).

I would still encourage each and every homeowner to submit your own opinions by emailing schavarr@co.champaign.il.us prior to Weds, February 11 (remember to include the Case 793-S-14 and your home address), or by attending the public meeting in person on February 12 @ 6:30pm. Again that public meeting is at:

Lyle Shields Meeting Room
Brookens Administrative Center, 1776 E Washington Street, Urbana, Illinois 61802
Map: <https://www.google.com/maps/place/1776+E+Washington+St,+Urbana,+IL+61802/@40.106895,-88.1864217,17z>

The more individual voices that are heard, the more likely this petition will be denied. You are more than welcome to borrow any of the arguments against this petition that are detailed in the attached HOA Board's request for denial.

Thanks,

Tim Donohue, 2015 HOA President
4105 Rayburn Court

On Tue, Feb 3, 2015 at 12:42 PM, Menacher, Jo <jamenach@uillinois.edu> wrote:

All,

I did just speak with Susan at the Champaign County Department of Planning and Zoning. She indicated that anyone who is unable to attend but would like to make comments that will be entered into the public record may feel free to email her at: schavarr@co.champaign.il.us

They will accept comments received by February 11th. Comments should include your name and address. This is Case 793-S-14.

RECEIVED

FEB - 3 2015

CHAMPAIGN CO. P & Z DEPARTMENT

Susan Chavarria

From: West Ridge <westridgechampaign@gmail.com>
Sent: Tuesday, February 03, 2015 3:16 PM
To: Susan Chavarria
Cc: West Ridge
Subject: Case 793-S-14 request for denial from West Ridge HOA
Attachments: WestRidgeHOA_Case_793-S-14.pdf

Hello,

With regards to Case 793-S-14, we ask that the attached letter (in PDF format) be added to the public record. As noted in the attached letter, we request that the petition for a Special Use Permit be denied.

If you have any questions or need further clarification of our request, please feel free to contact our West Ridge HOA Board at westridgechampaign@gmail.com

Sincerely,

The 2015 West Ridge Homeowners Association Board:

Tim Donohue, President (4105 Rayburn Court)
Leroy Candler, Vice President (4110 Rayburn Court)
Colleen Madera, Secretary (1304 Farley Lane)
Jo Menacher, Treasurer (4114 Rayburn Court)
Richard Martin, Assistant Treasurer (4106 Rayburn Court)

--

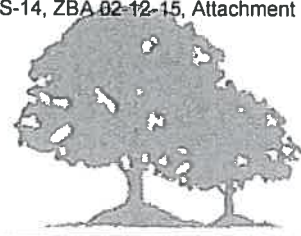
West Ridge Homeowners Association
PO Box 7735
Champaign, IL 61826-7735

westridgechampaign@gmail.com

RECEIVED

FEB - 3 2015

CHAMPAIGN CO. P & Z DEPARTMENT



West Ridge Homeowners Association

PO Box 7735 Champaign, Illinois 61826 westridgechampaign@gmail.com

February 3, 2015

To Whom It May Concern:

We are writing to you on behalf of the West Ridge Homeowners Association and **Case 793-S-14**.

As you are likely aware, the West Ridge Subdivision is located on the northeast corner of the Bradley Avenue and Staley Road intersection in Champaign, directly across Staley Road from the property mentioned in **Case 793-S-14**.

On behalf of our homeowners, we ask that you **deny** this petition for a Special Use Permit for the following reasons:

- Eleven of our homes (on West Ridge Lane) back up onto Staley Road directly across from the property in question. They would experience a large amount of noise if no noise buffer is erected.
- Our subdivision has a walking path that winds along Staley Road directly across from the property in question. This path is very popular with runners, walkers, bikers, and families with children. We worry the foot traffic along this path would cause the noise and anxiety to increase even further, as dogs in the kennel react to walkers/runners of all ages.
- While only a portion of our subdivision's properties are within the 200 foot range specified by Section 6.1.3 of the Zoning Ordinance, we fear that the entire living experience of our subdivision would be adversely affected. There is already another kennel located about ½ mile north on Staley Road (just north of Sunset Ridge Park). Our northernmost homeowners, along with any visitors to Sunset Ridge Park, already experience occasional "dog noise" from this existing kennel. To allow another kennel directly west of our subdivision (with no noise buffer) would exacerbate the noise levels, with the potential to drive away homeowners or park visitors.

If you have any questions or need further clarification of our request, please feel free to contact any of the board members listed below via email at westridgechampaign@gmail.com.

Sincerely,

The 2015 West Ridge Homeowners Association Board:

Tim Donohue, President (4105 Rayburn Court)
Leroy Candler, Vice President (4110 Rayburn Court)
Colleen Madera, Secretary (1304 Farley Lane)
Jo Menacher, Treasurer (4114 Rayburn Court)
Richard Martin, Assistant Treasurer (4106 Rayburn Court)

RECEIVED

FEB - 3 2015

CHAMPAIGN CO. P & Z DEPARTMENT

westridgechampaign@gmail.com
<http://westridgechampaign.wordpress.com/>

Susan Chavarria

From: rjemiller@comcast.net
Sent: Tuesday, February 03, 2015 7:35 PM
To: Susan Chavarria
Subject: Case 793-S-14

Pertaining to Case 793-S-14

We, Ralph and Janet Miller, at 1311 West Ridge Lane, Champaign, IL oppose a special permit for a dog kennel at 1211 North Staley Road, Champaign, IL.

We do not think a noise buffer of evergreens or trees will reduce the noise of barking dogs. I think it be disturbing to hear dogs barking often throughout the day or night.

We like dogs, in fact, we have a large dog in our house. When we let her out she barks some, but a kennel full of dogs is a very different thing.

Therefore, we do oppose the kennel.

Thank you for your consideration.

Ralph and Janet Miller

RECEIVED

FEB - 4 2015

CHAMPAIGN CO. P & Z DEPARTMENT

Susan Chavarria

From: rljemiller@comcast.net
Sent: Tuesday, February 03, 2015 7:02 PM
To: Susan Chavarria
Subject: large dog kennel

Pertaining to Case 793-S-14

We--Ralph and Janet Miller---1311 West Ridge Lane, Champaign, IL oppose the dog kennel special permit. We live across Staley Road and although there are not many dogs at this time, we can easily hear them barking. There is no sound barrier that will stop the noise from many dogs barking.

We have a house dog that goes outside and barks some. Occasional barking is one thing, barking from several dogs on a daily basis would be disturbing.

We like dogs. But we don't want a kennel across the road from us with dogs continually barking.

Thank you for taking this into consideration.

Ralph and Janet Miller

RECEIVED

FFB - 4 2015

CHAMPAIGN CO. P & Z DEPARTMENT

CASE NO. 794-S-14

PRELIMINARY MEMORANDUM

February 5, 2015

Champaign
County
Department of

PLANNING &
ZONING

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

(217) 384-3708

Petitioner: Premier Cooperative, Inc.

Request: Part A. Authorize construction of two 24,000 gallon bulk fuel storage tanks in the B-1 Rural Trade Center Zoning District.

Part B. Authorize the following waiver to the standard conditions of the "Gasoline and Volatile Oils Storage in the B-1 and B-3 Districts" Special Use as per Section 6.1.3 of the Zoning Ordinance: "Gasoline and Volatile Oils Storage Facilities shall not be permitted closer than 500 feet from any R District or any residential, Institutional, or Public Assembly Use."

Part C. Authorize the use of multiple principal structures on the same lot consisting of (1) a grain storage facility that was originally authorized by Case 575-S-86 and (2) two 24,000 gallon bulk fuel storage tanks with adjacent loading and storage building.

Location: A tract of land in the south half of the southwest quarter of Section 17 Township 20N Range 9E in Somer Township and commonly known as Premier Cooperative at 1711 East Leverett Road, Champaign.

Site Area: 8.19 acres

Time Schedule for Development: As soon as possible

Prepared by: Susan Chavarria
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

Premier Cooperative, Inc. owns the subject property and has proposed constructing two 24,000 gallon bulk fuel tanks, an adjacent loading/storage building, and an addition to an existing building. The property also has a grain elevator and a scale next to the existing building. The property was previously two separate parcels; the proposed storage tanks and adjacent building make the property have multiple principal structures, which requires the addition of Part C to the Special Use request.

The property is currently zoned AG-2 Agriculture on its western 3.46 acres and B-1 Rural Trade Center Zoning District on its eastern 4.72 acres. It is proposed to be rezoned entirely to B-1 Rural Trade Center Zoning District in related Case 797-AM-15.

This facility must receive a permit for the Illinois Gasoline Storage Act to authorize construction and use of the tanks; the petitioner is still waiting to receive the permit from the Office of the State Fire Marshal.

EXTRATERRITORIAL JURISDICTION

The subject property is not located within one and one-half miles of a municipality with zoning.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Grain Elevator	B-1 Rural Trade Center and AG-2 Agriculture (Proposed to be rezoned to all B-1)
North	Agriculture, Residential	AG-1 Agriculture
East	Agriculture, Residential	AG-2 Agriculture
West	Agriculture	AG-2 Agriculture
South	Agriculture	AG-2 Agriculture

SAFETY CONCERNS

The Zoning Ordinance requires a 500 foot separation distance between Gasoline and Volatile Oils Storage Facilities and any R District or any residential, Institutional, or Public Assembly Use. The nearest residence is approximately 415 feet northeast of the proposed bulk storage tank location, on the north side of Leverett Road (County Highway 20).

The Zoning Ordinance does not clearly state the considerations that underlie the 500 foot separation distance. It can be assumed that there is a safety concern if the tanks were to ignite that could negatively impact residents. However, by receiving a permit from the State Fire Marshal for compliance with the Illinois Gasoline Storage Act, one can reasonably assume that proper consideration was given by the State Fire Marshal for the proposed tanks.

PROPOSED SPECIAL CONDITIONS

- A. **Paragraph 7.4.2 C.5. requires one loading berth of minimum 12' × 40' dimensions for commercial and industrial establishments of 1 to 9,999 square feet of floor area. A loading berth meeting these requirements will be constructed on the property prior to the Zoning Administrator authorizing a Zoning Compliance Certificate.**

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

That off-street parking is in compliance with the Zoning Ordinance.

- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed fuel storage tanks and office buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply 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 condition stated above is required to ensure the following:

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

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Petitioner presents a State Permit ensuring compliance with the Illinois Gasoline Storage Act.**

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

That the proposed Special Use meets applicable state codes for gasoline storage.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received December 19, 2014 and additional sketch received January 23, 2015
- C Natural Resources Report from Champaign County Soil and Water Conservation District (*handout*)
- D Emails from Petitioner's Zoning Case #752-S-13 received January 23, 2015 regarding Illinois Accessibility Code
- E Specifications for exterior lighting received January 23, 2015
- F Site Visit Photos
- G Draft Summary of Evidence, Finding of Fact, and Final Determination

Location Map

Cases 794-S-14 and 797-AM-15
February 12, 2015

Subject Property



Property location in Champaign County



Legend

 Subject Property



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

Cases 794-S-14 and 797-AM-15
February 12, 2015



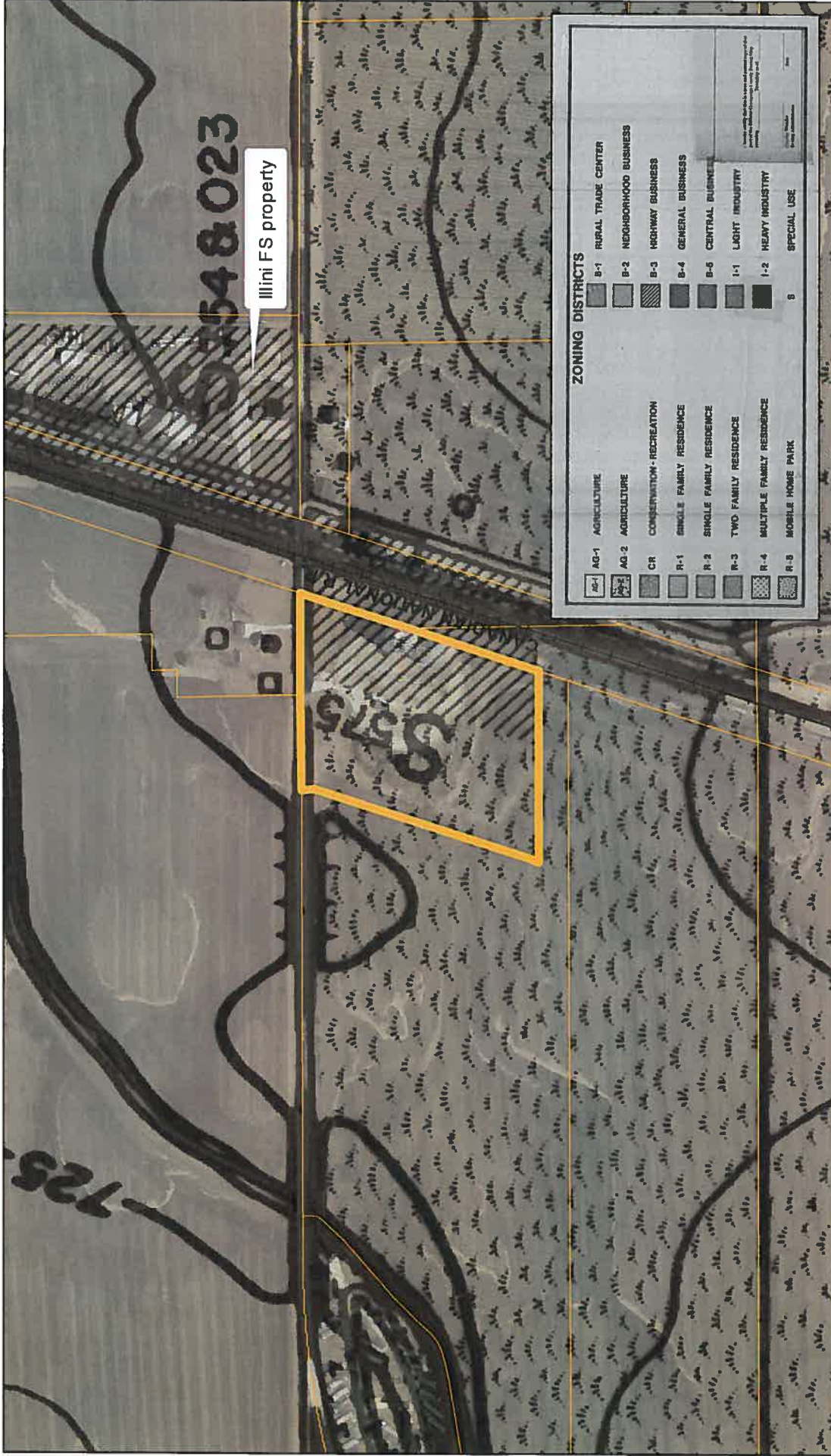
Legend

-  Subject Property
-  Parcels



Zoning Map





Cases 794-S-14 and 797-AM-15
February 12, 2015



Untitled Map

Write a description for your map.

Legend

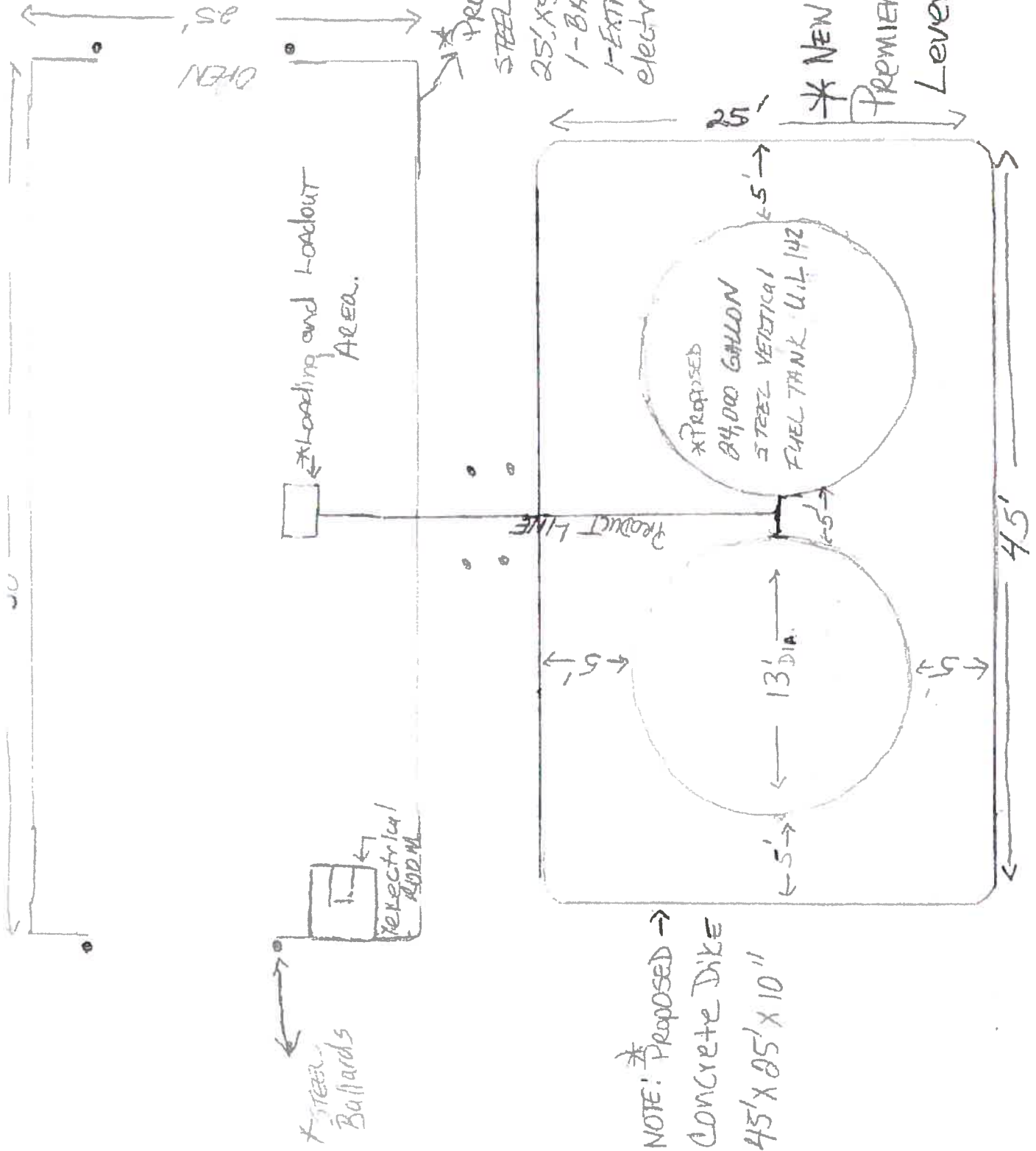
-  Circle Measure
-  Leverett
-  Line Measure
-  Polygon Measure



CHAMPAIGN CO. P & Z DEPARTMENT

RECEIVED

JAN 23 2015



NOTE: * PROPOSED →
CONCRETE DIKE
45' x 45' x 10"

* PROPOSED
STEEL BUILDING
25' X 50'
1-BAY,
1-EXTRA ROOM FOR
ELECTRICAL CONTROLS

* NEW BULK PLANT
PREMIER COOPERATIVE
LEVERETT, IL

OPEN

25'

25'

45'

* PROPOSED
24,000 GALLON
STEEL VERTICAL
FUEL TANK U.I. 142

13' DIA.

* Loading and Loadout
Area.

* STEEL
Ballards
Electrical
Room

Attachment C will be handed out at the meeting.

Jeff Breen

From: Andrew Kass [akass@co.champaign.il.us]
Sent: Wednesday, October 02, 2013 8:25 AM
To: Jeff Breen; 'Cummins, Dennis S'
Cc: John Hall
Subject: FW: Bulk Fuel Facility (Tolono)

Jeff & Dennis,

I received a response from Mr. Kuechler from IDPH. Mr. Kuechler has indicated that plumbing is not required for the building.

Andy Kass
Associate Planner
Champaign County Dept. of Planning & Zoning
1776 E. Washington St.
Urbana, IL 61802
(217) 384-3708
akass@co.champaign.il.us

From: Kuechler, Mark [mailto:Mark.Kuechler@Illinois.gov]
Sent: Tuesday, October 01, 2013 4:57 PM
To: Andrew Kass
Cc: Luka, Larry
Subject: RE: Bulk Fuel Facility (Tolono)

Mr. Kaas,

Section 890.170 a) of the Illinois Plumbing Code requires buildings intended for human habitation or occupancy to have plumbing. The required plumbing would include employee restrooms. You stated that this building, which is to be constructed at 949 CR 700N, will only be used for the loading, unloading and storage of materials for a bulk fuel plant. Accordingly, employees will occupy the building for only a short period of time each day; less than an hour.

Based on the type of building, use and occupancy you described, plumbing will not be required in this building.

Mark Kuechler, P.E.
Regional Engineer
Champaign Regional Office
Illinois Department of Public Health
2125 South First Street
Champaign, Illinois 61820
Telephone: (217) 278-5900
Fax: (217) 278-5959
Mark.Kuechler@Illinois.gov

From: Andrew Kass [<mailto:akass@co.champaign.il.us>]
Sent: Thursday, September 26, 2013 1:29 PM
To: Kuechler, Mark
Subject: FW: Bulk Fuel Facility (Tolono)

Mr. Kuechler,

The facility that I have been speaking with you about is located at 949 CR 700N, Tolono. The building that is being constructed will be used for the loading, unloading, and storage of materials for a bulk fuel plant operated by Premier Cooperative, Inc. No offices will be in the building and the building will only be used by workers for the loading and unloading of fuel. Below is an email that I got from Jeff Breen, Operations Manager, Premier Cooperative, regarding how long employees will be in the building. Based on our conversation today they would not be required to provide restrooms since the building will not be occupied for more than an hour per day. I would appreciate it if you would confirm this. Thanks.

Andy Kass
Associate Planner
Champaign County Dept. of Planning & Zoning
1776 E. Washington St.
Urbana, IL 61802
(217) 384-3708
akass@co.champaign.il.us

From: Jeff Breen [<mailto:JBreen@premiercooperative.net>]
Sent: Tuesday, September 24, 2013 2:16 PM
To: Andrew Kass
Subject: RE: Bulk Fuel Facility (Tolono)

Less than an hour . Loading and unloading of trucks will take approx. 30 minutes. Loading and unloading bulk oil products will be about the same.

From: Andrew Kass [<mailto:akass@co.champaign.il.us>]
Sent: Tuesday, September 24, 2013 1:50 PM
To: Jeff Breen; 'Cummins, Dennis S'
Cc: John Hall
Subject: Bulk Fuel Facility (Tolono)

Jeff & Dennis,

I spoke with Mark Kuechler at IDPH today and he said that whether or not restrooms need to be provided depends upon how much time per day someone will be at the building. He did say that anything over an hour may be considered human occupancy, and therefore restrooms would be required. How much time per day will the proposed building be occupied (loading/unloading of materials)? Thanks.

Andy Kass
Associate Planner
Champaign County Dept. of Planning & Zoning
1776 E. Washington St.
Urbana, IL 61802
(217) 384-3708
akass@co.champaign.il.us

Jeff Breen

From: John Hall [jhall@co.champaign.il.us]
Sent: Friday, September 20, 2013 3:56 PM
To: 'Cummins, Dennis S'; Lori Busboom
Cc: Jeff Breen
Subject: RE: Premier Cooperative

Dennis, Thanks for providing this documentation. It has been our experience that State Agencies generally make determinations like Mr. Kuechler made on a project by project basis and so we will follow up with Mr. Kuechler to verify that his determination is the same for the Premier Coop site.

