

CASES 828-S-16 and 834-V-16

PRELIMINARY MEMORANDUM

April 21, 2016

Petitioner: Jonathan Hasselbring, Planning Director for the Champaign County Forest Preserve District

Request: Authorize as a Special Use as a “public park or recreational facility” those portions of the Kickapoo Rail Trail that are proposed in the unincorporated area only, and that shall connect to those portions of the Kickapoo Rail Trail that are proposed to be located inside the Village of St. Joseph and the City of Urbana, in the AG-1 and AG-2 Agriculture Zoning Districts and subject to the variance summarized below but fully described in the legal advertisement, on property that is commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and that is described more fully in the legal advertisement but is summarized here as follows:

Part A Subject Property: A 13.2 acre tract in the AG-1 District in Sections 10 and 15 of St. Joseph Township and subject to a variance for setback of 66 feet in lieu of the minimum required 85 feet; a front yard of 33 feet in lieu of the minimum required 35 feet, and from parking requirements.

Part B Subject Property: An 11.6 acre tract in the AG-1 District in Sections 9 and 16 of St. Joseph Township and subject to a variance for setback of 61 feet in lieu of the minimum required 85 feet; a front yard of 25 feet in lieu of the minimum required 35 feet; a rear yard of 20 feet in lieu of the minimum required 25 feet, and from parking requirements.

Part C Subject Property: A 9.2 acre tract in the AG-1 District in Sections 8 and 17 of St. Joseph Township and subject to a variance for setback of 53 feet in lieu of the minimum required 85 feet; a front yard of 27 feet in lieu of the minimum required 35 feet, and from parking requirements.

Part D Subject Property: A 12.4 acre tract in the AG-1 District in Sections 7 and 18 of St. Joseph Township and subject to a variance for setback of 58 feet in lieu of the minimum required 85 feet; a front yard of 21 feet in lieu of the minimum required 35 feet; a rear yard of 22 feet in lieu of the minimum required 25 feet, and from parking requirements.

Part E Subject Property: A 12.1 acre tract in the AG-2 District in Sections 12 and 13 of Urbana Township and subject to a variance for setback of 65 feet in lieu of the minimum required 85 feet; a front yard of 30 feet in lieu of the minimum required 35 feet, and from parking requirements.

Part F Subject Property: A 12.1 acre tract in the AG-2 District in Sections 11 and 14 of Urbana Township and subject to a variances for setback of 65 feet in lieu of the minimum required 85 feet; a front yard of 22 feet in lieu of the minimum required 35 feet, and from parking requirements.

Location: Generally, 8 different tracts of land totaling 70.6 acres comprised of the various Parts described above and commonly known as the inactive CSX railroad line between the City of Urbana and the Village of St. Joseph and that shall connect to those portions of the Kickapoo Rail Trail that are proposed to be located inside the Village of St. Joseph and the City of Urbana, Illinois and more specifically described in the attached legal advertisement.

Site Area: 70.6 acres

Time Schedule for Development: As soon as possible

Prepared by: Susan Chavarria
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

For over 20 years, plans have been in place for converting the former CSX rail line between Urbana and Danville into a Rail Trail. Sufficient resources have come together to purchase the land and construct the first 6-mile phase between Urbana and St. Joseph. The 10 feet wide crushed limestone trail will have 2 feet aggregate shoulders and will be constructed on the existing rail bed.

The purpose of this Special Use case and associated Variance case is to bring the subject properties into compliance with the Zoning Ordinance. The subject properties in Urbana Township fall within the AG-2 District, while the properties in St. Joseph Township fall within the AG-1 District. A Special Use Permit is required for a Public Park or Recreation Facility to be constructed in the AG-1 and AG-2 zoning districts. Variances are required for setback from the centerline of a Federal Highway; minimum front and rear yard requirements, and minimum parking requirements.

Note that the Petitioner provided construction and cross section sheets (Attachments E and F) for the entire trail between Urbana and St. Joseph; however, some sheets show the trail located within the corporate limits of those communities. The construction sheets that pertain to the unincorporated area (that is the Special Use Permit and Variance geography for these cases) are listed below. Sheets 45-47 and 102-105 are inside the corporate limits.

Staff has divided the 6 mile Phase 1 length into 6 parts by township sections for facilitating discussion each part isolates specific variances within specific zoning districts and townships. Attachment C is a map showing those divisions:

Part A: St. Joseph Township sections 10 and 15 – construction sheets 93-101

Part B: St. Joseph Township sections 9 and 16 – construction sheets 84-92

Part C: St. Joseph Township sections 8 and 17 – construction sheets 75-84

Part D: St. Joseph Township sections 7 and 18 – construction sheets 65-75

Part E: Urbana Township sections 12 and 13 – construction sheets 57-65

Part F: Urbana Township sections 11 and 14 – construction sheets 48-57

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdictions of the City of Urbana and the Village of St. Joseph, both municipalities with zoning. Municipalities with zoning do not have protest rights on Special Use Permits or Variances within their ETJ; however, they do receive notice of such cases and they are invited to comment.

The subject property is located within Urbana Township and St. Joseph Township. St. Joseph Township has a Plan Commission and Urbana Township does not. Townships with Plan

Commissions have protest rights on Variances within their township as per Section 9.1.9 F.1. of the Zoning Ordinance:

“In the case of a written protest against a VARIANCE on land which is located within a township with a plan commission, and the plan commission objects to the VARIANCE, the township board of trustees shall submit its written objections to the GOVERNING BODY within 15 days after the public hearing at the Zoning Board of Appeals, and such VARIANCE shall not be approved except by the favorable vote of three- fourths of all members of the GOVERNING BODY.”

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Former CSX rail line	AG-1 and AG-2
North	varies: ag production, residential, businesses	AG-1, AG-2, I-1
East	Village of St. Joseph	Village of St. Joseph
West	City of Urbana	City of Urbana
South	varies: ag production, residential, businesses	AG-1 and AG-2

TWO VARIANCE PARTS NOT NEEDED

When rechecking the variance measurements, staff found two variance parts that meet the minimum requirements and are thus not needed:

- Part A1 for a front setback of 66 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway; and
- Part B3 for a rear yard of 20 feet in lieu of the minimum required 25 feet.

PROPOSED SPECIAL CONDITIONS

There are two proposed special conditions for the Special Use Permit and one for the Variance.

Proposed condition for the Special Use:

- A. **The Petitioners must apply for a Floodplain Development Permit in conjunction with the standard Zoning Use Permit Application.**

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

That the proposed use complies with the Champaign County Special Flood Areas Ordinance.

- B. **The Petitioners must comply with the Champaign County Storm Water Management and Erosion Control Ordinance.**

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

That the proposed use provides for adequate drainage of the development site before, during, and after construction.

Proposed condition for the Variance:

- A. **All fences constructed on the subject properties will comply with the visibility requirements established in Section 4.3.3 F. of the Zoning Ordinance.**

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

That the proposed use complies with the Zoning Ordinance.

ATTACHMENTS

- A Legal Advertisement for Cases 828-S-16 and 834-V-16 dated April 4, 2016
- B Case Maps (Location, Land Use, Zoning)
- C Map of proposed trail divided into township sections
- D Site Plan received January 19, 2016 with Statement of Compliance for Illinois Accessibility Code by Illinois Professional Engineer Keith E. Brandau dated January 15, 2015
- E Kickapoo Trail Construction Plans Sheets 45 to 105, received April 8, 2016, *included separately*
- F Kickapoo Trail Construction Cross Section Drawings Sheets 157 to 262, received April 11, 2016, *included separately*
- G Kickapoo Trail Construction Cross Section Drawings Sheets indicating slopes and culvert crossings, *included separately*
- H KRT Stormwater Pollution Prevention Plan – Urbana to St. Joseph section received April 11, 2016
- I KRT Salt Fork River Crossing Concept received March 31, 2016
- J Email from Jonathan Hasselbring received April 11, 2016 regarding lighting
- K Email from Jonathan Hasselbring received April 15, 2016 regarding IDNR permitting
- L Email from Jonathan Hasselbring received April 15, 2016 regarding construction materials stockpiles
- M Email from Jonathan Hasselbring received April 15, 2016 with attachment:
 - KRT Bridge Abutment Details page 154
- N KRT site images received March 31, 2016
- O Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated April 21, 2016

LEGAL ADVERTISEMENT

CASES: 828-S-16 and 834-V-16

NOTICE OF PUBLIC HEARING IN REGARD TO A SPECIAL USE PERMIT AND VARIANCE UNDER THE PROVISIONS OF THE CHAMPAIGN COUNTY ZONING ORDINANCE.

Jonathan Hasselbring, Planning Director for the Champaign County Forest Preserve District, PO Box 1040, Mahomet, Illinois, has filed petitions for a Special Use Permit and Variance under the provisions of the Champaign County Zoning Ordinance on property in unincorporated Champaign County. The petitions are on file in the office of the Champaign County Department of Planning and Zoning, 1776 E. Washington Street, Urbana, Illinois.