Sincerely,

John Hall

From: Cummins, Dennis S [mailto:Dennis.Cummins@Foth.com]
Sent: Friday, September 20, 2013 3:47 PM
To: Lori Busboom; John Hall
Cc: Jeff Breen (jbreen@premiercooperative.net)
Subject: Premier Cooperative

Lori,

Foth has reviewed the usage of the proposed bulk fuel facility to be constructed at Premier Cooperative's Tolono APEX site. Foth contends that this facility is exempt from providing a handicapped space outside the building.

Recently, Foth contacted the Illinois Capital Development Board regarding a similar issue at a building with similar qualities. This previous building was located at the United Prairie Site in Dewey, IL. Below is our recap of the conversations we had with State agencies at that time:

Foth contacted the State of Illinois Capital Development Board and emailed with Doug Gamble. Doug contended that since people work in the building, that the building was required to have toilet facilities, and therefore have an ADA compliant parking space and route to the building. He also suggested Foth call the Illinois Attorney General's office.

Foth contacted Vickie Simpson at the Illinois Attorney General's office (10:00am, 12/19/2012). Vickie Simpson stated that the Illinois Accessibility Code does not dictate when a toilet facility is required. The IAC only states that if a toilet facility is required, that it be handicap accessible. The plumbing code has the criteria for determining the necessity of a toilet facility and if the plumbing code does not require a toilet facility, the IAC does not apply. Ms. Simpson suggested Foth contact the Illinois Department of Public Health.

Foth contacted the Illinois Department of Public Health and spoke with Mark Kuechler. After some discussion about the general layout and function of the building, Mr. Kuechler recognized the following points:

- The building is a storage facility, a shed.
- The building is not designed to be continuously occupied.
- The building is not for habitation.
- The building has no offices.
- Employees will enter the building, load materials, store materials, and leave.

With these points made, Mr. Kuechler said this building would not be required to have toilet facilities. Therefore, it follows that the proposed building would be exempt from the requirements of accessibility. Mr. Kuechler made himself available for additional questions should you have any. His telephone number is 217-278-5900.

The building currently proposed for Premier Cooperative is similar to the United Prairie building in that;

- (1) The building is used for storage.
- (2) The building is not designed to be continuously occupied.
- (3) The building is not for habitation.
- (4) The building has no offices.
- (5) Employees will enter the building, load/unload materials, store materials, and leave.

The proposed building is not required to have toilet facilities. Therefore it follows that the proposed building would be exempt from the requirements of accessibility.

Please feel free to contact me at any time if you have any questions.
Thank you.

Dennis Cummins, PE, PLS, Lead Civil Engineer
Foth Infrastructure & Environment
1610 Broadmoor Drive
Champaign, Illinois 61821
Phone: (217) 352-4169 / Fax (217) 352-0085
<http://www.foth.com>

IMPORTANT NOTICE

This communication including any attachments, (E-mail) is confidential and may be proprietary, privileged or otherwise protected from disclosure. If you are not the intended recipient, please notify the sender, permanently delete this E-Mail from your system and destroy any copies. Any use of this E-Mail, including disclosure, distribution or replication, by someone other than its intended recipient is prohibited.

This E-Mail has the potential to have been altered or corrupted due to transmission or conversion. It may not be appropriate to rely upon this E-Mail in the same manner as hardcopy materials bearing the author's original signature or seal.

This electronic message and any attached files contain information intended for the exclusive use of the individual or entity to whom it is addressed and may contain information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any viewing, copying, disclosure or distribution of this information may be subject to legal restriction or sanction and is strictly prohibited. If you have received this communication in error, please notify the sender by return electronic message or telephone, and destroy the original message without making any copies.



D-Series Size 1 LED Wall Luminaire



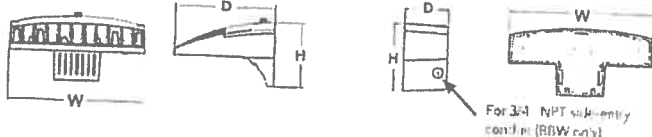
d^{series}

Specifications Luminaire

Width:	13 3/4" (347 mm)	Weight:	12 lbs (5.4 kg)
Depth:	10" (254 mm)		
Height:	6-3/8" (162 mm)		

Back Box (BBW, ELCW)

Width:	13-3/4" (347 mm)	BBW Weight:	5 lbs (2.3 kg)
Depth:	4" (102 mm)	ELCW Weight:	10 lbs (4.5 kg)
Height:	6-3/8" (162 mm)		



Introduction

The D-Series Wall luminaire is a stylish, fully integrated LED solution for building-mount applications. It features a sleek, modern design and is carefully engineered to provide long lasting, energy-efficient lighting with a variety of optical and control options for customized performance.

With an expected service life of over 20 years of nighttime use and up to 74% in energy savings over comparable 250W metal halide luminaires, the D-Series Wall is a reliable, low-maintenance lighting solution that produces sites that are exceptionally illuminated.

Ordering Information

EXAMPLE: DSXW1 LED 20C 1000 40K T3M MVOLT DBTDX

DSXW1 LED

Series	LEDs	Drive Current	Color temperature	Distribution	Voltage	Mounting	Control Options	Other Options	Finish (see spec)
DSXW1 LED	10C 10 LEDs (one engine)	350 350 mA	30K 3000 K	T2S Type II Short	MVOLT ¹	Shipped included (Isolates surface mounting bracket)	Shipped installed PE Photoelectric cell, button type ²	Shipped installed SF Single fuse (120, 277 or 347 V)	DBBXD Dark bronze
		530 530 mA	40K 4000 K	T2M Type II Medium	120 ¹				
	700 700 mA	50K 5000 K	T3S Type III Short	208 ¹	DBWAXD Natural aluminum				
	1000 1000 mA (1 A)	AMBPC Ambient dimmer	T3M Type III Medium	240 ¹	DSSXD Sandstone				
			T4M Type IV Medium	277 ¹	DBBTXD Textured black bronze				
			TFTM Forward throw Medium	347 ¹	DBLXKD Textured black				
			ASXDF Asymetric dimmer	480 ¹	DBATXD Textured natural aluminum				
					DWHGXD Textured white				
					DSSTXD Textured sandstone				

NOTES

- MVOLT driver operates on any line voltage from 120-277V (50/60 Hz). Specify 120, 208, 240 or 277 options only when ordering with fusing (SF DF options), or photocontrol (PE option).
- Only available with 20C, 700mA or 1000mA. Not available with PIR or PIRH.
- Back box ships installed on fixture. Cannot be field installed. Cannot be ordered as an accessory.
- Photocontrol (PE) requires 120, 208, 240, 277 or 347 voltage option.
- PIR specifies the Series with SBCR 10 ON/OFF control; PIRH specifies the Series with SBCR 2 ON/OFF control; see Manual Series 1000 for details. Includes ambient light sensor. Not available with "PE" option (button type photocell). Dimming driver standard. Not available with 20 LED/1000 mA configuration (DSXW1 LED 20C 1000).
- Cold weather (-20C) rated. Not compatible with conduit entry applications. Not available with BBW mounting option. Not available with fusing. Emergency components located in back box housing. Emergency mode IES files located on product page at www.acuitybrands.com.
- Single fuse (SF) requires 120, 277 or 347 voltage option. Double fuse (DF) requires 208, 240 or 480 voltage option. Not available with ELCW.
- Also available as a separate accessory; see Accessories information.
- See the electrical section on page 3 for more details.

Accessories

Ordered and shipped separately.

DSXW1U	Fluorescent (one per light engine)
DSXW1WU	Ballast (one per light engine)
DSXW1VU	Wire guard accessory
DSXW1GU	Vinyl guard accessory



Performance Data

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient	Lumen Multiplier
0°C / 32°F	1.02
10°C / 50°F	1.01
20°C / 68°F	1.00
25°C / 77°F	1.00
30°C / 86°F	1.00
40°C / 104°F	0.98

Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the **DSXW1 LED 20C 1000** platform in a **25°C ambient**, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM 21-11)

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25,000	50,000	100,000
Lumen Maintenance Factor	1.0	0.95	0.93	0.88

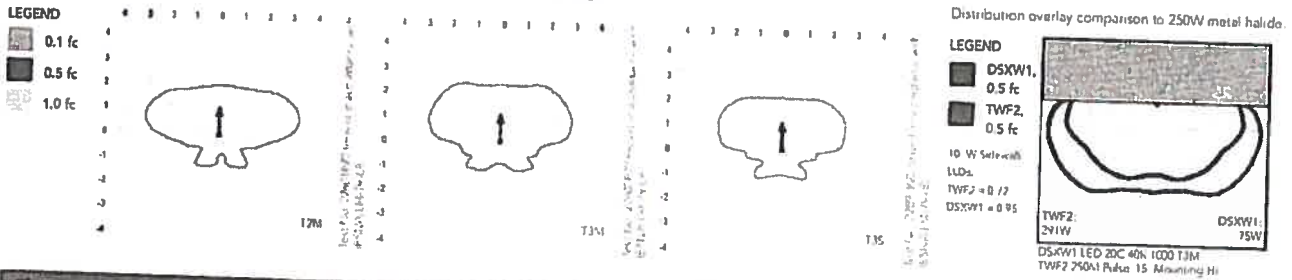
Electrical Load

LED	Drive Current (mA)	System Watts	Current (A)					
			120	208	240	277	347	480
10C	350	14 W	0.13	0.07	0.06	0.06	-	-
	530	20 W	0.19	0.11	0.09	0.08	-	-
	700	27 W	0.25	0.14	0.13	0.11	-	-
	1000	40 W	0.37	0.21	0.19	0.16	-	-
20C	350	25 W	0.23	0.13	0.12	0.10	-	-
	530	36 W	0.33	0.19	0.17	0.14	-	-
	700	47 W	0.44	0.25	0.22	0.19	0.15	0.11
	1000	75 W	0.69	0.40	0.35	0.30	0.23	0.17

Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's D-Series Wall Size 1 homepage.

Isolocandela plots for the DSXW1 LED 20C 1000 40K. Distances are in units of mounting height (15')



Options and Accessories



FEATURES & SPECIFICATIONS

INTENDED USE

The energy savings, long life and easy-to-install design of the D-Series Wall Size 1 make it the smart choice for building-mounted doorway and pathway illumination for nearly any facility.

CONSTRUCTION

Two-piece die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. Modular design allows for ease of maintenance. The LED driver is mounted to the door to thermally isolate it from the light engines for low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants (IP65).

FINISH

Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Available in textured and non-textured finishes.

OPTICS

Precision-molded proprietary acrylic lenses provide multiple photometric distributions tailored specifically to building mounted applications. Light engines are available in 3000 K (60 min. CRI) 4000 K (70 min. CRI) or 5000 K (70 CRI) configurations.

ELECTRICAL

Light engine(s) consist of 10 high-efficiency LEDs mounted to a metal-core circuit board to maximize heat dissipation and promote long life (L88/100,000 hrs at 25°C). Class 1 electronic drivers have a

power factor >90%, THD <20%, and a minimum 25KV surge rating. When ordering the SPD option, a separate surge protection device is installed within the luminaire which meets a minimum Category C Low Iper ANSI/IEEE C62.4-1-2.

INSTALLATION

Included universal mounting bracket attaches securely to any 4" round or square outlet box for quick and easy installation. Luminaire has a slotted gasket wireway and attaches to the mounting bracket via corrosion resistant screws.

LISTINGS

CSA certified to U.S. and Canadian standards. Rated for -40°C minimum ambient.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org to confirm which versions are qualified.

WARRANTY

Five year limited warranty. Full warranty terms located at www.lithonia.com. Customer Resources, Terms and Conditions apply.

Note: Specifications subject to change without notice.