A public hearing will be held **Thursday, April 28, 2016, at 7:00 p.m.** prevailing time in the John Dimit Room, Brookens Administrative Center, 1776 E. Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider petitions to:

CASE 828-S-16 and CASE 834-V-16

Authorize those portions of the Kickapoo Rail Trail that are proposed in the unincorporated area only, and that shall connect to those portions of the Kickapoo Rail Trail that are proposed to be located inside the Village of St. Joseph and the City of Urbana, as a Special Use as a “public park or recreational facility”, in the AG-1 and AG-2 Agriculture Zoning Districts and subject to the described variance, on the Subject Property described below in Parts and in general:

Special Use Part A Subject Property:

A 13.2 acre tract in the AG-1 District in the North Half of the North Half of Section 15 and the South Half of the South Half of Section 10, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part A:

Part A1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 66 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;

Part A2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 33 feet in lieu of the minimum required 35 feet in the AG-1 Agriculture District; and

Part A3: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Special Use Part B Subject Property:

An 11.6 acre tract in the AG-1 District in the North Half of the North Half of Section 16 and the South Half of the South Half of Section 9, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part B:

Part B1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 61 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;

Part B2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 25 feet in lieu of the minimum required 35 feet in the AG-1 Agriculture District;

Part B3: A variance from Section 5.3 of the Zoning Ordinance for a rear yard of 20 feet in lieu of the minimum required 25 feet in the AG-1 Agriculture District; and

Part B4: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Special Use Part C Subject Property:

A 9.2 acre tract in the AG-1 District in the North Half of the North Half of Section 17 and the South Half of the South Half of Section 8, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part C:

Part C1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 53 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;

Part C2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 27 feet in lieu of the minimum required 35 feet in the AG-1 Agriculture District; and

Part C3: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Special Use Part D Subject Property:

A 12.4 acre tract in the AG-1 District in the North Half of the North Half of Section 18 and the South Half of the South Half of Section 7, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part D:

Part D1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 58 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;

Part D2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 21 feet in lieu of the minimum required 35 feet in the AG-1 Agriculture District;

Part D3: A variance from Section 5.3 of the Zoning Ordinance for a rear yard of 22 feet in lieu of the minimum required 25 feet in the AG-1 Agriculture District; and

Part D4: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Special Use Part E Subject Property:

A 12.1 acre tract in the AG-2 District in the North Half of the North Half of Section 13 and the South Half of the South Half of Section 12, Township 19N Range 9E of the Third Principal Meridian in Urbana Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part E:

Part E1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 65 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-2 District;

Part E2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 30 feet in lieu of the minimum required 35 feet in the AG-2 Agriculture District; and

Part E3: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Special Use Part F Subject Property:

A 12.1 acre tract in the AG-2 District in the North Half of the North Half of Section 14 and the South Half of the South Half of Section 11, Township 19N Range 9E of the Third Principal Meridian in Urbana Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part F:

Part F1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 65 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-2 District;

Part F2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 22 feet in lieu of the minimum required 35 feet in the AG-2 Agriculture District; and

Part F3: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property in General:

Eight different tracts of land totaling 70.6 acres comprised of the various Parts described above and commonly known as the inactive CSX railroad line between the City of Urbana and the Village of St. Joseph and that shall connect to those portions of the Kickapoo Rail Trail that are proposed to be located inside the Village of St. Joseph and the City of Urbana.

All persons interested are invited to attend said hearing and be heard. The hearing may be continued and reconvened at a later time.