RECEIVED

JUN 23 2015
 855W LED
 Rev. 9/17/14

CHAMPAIGN CO. P & Z DEPARTMENT



Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-03. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Actual performance may differ as a result of end-user environment and application. Actual wattage may differ by +/- 5% when operating between 120-480V +/- 10%. Contact factory for performance data on any configurations not shown here.

LED	Temp (°C)	System Watts	LED Type	IPK					RUF					FCR					AMBIF				
				Beam	U	D	G	LFV	Beam	D	L	G	LFV	Beam	D	L	G	LFV	Beam	D	L	G	LFV
10C (10 LEDs)	530mA	20W	T25	1,843	1	0	1	92	1,916	1	0	1	98	1,729	1	0	1	86	1,264	0	0	1	63
			T2M	1,756	1	0	1	88	1,854	1	0	1	93	1,648	1	0	1	82	1,205	0	0	1	60
			T3S	1,822	0	0	1	91	1,934	0	0	1	97	1,710	0	0	1	86	1,250	0	0	1	63
			T3M	1,804	1	0	1	90	1,914	1	0	1	96	1,697	1	0	1	85	1,237	0	0	1	62
			T4M	1,767	1	0	1	88	1,876	1	0	1	94	1,650	0	0	1	83	1,212	0	0	1	61
			TFTM	1,837	0	0	1	92	1,950	0	0	1	98	1,724	0	0	1	86	1,260	0	0	1	63
		ASYDF	1,642	1	0	1	82	1,743	1	0	1	87	1,541	1	0	1	77	1,127	0	0	1	56	
		T25	2,272	1	0	1	84	2,409	1	0	1	89	2,421	1	0	1	90	1,544	0	0	1	57	
		T2M	2,165	1	0	1	80	2,296	1	0	1	85	2,307	1	0	1	85	1,472	0	0	1	55	
		T3S	2,247	1	0	1	83	2,382	1	0	1	89	2,394	1	0	1	89	1,527	0	0	1	57	
		T3M	2,224	1	0	1	82	2,358	1	0	1	87	2,370	1	0	1	88	1,512	0	0	1	56	
		T4M	2,179	1	0	1	81	2,310	1	0	1	86	2,322	1	0	1	86	1,481	0	0	1	55	
	TFTM	2,265	1	0	1	84	2,401	1	0	1	89	2,413	1	0	1	89	1,539	0	0	1	57		
	ASYDF	2,025	1	0	1	75	2,147	1	0	1	80	2,158	1	0	1	80	1,376	1	0	1	51		
	T25	3,011	1	0	1	75	3,190	1	0	1	80	3,022	1	0	1	80	2,235	1	0	1	58		
	T2M	2,870	1	0	1	72	3,040	1	0	1	76	3,051	1	0	1	76	2,130	1	0	1	58		
	T3S	2,978	1	0	1	74	3,155	1	0	1	79	3,166	1	0	1	79	2,210	1	0	2	55		
	T3M	2,940	1	0	1	74	3,123	1	0	1	78	3,134	1	0	1	78	2,187	1	0	2	56		
	T4M	2,880	1	0	1	72	3,059	1	0	1	76	3,071	1	0	1	77	2,143	1	0	2	55		
	TFTM	3,002	1	0	1	75	3,180	1	0	1	80	3,192	1	0	1	80	2,228	1	0	2	57		
	ASYDF	2,684	1	0	1	67	2,843	1	0	1	71	2,854	1	0	1	71	1,991	1	0	2	51		
	T25	3,649	1	0	1	101	3,876	1	0	1	108	3,429	1	0	1	95	2,504	1	0	1	70		
	T2M	3,478	1	0	1	97	3,694	1	0	1	103	3,267	1	0	1	91	2,347	1	0	1	66		
	T3S	3,629	1	0	1	100	3,833	1	0	1	106	3,390	1	0	1	94	2,477	1	0	1	69		
	T3M	3,572	1	0	1	99	3,794	1	0	1	105	3,356	1	0	1	93	2,451	1	0	2	68		
	T4M	3,500	1	0	2	97	3,717	1	0	2	103	3,288	1	0	1	91	2,402	1	0	1	67		
	TFTM	3,638	1	0	1	101	3,864	1	0	1	107	3,418	1	0	1	95	2,496	1	0	1	69		
	ASYDF	3,252	1	0	2	90	3,454	1	0	2	96	3,056	1	0	2	85	2,232	1	0	1	62		
	T25	4,502	1	0	1	96	4,776	1	0	1	102	4,794	1	0	1	102	3,065	1	0	1	65		
	T2M	4,290	1	0	1	91	4,552	1	0	1	97	4,569	1	0	1	97	2,921	1	0	1	62		
	T3S	4,452	1	0	1	95	4,723	1	0	2	100	4,741	1	0	2	101	3,031	1	0	1	64		
	T3M	4,407	1	0	2	94	4,675	1	0	2	99	4,693	1	0	2	100	3,000	1	0	1	64		
	T4M	4,318	1	0	2	92	4,581	1	0	2	97	4,598	1	0	2	98	2,939	1	0	1	63		
	TFTM	4,480	1	0	2	95	4,761	1	0	2	101	4,779	1	0	2	102	3,055	1	0	1	65		
	ASYDF	4,012	1	0	2	85	4,157	1	0	2	91	4,273	1	0	2	91	2,732	1	0	1	58		
	T25	5,903	1	0	1	80	6,327	1	0	1	84	6,351	1	0	1	85	4,429	1	0	1	61		
T2M	5,683	1	0	2	76	6,079	1	0	2	80	6,052	1	0	2	81	4,221	1	0	2	58			
T3S	5,896	1	0	2	79	6,256	1	0	2	83	6,280	1	0	2	84	4,380	1	0	2	60			
T3M	5,837	1	0	2	78	6,193	1	0	2	83	6,216	1	0	2	83	4,335	1	0	2	59			
T4M	5,719	1	0	2	76	6,067	1	0	2	81	6,090	1	0	2	81	4,248	1	0	2	58			
TFTM	5,944	1	0	2	79	6,307	1	0	2	84	6,330	1	0	2	84	4,415	1	0	2	60			
ASYDF	5,314	1	0	2	71	5,638	2	0	2	75	5,660	2	0	2	75	3,947	1	0	2	54			

RECEIVED

APR 23 2015

ACUITY BRANDS CO. P & Z DEPARTMENT





[Home](#) [Company](#) [Product Data](#) [Training](#) [Distributors](#) [Sales](#) [Sustainability](#) [Contact](#)

LITHONIA PROVIDES SAFETY AND SECURITY IN COMMUNITY RESPONSIVE DESIGNS WITH NIGHTTIME FRIENDLY™ CLASSIFICATIONS



Increased emphasis on controlling stray light in outdoor applications is sending designers and communities in search of new lighting tools. With full cutoff luminaires equipped with application specific optical systems, Lithonia Lighting can help you put the right amount of light in the right place.

Lithonia Lighting uses Nighttime Friendly™ to identify products that reduce negative impacts on the nighttime environment. Products designated with the Nighttime Friendly logo have no uplight, meet the IESNA definition for full cutoff optics and reduce high angle brightness. These measures of luminaire performance are consistent with sustainability standards for light pollution reduction.



AREA LUMINAIRES

WALL MOUNTED

CUTOFF CLASSIFICATIONS

TRESPASS ISSUES

REFERENCES



Our Brands

Lithonia Lighting • American Electric Lighting • Antique Street Lamps • Carandini • Dark To Light • Gotham • Holophane Hydrel • Lighting Control & Design • Mark Lighting • Peerless • Reloc • ROAM • Sensor Switch • Sunoptics • Synergy Tersen • Winona Lighting

Customer Service

[Contact Us](#) [Comments](#)
[Site Terms](#) [Privacy Policy](#)

© 2015 Acuity Brands Lighting, Inc. All rights reserved.

>

RECEIVED

JAN 23 2015

CHAMPAIGN CO. P & Z DEPARTMENT

794-S-14 Premier Cooperative Images



From entrance facing east



From entrance facing southeast

794-S-14 Premier Cooperative Images



From entrance facing south



From Leverett Road, west of entrance, facing south

794-S-14 Premier Cooperative Images



From Leverett Road facing east; entrance to the property is by the yellow road sign



From Leverett Road facing southwest

794-S-14 Premier Cooperative Images



From south end of property facing north



From south end of property facing northeast

2/5/15 DRAFT

794-S-14

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

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

Date: *{date of final determination}*

Petitioners: Premier Cooperative, Inc.

Part A. Authorize construction of two 24,000 gallon bulk fuel storage tanks in the B-1 Rural Trade Center Zoning District.

Part B. Authorize the following waiver to the standard conditions of the “Gasoline and Volatile Oils Storage in the B-1 and B-3 Districts” Special Use as per Section 6.1.3 of the Zoning Ordinance: “Gasoline and Volatile Oils Storage Facilities shall not be permitted closer than 500 feet from any R District or any residential, Institutional, or Public Assembly Use.”

Request:

Part C. Authorize the use of multiple principal structures on the same lot consisting of (1) a grain storage facility that was originally authorized by Case 575-S-86 and (2) two 24,000 gallon bulk fuel storage tanks with adjacent loading and storage building.

Table of Contents

General Application Information 2 - 3
Specific Ordinance Requirements 3 - 9
Special Use Evidence 9 -20
Documents of Record 21
Case 794-S-14 Finding of Fact.....22 - 23
Case 794-S-14 Final Determination 24

Case 794-S-14
Page 2 of 24

2/5/14 DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 12, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Premier Cooperative Incorporated, 2104 West Park Court, Champaign, with board members Greg Miller, 501 Valley Drive, Mahomet; Joseph Kuntz, 37603 N 370E, Rankin; William Stierwalt, 418 CR 300N, Sadorus; Kim Jolley, 304 E South St., Fairmount; Kenneth Hieser, 741 CR 3450N, Foosland; Stephen Hettinger, 440CR 1000E, Philo; Roger Miller, 2046 CR 2000E, Urbana; Pat Feeney, 1474 E CR 1500N, Monticello; James Kleiss, 418 CR 1200E, Tolono; Douglas Hansens, 2822 CR 800E, Dewey; John Murray, 2607 CR 1000E, Champaign; Dwight Huffstutler, 1132 E 2750 N RD, Mansfield; Maury Busboom, 217 W Main St., Royal; and corporate officers Roger Miller, General Manager; and James Deters, Chief Financial Officer, owns the subject property.
2. The subject property is an 8.19 acre tract of land in the south half of the southwest quarter of Section 17 Township 20N Range 9E in Somer Township and commonly known as Premier Cooperative at 1711 East Leverett Road, Champaign.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - (1) The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality.
 - (2) The subject property is located within Somer Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 8.19 acre tract and is currently zoned AG-2 Agriculture on its western 3.46 acres and B-1 Rural Trade Center Zoning District on its eastern 4.72 acres. It is proposed to be rezoned entirely to B-1 Rural Trade Center Zoning District in related Case 797-AM-15.
 - B. Land to the north of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - C. Land to the east, west and south is zoned AG-2 Agriculture and is in agricultural production and single family residential.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The site plan received December 19, 2014, indicates the following existing conditions:

2/5/14 DRAFT

**Case 794-S-14
Page 3 of 24**

- (1) One 20 feet by 30 feet office building with adjacent scale, and
 - (2) One grain elevator, including four silos.
- B. The site plan also indicates the following proposed improvements:
- (1) A 20 feet by 30 feet addition to the office;
 - (2) Two 12 feet diameter by 24 feet tall fuel tanks with a capacity of 24,000 gallons each;
 - (3) One new 22 feet by 40 feet building adjacent to the proposed tanks to be used for loading and storage.
- C. Previous Zoning Cases on the subject property are as follows:
- (1) Case 575-S-86 approved August 14, 1986 permitted a grain storage facility as a Special Use in the AG-2 Agriculture Zoning District.
- D. Previous Zoning Use Permits on the subject property are as follows:
- (1) Zoning Use Permit # 59-01-02 approved on 03/02/01 authorized construction of a grain bin.
 - (2) Zoning Use Permit # 129-02-03 approved on 05/30/02 authorized construction of a new office building and relocation of an existing scale to a different location on the property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding the proposed Special Use:
- A. Regarding Part A of the proposed Special Use:
 - (1) Section 5.2 authorizes "Gasoline and Volatile Oils Storage up to and including 80,000 gallon capacity in the aggregate" as a Special Use only in the B-1, B-3, and I-1 Zoning Districts, and by-right in the I-2 Zoning District.
 - B. Regarding Part C of the proposed Special Use:
 - (1) Section 4.2.1F.1 requires the following:
 - (a) It shall be unlawful to erect or establish more than on MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT having more than one existing PRINCIPAL STRUCTURE or BUILDING constructed prior to the adoption of this Ordinance in the following zoning DISTRICTS except as provided in Section 4.2.1D unless a SPECIAL USE permit has been obtained from the BOARD:
 - R-4, Multiple Family Residence
 - B-1, Rural Trade Center
 - B-2, Neighborhood Business

2/5/14 DRAFT

B-3, Highway Business
B-4, General Business
B-5, Central Business
I-1, Light Industrial
I-2, Heavy Industrial

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

2/5/14 DRAFT

**Case 794-S-14
Page 5 of 24**

- (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 indicates the following standard conditions that apply specifically to Gasoline and Volatile Oils Storage up to and including 80,000 gallon capacity in the aggregate:
- (a) Gasoline and Volatile Oils Storage Facilities in the B-1 District shall not be permitted closer than 500 feet from any R DISTRICT or any residential, INSTITUTIONAL, or PUBLIC ASSEMBLY USE.
 - (b) A State Permit showing conformance to the *Illinois Gasoline Storage Act* (430 ILCS 15/0.01 et. set.) shall be presented to the Zoning Administrator prior to issuance of a COUNTY Zoning Use Permit.
 - (c) Fencing is not required.
 - (d) Area, height, and placement regulations are the same as those for the B-1 Rural Trade Center District as per Section 5.3:
 - (1) Minimum lot size is 6,500 square feet.
 - (2) Minimum lot width is 65 feet.
 - (3) There is no requirement for maximum height.
 - (4) Minimum setback from a collector street is 75 feet.
 - (5) Minimum side yard is 10 feet.

2/5/14 DRAFT

- (6) Minimum rear yard is 20 feet.
 - (7) Maximum lot coverage is 50%.
 - (e) Additional setback, screening, and buffering may be required as deemed necessary by the BOARD to protect adjacent and surrounding PROPERTY.
- D. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
 - (3) "ACCESSORY STRUCTURE" is a STRUCTURE on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
 - (4) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (5) "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.
 - (6) "BUILDING, DETACHED" is a BUILDING having no walls in common with other BUILDINGS.
 - (7) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
 - (8) "BUILDING RESTRICTION LINE" is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STUCTURE.
 - (9) "LOT LINE, FRONT" is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one

2/5/14 DRAFT

**Case 794-S-14
Page 7 of 24**

STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.

- (10) "LOT LINE, REAR" is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (11) "SETBACK LINE" is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (12) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
- (13) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (14) "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.
- (15) "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.
- (16) "SUITED OVERALL" is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
 - a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (17) "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.

Case 794-S-14
Page 8 of 24

2/5/14 DRAFT

The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.

- (18) “YARD” is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
 - (19) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
 - (20) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
 - (21) “YARD, SIDE” is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- 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.
 - (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.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

2/5/14 DRAFT

**Case 794-S-14
Page 9 of 24**

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, **“To more efficiently serve our fuel customers and to reduce truck traffic to existing bulk plant in Tolono, IL.”**
 - B. The subject property is currently zoned AG-2 Agriculture on its western 3.46 acres and B-1 Rural Trade Center Zoning District on its eastern 4.72 acres. It is proposed to be rezoned entirely to B-1 Rural Trade Center Zoning District in related Case 797-AM-15.
 - C. The existing and proposed uses are compatible with one another because the services and goods being provided are primarily directed toward the agricultural community.

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, **“The use will be in a rural setting with minimal exposure to the public.”**
 - B. Regarding surface drainage:
 - (1) The Champaign County Soil and Water Conservation District Natural Resource Report for the proposed project was applied for and is in progress.
 - (2) The Champaign County Stormwater Management Policy exempts subdivisions or construction on lots when the cumulative total of all impervious areas is no more than 16 percent of the total area, provided that no exemption shall apply to any part of a lot when that part contains more than one acre of impervious surface area within a rectangular area of 90,000 square feet with a minimum dimension of 150 feet. The total impervious area for the subject property, including proposed improvements, is 9,280 square feet, or 2.6%, making it exempt from the Stormwater Management Policy.
 - C. Regarding transportation, access to the subject property is from Leverett Road (County Highway 20).
 - (1) The facility has ample space for numerous vehicles and a wide access drive to allow both ingress and egress at the same time.

2/5/14 DRAFT

- (2) Leverett Road (County Highway 20) meets the definition of a COLLECTOR STREET in the Zoning Ordinance. It has an Average Daily Traffic volume of 3,150.
 - (3) The Township Highway Commissioner was notified of this case; no comments have been received.
- D. Regarding fire protection of the subject property:
- (1) The subject property is within the protection area of the Thomasboro Fire Protection District and is located approximately 5 road miles from the fire station located in Thomasboro.
 - (2) The Fire Protection District Chief has been notified of this request; no comments have been received.
- E. The subject property is not located within a Special Flood Hazard Area, as indicated by FIRM Map Panel No. 17019C0325D with effective date October 2, 2013.
- F. Regarding subsurface drainage:
- 1) It is unknown if the subject property contains any agricultural field tile. Any tile that is discovered on the subject property will have to be protected as per the requirements of the Stormwater Management Policy.
 - (2) The Champaign County Soil and Water Conservation District Natural Resource Report for the proposed project was applied for and is in progress.
- G. Regarding outdoor lighting on the subject property:
- (1) The Site Plan received December 19, 2014 does not indicate exterior lighting on the property; however, the Petitioner provided documentation received January 23, 2015 that all exterior lighting has the full cut off design.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) The property is not connected to a public wastewater system.
- 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.

2/5/14 DRAFT

**Case 794-S-14
Page 11 of 24**

- (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

2/5/14 DRAFT

design and construction necessary to provide a safe means of egress from all parts of the building are not checked.

- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
 - (a) The 2006 or later editions of the following codes developed by the International Code Council:
 - i.* International Building Code;
 - ii.* International Existing Building Code; and
 - iii.* International Property Maintenance Code
 - (b) The 2008 of later edition of the National Electrical Code NFPA 70.
 - (3) Regarding the requirement that Gasoline and Volatile Oils Storage Facilities in the B-1 District shall not be permitted closer than 500 feet from any R DISTRICT or any residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE:
 - (a) The location of the proposed tanks in the Site Plan received December 19, 2014 is approximately 415 feet to the southwest of the closest residence.
 - (b) The Petitioner has requested for a waiver for this standard condition as part of this zoning case.
 - (c) Rules established in the Illinois Administrative Code for the location of fuel storage tanks (41 IAC 160.20) require at most a 300 feet separation from existing school, institutional, public assembly, or theatre occupancy and contain no minimum separation from residential use.
 - (4) Regarding the requirement that the Petitioner acquire a State Permit showing conformance to the *Illinois Gasoline Storage Act*, the Petitioner has applied for the permit and is aware that issuance of the Zoning Use Permit is contingent upon receipt of this State Permit.
- J. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, or 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.

2/5/14 DRAFT

**Case 794-S-14
Page 13 of 24**

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: “Yes.”
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) 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) Regarding compliance with Subsection 4.2.1F.2.:
 - (a) The minimum required depth of the OPEN SPACE between the various structures on the subject property is 20 feet, and there is a minimum of 20 feet between the various structures.
 - (3) Section 5.2 authorizes “Gasoline and Volatile Oils Storage up to and including 80,000 gallon capacity in the aggregate” as a Special Use in the B-1 Zoning District.
 - (4) All existing and proposed structures meet setback and front, side and rear yard requirements.
 - (5) Regarding Standard Conditions for Gasoline and Volatile Oils Storage in the B-1 Zoning District:
 - (a) Gasoline and Volatile Oils Storage Facilities shall not be permitted closer than 500 feet from any R DISTRICT or any residential, INSTITUTIONAL, or PUBLIC ASSEMBLY USE.
 - (1) The closest residence is approximately 415 feet from the proposed location of the fuel tanks.
 - (2) The Petitioner has requested a waiver for this standard condition as part of this zoning case.
 - (b) A State Permit showing conformance to the *Illinois Gasoline Storage Act* (430 ILCS 15/0.01 et. set.) shall be presented to the Zoning Administrator prior to issuance of a COUNTY Zoning Use Permit.
 - (1) The Petitioner has applied for the permit and is aware that issuance of the Zoning Use Permit is contingent upon receipt of the State Permit.

2/5/14 DRAFT

- (6) Regarding parking on the subject property:
 - (a) Paragraph 7.4.1 C.1. requires ESTABLISHMENTS other than specified above: one such PARKING SPACE for every 200 square feet of floor area or portion thereof.
 - (b) The proposed improvements include approximately 2,730 square feet, so 14 parking spaces would be required.
 - (c) 14 spaces require 2,800 square feet of parking area. The property has ample area for these additional parking spaces.
- (7) Regarding loading berths on the subject property, paragraph 7.4.2 C.5. requires one loading berth of minimum 12' × 40' dimensions for commercial and industrial establishments of 1 to 9,999 square feet of floor area. There is adequate area to accommodate a loading berth on the site.
- C. Regarding compliance with the *Stormwater Management Policy*:
 - (1) The proposed improvements do not exceed the maximum impervious area, so the property is exempt from the Stormwater Management Policy.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the B-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) Gasoline and Volatile Oils Storage up to and including 80,000 gallon capacity in the aggregate” is authorized as a Special Use only in the B-1, B-3, and I-1 Zoning Districts, and by-right in the I-2 Zoning District.
 - (3) The proposed use will not hinder agricultural production on adjacent properties.
 - (4) The visual character of the subject property will change but it will be in harmony with other existing non-agricultural uses in the immediate vicinity.
 - (5) The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been done.

2/5/14 DRAFT

**Case 794-S-14
Page 15 of 24**

- (6) 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-2 Agriculture and the Petitioner has requested to rezone the property to B-1 Rural Trade Center Zoning District in related Case 797-AM-15. Regarding whether or not the proposed Special Use will preserve the essential Character of the surrounding B-1 District:
- (1) As reviewed in Case 797-AM-15, the types of uses authorized by right in the B-1 DISTRICT are different from the by-right uses in the AG-2 DISTRICT. Any proposed Special Use on the subject property should be evaluated for compatibility with the adjacent uses.
 - (2) The proposed Special Use will have no significant impact on traffic, drainage, public health or safety, or visual character of the surrounding AG-2 District.
- 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.
- (1) Documentation showing that the proposed new facilities are exempt from the Illinois Accessibility Code was provided via email from Jeff Breen received January 23, 2015 and provided as an Appendix for the current case.
 - (a) The Petitioner seeks to construct a building of the same type and use that was constructed as part of Zoning Case 752-S-13, approved June 27, 2013. In an email received January 22, 2015 from Jeff Breen of Premier Cooperative, he states "I have attached correspondence regarding the ADA issue. The proposed facility will be operated identically although it will be smaller."
 - (b) For Zoning Case # 752-S-13, the Petitioner received verification from Mark Kuechler, P.E. with the Illinois Department of Public Health that no plumbing/restroom would be necessary for the storage and loading building that was constructed adjacent to the bulk fuel storage tanks.
 - (c) Foth Infrastructure and Environment, the contract engineer for the building constructed in Case #752-S-13, contended that the facility was exempt from providing a handicapped parking space outside the building because the Illinois Accessibility Code does not require a handicapped parking

Case 794-S-14
Page 16 of 24

2/5/14 DRAFT

space if the plumbing code does not require a toilet facility. The Illinois Attorney General's Office and Mark Kuechler concurred.

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. Gasoline and Volatile Oils Storage up to and including 80,000 gallon capacity in the aggregate" is authorized as a Special Use only in the B-1, B-3, and I-1 Zoning Districts, and by-right in the I-2 Zoning District.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.9 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.
 - D. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
 - (1) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
 - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:

2/5/14 DRAFT

**Case 794-S-14
Page 17 of 24**

The requested Special Use Permit and related Map Amendment (Case 797-AM-15) 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:

The proposed rezoning (Case 797-AM-15) and the Special Use are likely to reduce overall traffic but no Traffic Impact Assessment has been made.

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

The proposed construction on the subject property will not trigger the need for stormwater management and there are no known drainage problems on the subject property.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.

(a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

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

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

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

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one

2/5/14 DRAFT

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

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

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

The proposed addition to the existing office building will conform to the Zoning Ordinance restrictions and limitations.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.
- (a) The eastern portion of the property has had business zoning for many years.
- (b) The proposed use not will take any land out of production.
- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

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

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

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas,

2/5/14 DRAFT

Case 794-S-14
Page 19 of 24

to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

- (a) The eastern portion of the property has had business zoning for years.
 - (b) The proposed use will not take any agricultural land out of production.
- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

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

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
- A. **Paragraph 7.4.2 C.5. requires one loading berth of minimum 12' × 40' dimensions for commercial and industrial establishments of 1 to 9,999 square feet of floor area. A loading berth meeting these requirements will be constructed on the property prior to the Zoning Administrator authorizing a Zoning Compliance Certificate.**

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

That off-street parking is in compliance with the Zoning Ordinance.

- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed fuel storage tanks and office buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply 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 condition stated above is required to ensure the following:

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

Case 794-S-14
Page 20 of 24

2/5/14 DRAFT

- C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Petitioner presents a State Permit ensuring compliance with the Illinois Gasoline Storage Act.**

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

That the proposed Special Use meets applicable state codes for gasoline storage.

2/5/14 DRAFT

**Case 794-S-14
Page 21 of 24**

DOCUMENTS OF RECORD

1. Application for Map Amendment received January 14, 2015.
2. Special Use Permit application received December 19, 2014, with attachments:
 - A Site Plan
3. Preliminary Memorandum for Cases 797-AM-15 and 794-S-14 dated February 5, 2015, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received December 19, 2014 and additional sketch received January 23, 2015
 - C Natural Resources Report from Champaign County Soil and Water Conservation District (*handout*)
 - D Emails from Petitioner's Zoning Case #752-S-13 received January 23, 2015 regarding Illinois Accessibility Code
 - E Specifications for exterior lighting received January 23, 2015
 - F Site Visit Photos
 - G Draft Summary of Evidence, Finding of Fact, and Final Determination

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 794-S-14 held on **February 12, 2015**, the Zoning Board of Appeals of Champaign County finds that:

- 1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because: _____
- 2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*:

 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:

 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}*:

 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:

 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*:

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

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

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.

2/5/14 DRAFT

**Case 794-S-14
Page 23 of 24**

- 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.

Case 794-S-14
Page 24 of 24

2/5/14 DRAFT

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 794-S-14 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant **Premier Cooperative, Inc.**, to authorize the following as a Special Use in the B-1 District:

- Part A. Authorize construction of two 24,000 gallon bulk fuel storage tanks in the B-1 Rural Trade Center Zoning District.
- Part B. Authorize the following waiver to the standard conditions of the “Gasoline and Volatile Oils Storage in the B-1 and B-3 Districts” Special Use as per Section 6.1.3 of the Zoning Ordinance: “Gasoline and Volatile Oils Storage Facilities shall not be permitted closer than 500 feet from any R District or any residential, Institutional, or Public Assembly Use.”
- Part C. Authorize the use of multiple principal structures on the same lot consisting of (1) a grain storage facility that was originally authorized by Case 575-S-86 and (2) two 24,000 gallon bulk fuel storage tanks with adjacent loading and storage building.

{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

CASE NO. 797-AM-15

PRELIMINARY MEMORANDUM

FEBRUARY 5, 2015

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Petitioner: Premier Cooperative Inc.

Request: Amend the Zoning Map to change the zoning district designation from the AG-2 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District.

Location: A tract in the south half of the southwest quarter of Section 17 Township 20N Range 9E in Somer Township and commonly known as Premier Cooperative at 1711 East Leverett Road, Champaign.

Site Area: 8.19 acres

Time Schedule for Development: As soon as possible

Prepared by: Susan Chavarria
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

Premier Cooperative Incorporated requests to rezone property at 1711 Leverett Road, Champaign, from its current AG-2 Agriculture zoning designation to the B-1 Rural Trade Center zoning designation. The current zoning for the 8.19 acre parcel has the eastern 4.72 acres in the B-1 District and the western 3.46 acres in the AG-2 District. Previous owners of the eastern portion purchased the western portion in the 1980s, but had no cause to change the zoning at that time.

The petitioner requests the rezoning in order to construct two 24,000 gallon bulk fuel storage tanks, which can be constructed with a Special Use Permit in the B-1 District but are not allowed in the AG-2 District. That Special Use request is being considered concurrently under Case 794-S-14. The Petitioner does not consider moving the tanks to the B-1 (eastern) part of the property to be feasible. The proposed use also includes construction of a new loading and storage building adjacent to the tanks and an addition to an existing building.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Grain Elevator (Proposed fuel storage in Case 794-S-14)	AG-2 Agriculture and B-1 Rural Trade Center (Proposed to be rezoned to all B-1)
North	Agriculture/Residential	AG-1 Agriculture
East	Agriculture/Residential	AG-2 Agriculture
West	Agriculture	AG-2 Agriculture
South	Agriculture	AG-2 Agriculture

COMPATIBILITY

Staff analysis indicates that the proposed Zoning Map amendment and proposed Special Use appear to be compatible with surrounding land uses and the Champaign County Land Resource Management Plan Goals, Objectives, and Policies adopted by the County Board on April 22, 2010.

ATTACHMENTS

- A LRMP Land Use Goals, Objectives, and Policies
- B LRMP Appendix of Defined Terms
- C Draft Finding of Fact and Final Determination



Goal 1 Planning and Public Involvement

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

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

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

Objective 1.2 Updating Officials

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

Objective 1.3 Incremental Updates

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

Objective 1.4 Comprehensive Updates

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

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

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

Objective 1.2 Updating Officials

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

Policy 1.2.1

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

Objective 1.3 Incremental Updates

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

Policy 1.3.1

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

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



Objective 1.4 Comprehensive Updates

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

Policy 1.4.1

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

Policy 1.4.2

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

Goal 2 Governmental Coordination

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

Goal 2 Objectives

Objective 2.1 Local and Regional Coordination

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

Objective 2.2 Information Sharing

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

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

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

Policy 2.1.1

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

Policy 2.1.2

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

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

**Policy 2.1.3**

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

Objective 2.2 Information Sharing

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

Goal 3 Prosperity

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

Goal 3 Objectives**Objective 3.1 Business Climate**

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

Objective 3.2 Efficient County Administration

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

Objective 3.3 County Economic Development Policy

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

Goal 4 Agriculture

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

Goal 4 Objectives**Objective 4.1 Agricultural Land Fragmentation and Conservation**

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

Objective 4.2 Development Conflicts with Agricultural Operations

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

continued

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

**Objective 4.3 Site Suitability for Discretionary Review Development**

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

Objective 4.4 Regulations for Rural Residential Discretionary Review

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

Objective 4.5 LESA Site Assessment Review and Updates

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

Objective 4.6 Protecting Productive Farmland

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

Objective 4.7 Right to Farm Resolution

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

Objective 4.8 Locally Grown Foods

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

Objective 4.9 Landscape Character

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

Goal 4 Objectives and Policies**Objective 4.1 Agricultural Land Fragmentation and Conservation**

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

Policy 4.1.1

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

Policy 4.1.2

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

Policy 4.1.3

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



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

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

Policy 4.1.5

- a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:
- 1 new lot allowed per parcel less than 40 acres in area;
 - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
 - 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.
- b. The County will not allow further division of parcels that are 5 acres or less in size.

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

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

then,

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

Policy 4.1.7

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

Policy 4.1.8

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

Policy 4.1.9

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

Objective 4.2 Development Conflicts with Agricultural Operations

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

Policy 4.2.1

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

Policy 4.2.2

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

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

Policy 4.2.3

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

Policy 4.2.4

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

Objective 4.3 Site Suitability for Discretionary Review Development

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

Policy 4.3.1

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

Policy 4.3.2

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

Policy 4.3.3

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

Policy 4.3.4

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

**Policy 4.3.5**

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

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

Objective 4.4 Regulations for Rural Residential Discretionary Review

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

Objective 4.5 LESA Site Assessment Review and Updates

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

Objective 4.6 Protecting Productive Farmland

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

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

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

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

Objective 4.7 Right to Farm Resolution

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

Objective 4.8 Locally Grown Foods

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

Objective 4.9 Landscape Character

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

Policy 4.9.1

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



Goal 5 Urban Land Use

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

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

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

Objective 5.2 Natural Resources Stewardship

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

Objective 5.3 Adequate Public Infrastructure and Services

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

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

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

Policy 5.1.1

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

Policy 5.1.2

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

Policy 5.1.3

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

Policy 5.1.4

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

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

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

**Policy 5.1.5**

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

Policy 5.1.6

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

Policy 5.1.7

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

Policy 5.1.8

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

Policy 5.1.9

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

Objective 5.2 Natural Resources Stewardship

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

Policy 5.2.1

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

Policy 5.2.2

The County will:

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

Policy 5.2.3

The County will:

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



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

Objective 5.3 Adequate Public Infrastructure and Services

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

Policy 5.3.1

The County will:

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

Policy 5.3.2

The County will:

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

Policy 5.3.3

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

Goal 6 Public Health and Public Safety

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

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

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

Objective 6.2 Public Assembly Land Uses

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

Objective 6.3 Development Standards

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

Objective 6.4 Countywide Waste Management Plan

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

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



Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

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

Policy 6.1.1

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

Policy 6.1.2

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

Policy 6.1.3

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

Policy 6.1.4

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

Objective 6.2 Public Assembly Land Uses

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

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

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

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

Objective 6.3 Development Standards

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

Objective 6.4 Countywide Waste Management Plan

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

Goal 7 Transportation

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

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

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

Objective 7.2 Countywide Transportation System

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

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

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

Policy 7.1.1

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

Objective 7.2 Countywide Transportation System

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

Policy 7.2.1

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

Policy 7.2.2

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

Policy 7.2.3

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

Policy 7.2.4

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

Policy 7.2.5

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

Policy 7.2.6

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

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



Goal 8 Natural Resources

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

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

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

Objective 8.2 Soil

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

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

Objective 8.4 Surface Water Protection

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

Objective 8.5 Aquatic and Riparian Ecosystems

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

Objective 8.6 Natural Areas and Habitat

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

Objective 8.7 Parks and Preserves

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

Objective 8.8 Air Pollutants

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

Objective 8.9 Natural Resources Assessment System

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

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



Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

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

Policy 8.1.1

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

Policy 8.1.2

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

Policy 8.1.3

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

Policy 8.1.4

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

Policy 8.1.5

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

Policy 8.1.6

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

Policy 8.1.7

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

Policy 8.1.8

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

Policy 8.1.9

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

Objective 8.2 Soil

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

**Policy 8.2.1**

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

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

Policy 8.3.1

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

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

Objective 8.4 Surface Water Protection

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

Policy 8.4.1

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

Policy 8.4.2

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

Policy 8.4.3

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

Policy 8.4.4

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

Policy 8.4.5

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

Policy 8.4.6

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



Objective 8.5 Aquatic and Riparian Ecosystems

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

Policy 8.5.1

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

Policy 8.5.2

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

Policy 8.5.3

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

Policy 8.5.4

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

Policy 8.5.5

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

Objective 8.6 Natural Areas and Habitat

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

Policy 8.6.1

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

Policy 8.6.2

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

Policy 8.6.3

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

Policy 8.6.4

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

**Policy 8.6.5**

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

Policy 8.6.6

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

Objective 8.7 Parks and Preserves

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

Policy 8.7.1

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

Policy 8.7.2

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

Policy 8.7.3

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

Policy 8.7.4

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

Policy 8.7.5

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

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

Objective 8.8 Air Pollutants

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

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

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



Objective 8.9 Natural Resources Assessment System

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

Goal 9 Energy Conservation

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

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases

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

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

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

Objective 9.4 Reuse and Recycling

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

Objective 9.5 Renewable Energy Sources

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

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

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

Policy 9.1.1

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

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

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

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

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

**Policy 9.2.1**

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

Policy 9.2.2

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

Objective 9.3 Land Use and Transportation Policies

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

Objective 9.4 Reuse and Recycling

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

Objective 9.5 Renewable Energy Sources

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

Goal 10 Cultural Amenities

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

Goal 10 Objective**Objective 10.1 Cultural Amenities**

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

Goal 10 Objectives and Policy**Objective 10.1 Cultural Amenities**

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

Policy 10.1.1

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

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

APPENDIX

DEFINED TERMS

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy.