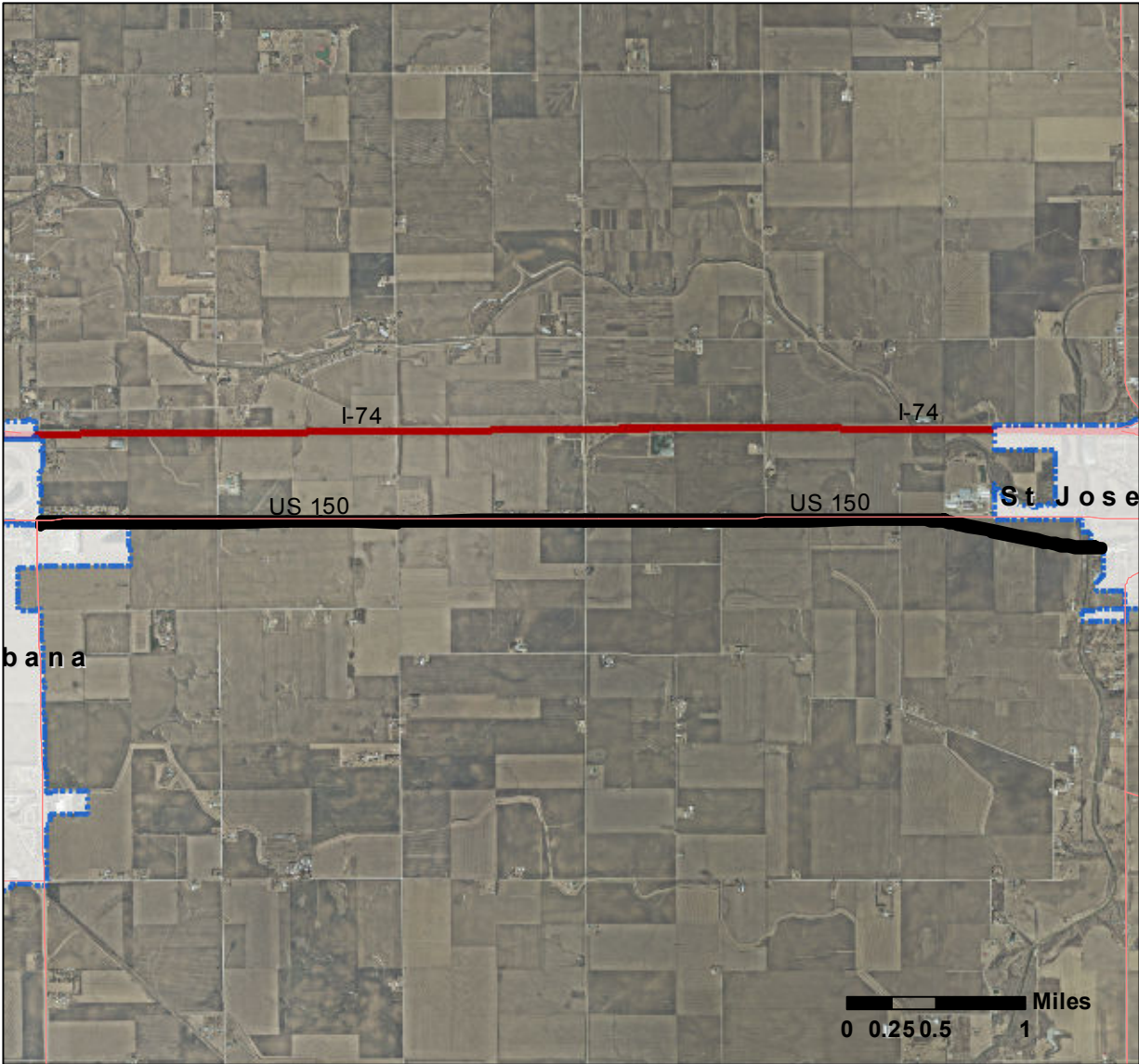
Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