best prime farmland

'Best prime farmland' consists of soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

by right development

'By right development' is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County's Planning and Zoning Department. At the present time, 'by right' development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for 'over-the-counter' at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

contiguous urban growth area

Unincorporated land within the County that meets one of the following criteria:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
- land surrounded by incorporated land or other urban land within the County.

discretionary development

A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.

discretionary review

The County may authorize certain non-agricultural land uses in unincorporated areas of the County provided that a public review process takes place and provided that the County Board or County Zoning Board of Appeals (ZBA) finds that the development meets specified criteria and approves the development request. This is referred to as the 'discretionary review' process.

The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For 'discretionary review' requests, a



discretionary review (continued)

public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

good zoning lot (commonly referred to as a 'conforming lot')

A lot that meets all County zoning, applicable County or municipal subdivisions standards, and other requirements in effect at the time the lot is created.

parks and preserves

Public land established for recreation and preservation of the environment or privately owned land that is participating in a conservation or preservation program

pre-settlement environment

When used in reference to outlying Champaign County areas, this phrase refers to the predominant land cover during the early 1800s, when prairie comprised approximately 92.5 percent of land surface; forestland comprised roughly 7 percent; with remaining areas of wetlands and open water. Riparian areas along stream corridors containing 'Forest Soils' and 'Bottomland Soils' are thought to most likely be the areas that were forested during the early 1800s.

public infrastructure

'Public infrastructure' when used in the context of rural areas of the County generally refers to drainage systems, bridges or roads.

public services

'Public services' typically refers to public services in rural areas of the County, such as police protection services provided the County Sheriff office, fire protection principally provided by fire protection districts, and emergency ambulance service.

rural

Rural lands are unincorporated lands that are not expected to be served by any public sanitary sewer system.

site of historic or archeological significance

A site designated by the Illinois Historic Preservation Agency (IHPA) and identified through mapping of high probability areas for the occurrence of archeological resources in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/3). The County requires Agency Report from the IHPA be submitted for the County's consideration during discretionary review of rezoning and certain special use requests. The Agency Report addresses whether such a site is present and/or nearby and subject to impacts by a proposed development and whether further consultation is necessary.

suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

well-suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

- the site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

urban development

The construction, extension or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system.

urban land

Land within the County that meets any of the following criteria:

- within municipal corporate limits; or
- unincorporated land that is designated for future urban land use on an adopted municipal comprehensive plan, adopted intergovernmental plan or special area plan and served by or located within the service area of a public sanitary sewer system.

urban land use

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

DRAFT 02/05/15

797-AM-15

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

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

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

Petitioners: **Premier Cooperative Incorporated**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-2
Agriculture Zoning District to the B-1 Rural Trade Center Zoning District in
order to operate the proposed Special Use in related Zoning Case 794-S-14.**

Table of Contents

Finding of Fact 2-18

Documents of Record..... 19

Case 797-AM-15 Summary Finding of Fact 20

Case 797-AM-15 Final Determination 23

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 12, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Premier Cooperative Incorporated, 2104 West Park Court, Champaign, with board members Greg Miller, 501 Valley Drive, Mahomet; Joseph Kuntz, 37603 N 370E, Rankin; William Stierwalt, 418 CR 300N, Sadorus; Kim Jolley, 304 E South St., Fairmount; Kenneth Hieser, 741 CR 3450N, Foosland; Stephen Hettinger, 440CR 1000E, Philo; Roger Miller, 2046 CR 2000E, Urbana; Pat Feeney, 1474 E CR 1500N, Monticello; James Kleiss, 418 CR 1200E, Tolono; Douglas Hansens, 2822 CR 800E, Dewey; John Murray, 2607 CR 1000E, Champaign; Dwight Huffstutler, 1132 E 2750 N RD, Mansfield; Maury Busboom, 217 W Main St., Royal; and corporate officers Roger Miller, General Manager; and James Deters, Chief Financial Officer, owns the subject property.
2. The subject property is an 8.19 acre tract of land in the south half of the southwest quarter of Section 17 Township 20N Range 9E in Somer Township and commonly known as Premier Cooperative at 1711 East Leverett Road, Champaign.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - (A) The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality.
 - (B) The subject property is located within Somer Township, which does not have a Planning Commission.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated:

The petitioner did not indicate a response to the question.

5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following:

The petitioner did not indicate a response to the question.

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 a 8.19 acre tract and is currently zoned AG-2 Agriculture on its western 3.46 acres and B-1 Rural Trade Center Zoning District on its eastern 4.72 acres.
 - B. Land to the north of the subject property is zoned AG-1 Agriculture and is in agricultural production.

DRAFT 02/05/15**Cases 797-AM-15
Page 3 of 23**

- C. Land to the east, west and south is zoned AG-2 Agriculture and is in agricultural production and single family residential.
7. Previous zoning cases in the vicinity are the following:
- A. Case 575-S-86 was a request by Fisher Farmers Grain and Coal/R. and J. Hammel for a grain storage facility on the western portion of the current subject property.
- B. Case 154-AM-76 was a request by Illini FS and Hershberger to rezone 1.5 acres from AG-1 Agriculture to B-1 Rural Trade Center on a property 320 feet north of Route 20 on the east side of the ICRR in Leverett.
- C. Case 753-AM-91 was a request by Illini FS/James and Robert Hershberger to rezone 9.86 acres from combined AG-1 Agriculture and B-1 Rural Trade Center to B-1 Rural Trade Center on the property north and east of the intersection of Leverett Road and the ICRR adjacent to the current subject property.
- D. Case 754-S-91 was a request by Illini FS/James and Robert Hershberger for a bulk fuel storage and liquid propane storage not to exceed 175,000 gallons on the property north and east of the intersection of Leverett Road and the ICRR adjacent to the current subject property.
- E. Case 023-S-95 was a request by Illini FS to remove a condition regarding driveway access on the property north and east of the intersection of Leverett Road and the ICRR adjacent to the current subject property.
8. Regarding site plan and operations of the subject property:
- A. The site plan received December 19, 2014, indicates the following existing conditions:
- (1) One 20 feet by 30 feet office building with adjacent scale, and
 - (2) One grain elevator, including four silos.
- B. The site plan also indicates the following proposed improvements:
- (1) A 20 feet by 30 feet addition to the office;
 - (2) Two 12 feet diameter by 24 feet tall fuel tanks with a capacity of 24,000 gallons each;
 - (3) One new 22 feet by 40 feet building adjacent to the proposed tanks to be used for loading and storage.

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:

DRAFT 02/05/15

- (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 28 types of uses authorized by right in the B-1 District:
 - (a) The following five uses are authorized by right in the AG-1 District and are not authorized at all in the B-1 District:
 - (1) Single family dwelling;
 - (2) Roadside Stand operated by Farm Operator;
 - (3) Plant Nursery;
 - (4) Off-premises sign within 660 feet of interstate highway; and
 - (5) 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:
 - (1) Subdivisions of three lots or less;
 - (2) Agriculture;
 - (3) Minor Rural Specialty Business;
 - (4) Township Highway Maintenance Garage (must meet separations or SUP is required);
 - (5) Christmas Tree Sales Lot; and
 - (6) Temporary Uses.
 - (c) The following nine uses are authorized by right in the B-1 District and not at all in the AG-1 District:
 - (1) Parking garage or lot;
 - (2) Telegraph Office;
 - (3) Roadside Produce Stand;
 - (4) Farm Equipment Sales and Service;

DRAFT 02/05/15

**Cases 797-AM-15
Page 5 of 23**

- (5) Feed and Grain (sales only);
 - (6) Locker, Cold Storage for Individual Use;
 - (7) Major Automobile Repair;
 - (8) Minor Automobile Repair; and
 - (9) Antique Sales and Service.
- (d) The following 13 uses are authorized by right in the B-1 District but require a Special Use Permit in the AG-1 District:
- (1) Major Rural Specialty Business;
 - (2) Municipal or Government Building;
 - (3) Police Station or Fire Station;
 - (4) Library, Museum or Gallery;
 - (5) Public park of recreational facility;
 - (6) Telephone Exchange;
 - (7) Farm Chemicals and Fertilizer Sales;
 - (8) Grain Storage Elevators and Bins;
 - (9) Contractors Facilities with no outdoor storage and operations;
 - (10) Contractors Facilities with outdoor storage and operations;
 - (11) Agricultural drainage contractor with no outdoor storage and operations;
 - (12) Agricultural drainage contractor with outdoor storage and operations; and
 - (13) Small Scale Metal Fabricating Shop.
- (2) There are 47 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 13 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:
- (1) Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - (2) Electrical Substation;
 - (3) HELIPORT-RESTRICTED LANDING AREAS;
 - (4) Livestock Sales Facility and Stockyards; and
 - (5) Slaughter Houses.
- (b) The following 24 uses may be authorized by Special Use Permit in the AG-1 District and not at all in the B-1 District:
- (1) Hotel with no more than 15 lodging units;
 - (2) Residential PLANNED UNIT DEVELOPMENT;
 - (3) Artificial lake of 1 or more acres;
 - (4) Mineral extraction, Quarrying, topsoil removal, and allied activities;
 - (5) Elementary School, Junior High School, or High School;
 - (6) Church, Temple or church related Temporary Uses on church Property;
 - (7) Penal or correctional institution;

DRAFT 02/05/15

- (8) Sewage disposal plant or lagoon;
 - (9) Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
 - (10) Radio or Television Station;
 - (11) RESIDENTIAL AIRPORTS;
 - (12) RESTRICTED LANDING AREAS;
 - (13) Riding Stable;
 - (14) Commercial Fishing Lake;
 - (15) Cemetery or Crematory;
 - (16) Pet Cemetery;
 - (17) Kennel;
 - (18) Veterinary Hospital;
 - (19) Off-premises sign farther than 660 feet from an interstate highway;
 - (20) Gas Turbine Peaker;
 - (21) BIG WIND TURBINE TOWER (1-3 turbines);
 - (22) WIND FARM (County Board SUP)
 - (23) Sawmills, Planing Mills, and related activities; and
 - (24) 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:
- (1) Self-storage Warehouses, providing heat and utilities to individual units;
 - (2) Self-storage Warehouses, not providing heat and utilities to individual units;
 - (3) Gasoline and Volatile Oils Storage up to and including 80,000 gallons;
 - (4) Gasoline and Volatile Oils Storage of greater than 80,000 gallons but no more than 175,000 gallons; and
 - (5) Liquefied Petroleum Gases Storage.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

10. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:
- “It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows...”
- B. The LRMP defines Goals, Objectives, and Policies as follows:
- (1) Goal: an ideal future condition to which the community aspires

DRAFT 02/05/15

**Cases 797-AM-15
Page 7 of 23**

- (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 RELEVANT LRMP GOALS & POLICIES

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

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 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but 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:

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 amendment will ***NOT IMPEDE*** the achievement of Goal 2.