Location Map

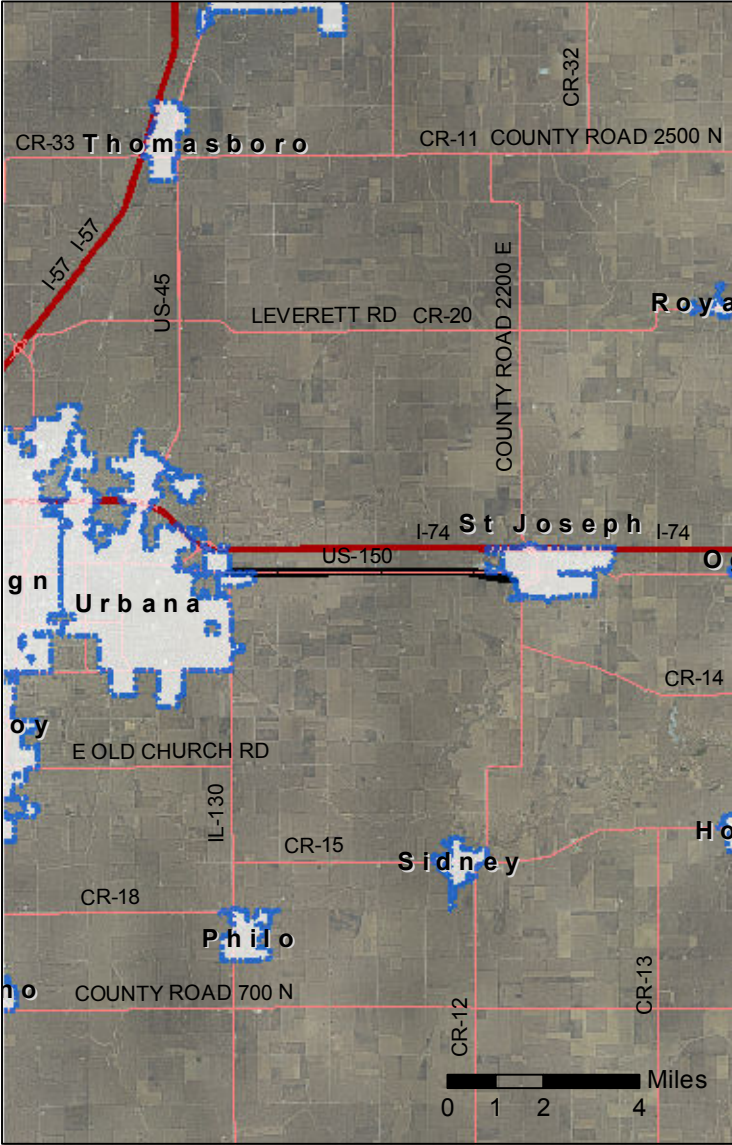
Cases 828-S-16/834-V-16

April 28, 2016





Subject Property



Property location in Champaign County



Legend

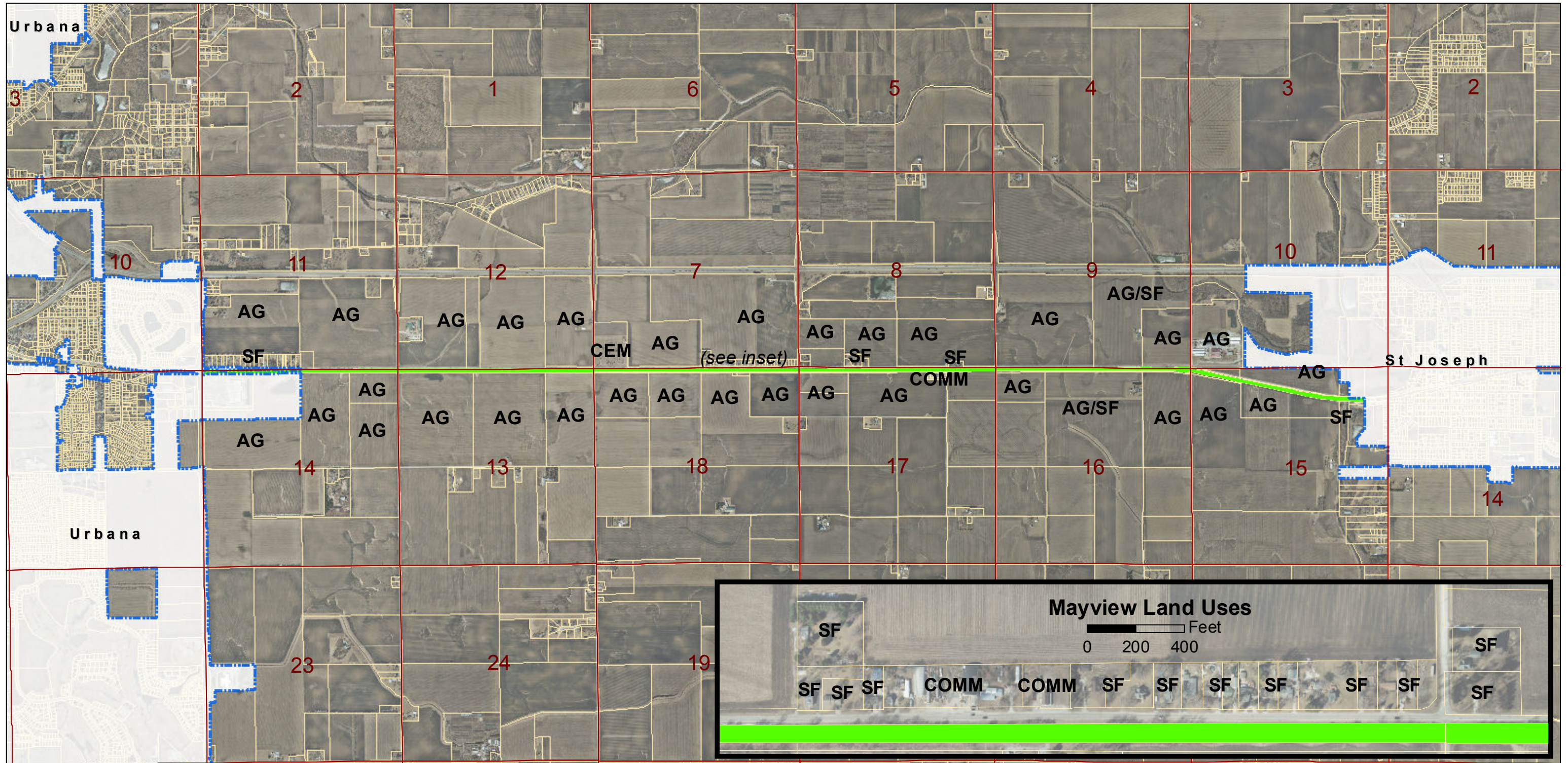
-  Subject Properties
-  Interstates
-  Municipal Boundary
-  Secondary Highways









Champaign County
Department of
**PLANNING &
ZONING**

Land Use Map

Cases 828-S-16/834-V-16
 April 28, 2016



Legend

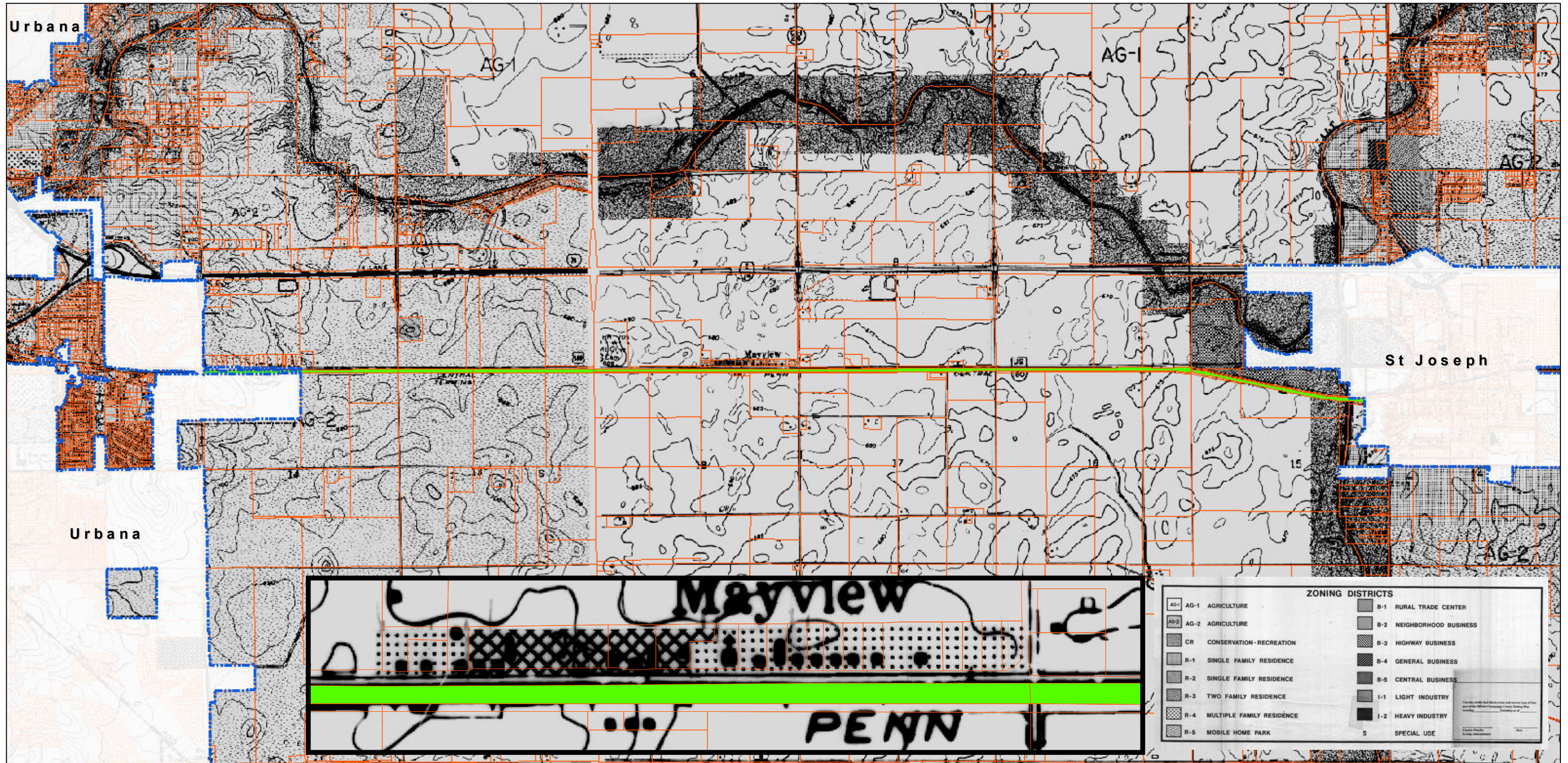
- | | | |
|---|---|--|
|  Parcels |  Single Family Residential |  Commercial |
|  Subject Property |  Agriculture |  Cemetery |