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

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 amendment ***WILL HELP ACHIEVE*** Goal 3 for the following reasons:

A. The three objectives are:

- (1) Objective 3.1 is entitled “Business Climate” and states: Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

DRAFT 02/05/15

- (2) Objective 3.2 is entitled “Efficient County Administration” and states: “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”
- (3) Objective 3.3 is entitled “County Economic Development Policy” and states: “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.”

B. Although the proposed rezoning is ***NOT DIRECTLY RELEVANT*** to any of these objectives, the proposed rezoning will allow Premier Cooperative Incorporated to continue operations at the Leverett site with proper zoning and to continue to serve the needs of the farmers of Champaign County and therefore the proposed rezoning can be said to ***HELP ACHIEVE*** Goal 3.

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

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 amendment ***WILL HELP ACHIEVE*** Goal 4 for the following reasons:

A. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and 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 HELP ACHIEVE*** Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9 do not appear to be relevant to the proposed rezoning.
- (2) Policy 4.1.1 states, “**Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.**”

The proposed rezoning ***WILL HELP ACHIEVE*** Policy 4.1.1 because the subject property has not been in agricultural production for many years and the B-1 District is intended to provide agriculture related businesses to rural residents.

- (3) 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;**

DRAFT 02/05/15

**Cases 797-AM-15
Page 9 of 23**

- 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 HELP ACHIEVE*** Policy 4.1.6 for the following reasons:

- (a) The soil on the subject property is best prime farmland and consists of Drummer silty clay loam, Clare silt loam, and Brenton silt loam, and would have an average LE of approximately 98.
- (b) The existing grain elevator on the subject property has been in operation for decades.
- (c) The proposed rezoning will not remove any additional best prime farmland from production.

- B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed rezoning ***WILL 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 HELP ACHIEVE*** Policy 4.2.1 for the following reason:

- (a) Premier Cooperative Incorporated is an agricultural support service. The subject property has been used as a grain elevator for many years, supports agriculture, and is a service better provided in a rural area.

Cases 797-AM-15
Page 10 of 23

DRAFT 02/05/15

- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (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 HELP ACHIEVE*** Policy 4.2.2 for the following reasons:

- (a) The use of the subject property is a use which is directly related to agriculture and is neither affected by agricultural activities nor does it hinder agricultural activities.
 - (b) The proposed fuel storage tanks are sited on land that is not in crop production and will not interfere with agricultural activities.
 - (c) The traffic generated by the proposed use or any future use should be consistent with its current traffic and should not increase significantly as a result of this rezoning.
 - (d) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (3) **Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed rezoning ***WILL HELP ACHIEVE*** Policy 4.2.3 for the following reasons:

- (a) The Petitioner understands that this is a rural area where agricultural activities take place and the Petitioner’s business depends upon agricultural activities.
 - (b) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (4) **Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

*DRAFT 02/05/15***Cases 797-AM-15**
Page 11 of 23

The proposed rezoning *WILL HELP ACHIEVE* Policy 4.2.4 for the following reasons:

- (a) The use on the subject property is directly related to agricultural activities. A buffer between the use and nearby agriculture is not warranted.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.

- C. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states: “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed rezoning *WILL 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 HELP ACHIEVE* Policy 4.3.2 for the following reasons:

- (a) The land is best prime farmland and consists of Drummer silty clay loam (LE 100), Clare silt loam (LE 91), and Brenton silt loam (LE 100), and would have an average LE of approximately 98.
 - (b) The subject property is not served by sanitary sewer and is not a large generator of wastewater.
 - (c) The subject property was converted out of agricultural production prior to zoning and has existing equipment and facilities well-suited to the purposes of Premier Cooperative Incorporated operations, making the subject property well-suited overall.
 - (d) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (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 HELP ACHIEVE* Policy 4.3.3 for the following reason:

- (a) The subject property is located approximately 5 miles from the Thomasboro Fire Protection District Station. The District was notified of the case and no comments were received.
- (3) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements,**

Cases 797-AM-15
Page 12 of 23

DRAFT 02/05/15

is adequate to support the proposed development effectively and safely without undue public expense.”

The proposed rezoning *WILL HELP ACHIEVE* Policy 4.3.4 for the following reason:

- (a) No significant traffic increase is anticipated as a result of this rezoning.
- (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 HELP ACHIEVE* Policy 4.3.5 for the following reasons:

- (a) The proposed use serves surrounding agriculture.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.

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 *NOT IMPEDE* the achievement of Goal 5.

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 amendment will *NOT IMPEDE* the achievement of Goal 6.

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 amendment *WILL HELP ACHIEVE* Goal 7 for the following reasons:

DRAFT 02/05/15

**Cases 797-AM-15
Page 13 of 23**

- 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 **CONFORMS** to Objective 7.1 because of the following:

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

The proposed rezoning **WILL HELP ACHIEVE** Policy 7.1.1 because no significant traffic increase is anticipated as a result of the rezoning.

- 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.

The proposed amendment 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.

The proposed amendment 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.

The proposed amendment 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:

DRAFT 02/05/15**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	Grain Elevator	B-1 Rural Trade Center and AG-2 Agriculture (proposed to be all rezoned to B-1)
North	Agriculture, Residential	AG-1 Agriculture
East	Agriculture, Residential	AG-2 Agriculture
West	Agriculture	AG-2 Agriculture
South	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 nearby residential properties, it is not clear if the requested map amendment would have any effect.
- (3) This area is primarily an agricultural area and the subject property has been a grain elevator for decades.

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.

There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, and welfare.

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

The gain to the public of the proposed rezoning is positive because the proposed amendment would allow Premier Cooperative Incorporated to upgrade its fuel storage facilities in order to support surrounding agricultural activities.

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

*DRAFT 02/05/15***Cases 797-AM-15**
Page 15 of 23

The subject property is suitable for the zoned purposes. The subject property cannot be converted back to agricultural production and there is an existing grain elevator occupying the subject property that is suitable for the existing and future uses.

- 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.**
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. Currently, there are two buildings on the subject property. The existing grain elevator was built prior to zoning in Champaign County.
- G. ***Sinclair* factor: The need and demand for the use.**
In the application for related Zoning Case #794-S-14, the Petitioner testified they want to have a bulk fuel storage facility at Leverett “to more efficiently serve our fuel customers and to reduce truck traffic to existing bulk plant in Tolono, IL.”
- H. ***Sinclair* factor: The extent to which the use conforms to the municipality’s comprehensive planning.**
The proposed use generally conforms to goals and policies of the Champaign County Land Resource Management Plan.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

22. The proposed amendment ***WILL 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.
- This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- The requested Map Amendment and Special Use Permit (Case 794-S-14) 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.

Cases 797-AM-15
Page 16 of 23

DRAFT 02/05/15

The proposed rezoning and the proposed Special Use are likely to reduce traffic but no Traffic Impact Assessment has been made.

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

The proposed construction on the subject property will not trigger the need for stormwater management and there are no known drainage problems on the subject property.

- 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.

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.

DRAFT 02/05/15

**Cases 797-AM-15
Page 17 of 23**

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

- H. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- I. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- (1) The eastern portion of the property has had business zoning for a long time.
 - (2) The proposed rezoning and proposed Special Use (Case 794-S-14) will not take any land out of production.

- J. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

- K. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed rezoning and the proposed Special Use (Case 794-S-14) will not require the development of public utilities or transportation facilities.

- L. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.
- (1) The eastern portion of the property has had business zoning for a long time.
 - (2) The proposed use will not take any land out of production.

Cases 797-AM-15
Page 18 of 23

DRAFT 02/05/15

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

The proposed rezoning and proposed Special Use will not hinder the development of renewable energy sources.

REGARDING SPECIAL CONDITIONS OF APPROVAL

23. No Special Conditions of Approval are proposed at this time.

DRAFT 02/05/15

**Cases 797-AM-15
Page 19 of 23**

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment signed by Jeff Breen, received on January 14, 2015
2. Application for Special Use Permit signed by Jeff Breen, received December 19, 2014, with attachments:
 - A Site Plan
3. Champaign County Land Resource Management Plan (LRMP) Goals, Objectives, and Policies
4. Champaign County Land Resource Management Plan (LRMP) Appendix of Defined Terms
5. Preliminary Memorandum for Case 797-AM-15 dated February 4, 2015, with attachments:
 - A LRMP Land Use Goals, Objectives, and Policies
 - B LRMP Appendix of Defined Terms
 - C Draft Finding of Fact and Final Determination
6. Preliminary Memorandum for Case 794-S-14 dated February 4, 2014, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received December 19, 2014
 - C Natural Resources Report from Champaign County Soil and Water Conservation District (*handout*)
 - D Emails from Petitioner's Zoning Case #752-S-13 received January 23, 2015 regarding Illinois Accessibility Code
 - E Specifications for exterior lighting received January 23, 2015
 - F Site Visit Photos
 - G Draft Summary of Evidence, Finding of Fact, and Final Determination

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 12, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment ***WILL HELP ACHIEVE*** the Land Resource Management Plan because:
 - A. Regarding Goal 3:
 - (1) 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.
 - (2) 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:
 - (1) It ***WILL HELP ACHIEVE*** Objective 4.3 requiring any discretionary development to be on a suitable site because it ***WILL HELP ACHIEVE*** the following:
 - (a) Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture and is appropriate in a rural area (see Item 14.C.(4)).
 - (b) 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)).
 - (c) 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)).
 - (d) Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 14.C.(1)).
 - (2) It ***WILL HELP ACHIEVE*** Objective 4.2 requiring discretionary development to not interfere with agriculture because it ***WILL HELP ACHIEVE*** the following:
 - (a) Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 14.B.(4)).
 - (b) Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 14.B.(3)).

*DRAFT 02/05/15***Cases 797-AM-15**
Page 21 of 23

- (c) 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)).
- (d) 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)).
- (3) It ***WILL 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 HELP ACHIEVE*** the following:
- (a) 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.(3)).
- (b) Policy 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 14.A.(2)).
- (4) Based on achievement of the above Objectives and Policies, the proposed map amendment ***WILL HELP ACHIEVE*** Goal 4 Agriculture.
- C. Regarding Goal 7:
- (1) Objective 7.1 consider traffic impact in land use decisions because it ***WILL HELP ACHIEVE*** the following:
- (a) Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation.
- (2) 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.
- D. The proposed amendment ***WILL NOT IMPEDE*** the following LRMP goal(s):
- Goal 1 Planning and Public Involvement
 - Goal 2 Governmental Coordination
 - Goal 5 Urban Land Use
 - Goal 6 Public Health and Public Safety
 - Goal 8 Natural Resources
 - Goal 9 Energy Conservation
 - Goal 10 Cultural Amenities

Cases 797-AM-15
Page 22 of 23

DRAFT 02/05/15

- E. Overall, the proposed map amendment ***WILL HELP ACHIEVE*** the Land Resource Management Plan.

- 2. The proposed Zoning Ordinance map amendment ***IS*** consistent with the *LaSalle* and *Sinclair* factors because of the following:
 - A. The amendment will allow the petitioner to provide their existing services more efficiently.

 - B. The subject property is suitable for the existing and proposed businesses.

- 3. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the purpose of the Zoning Ordinance because:
 - A. Establishing the B-4 District at this location will help lessen and avoid congestion in the public streets (Purpose 2.0 (c) see Item 22.C.).

 - B. Establishing the B-4 District at this location will help classify, regulate, and restrict the location of the uses authorized in the B-4 District (Purpose 2.0 (i) see Item 22.G.).

DRAFT 02/05/15

**Cases 797-AM-15
Page 23 of 23**

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 797-AM-15** 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