0 0.25 0.5 Miles





Zoning Map

Cases 828-S-16/834-V-16
 April 28, 2016



Legend

-  Parcels
-  Subject Property

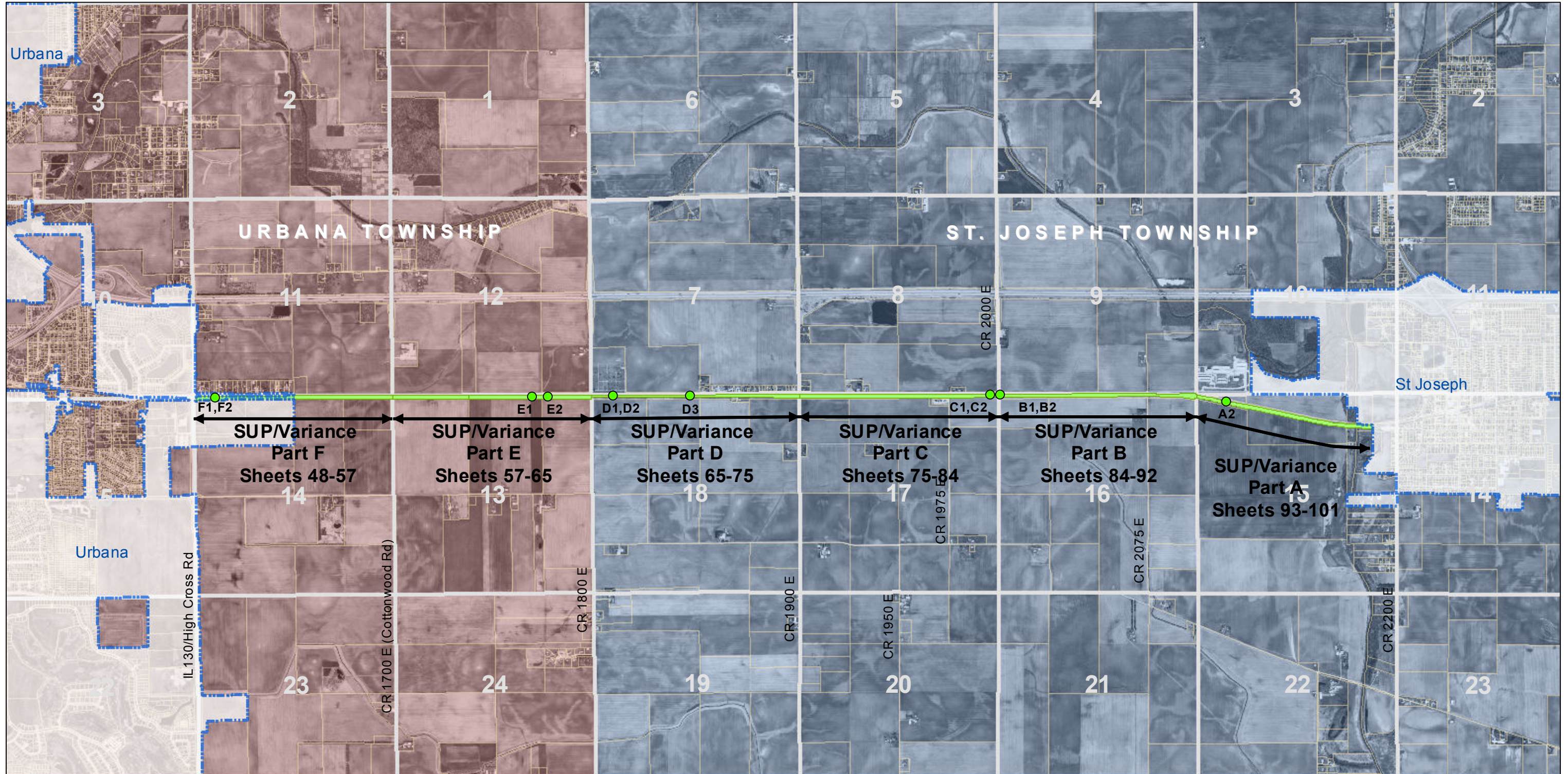
0 0.25 0.5 Miles



Champaign County
 Department of
**PLANNING &
 ZONING**

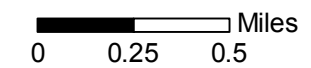
Variance Points and Township Sections

Cases 828-S-16 and 834-V-16
 April 28, 2016

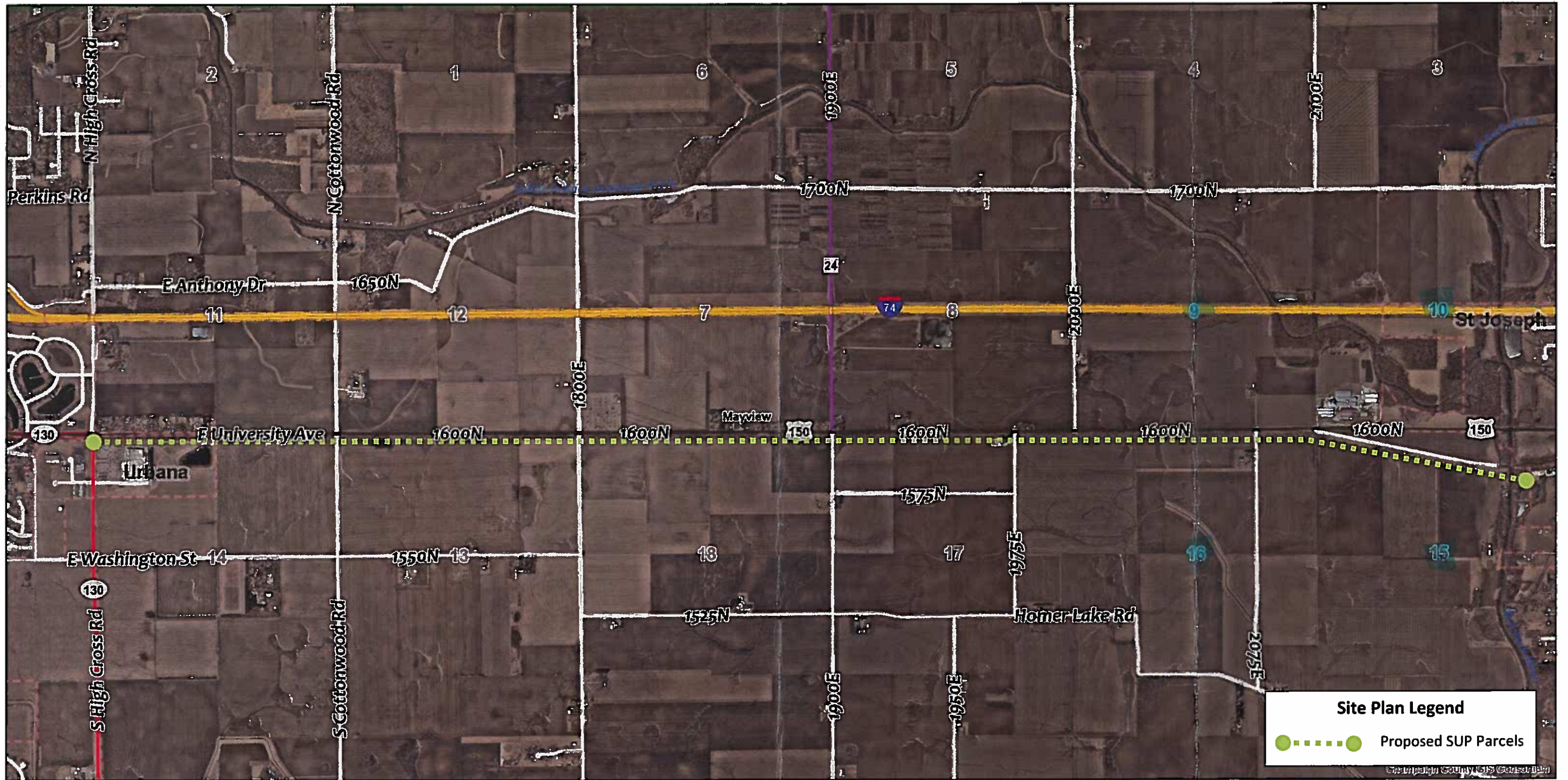


Legend

- Subject Properties
- PLSS Sections
- Parcels
- St. Joseph Township
- Municipal Boundary
- Urbana Township



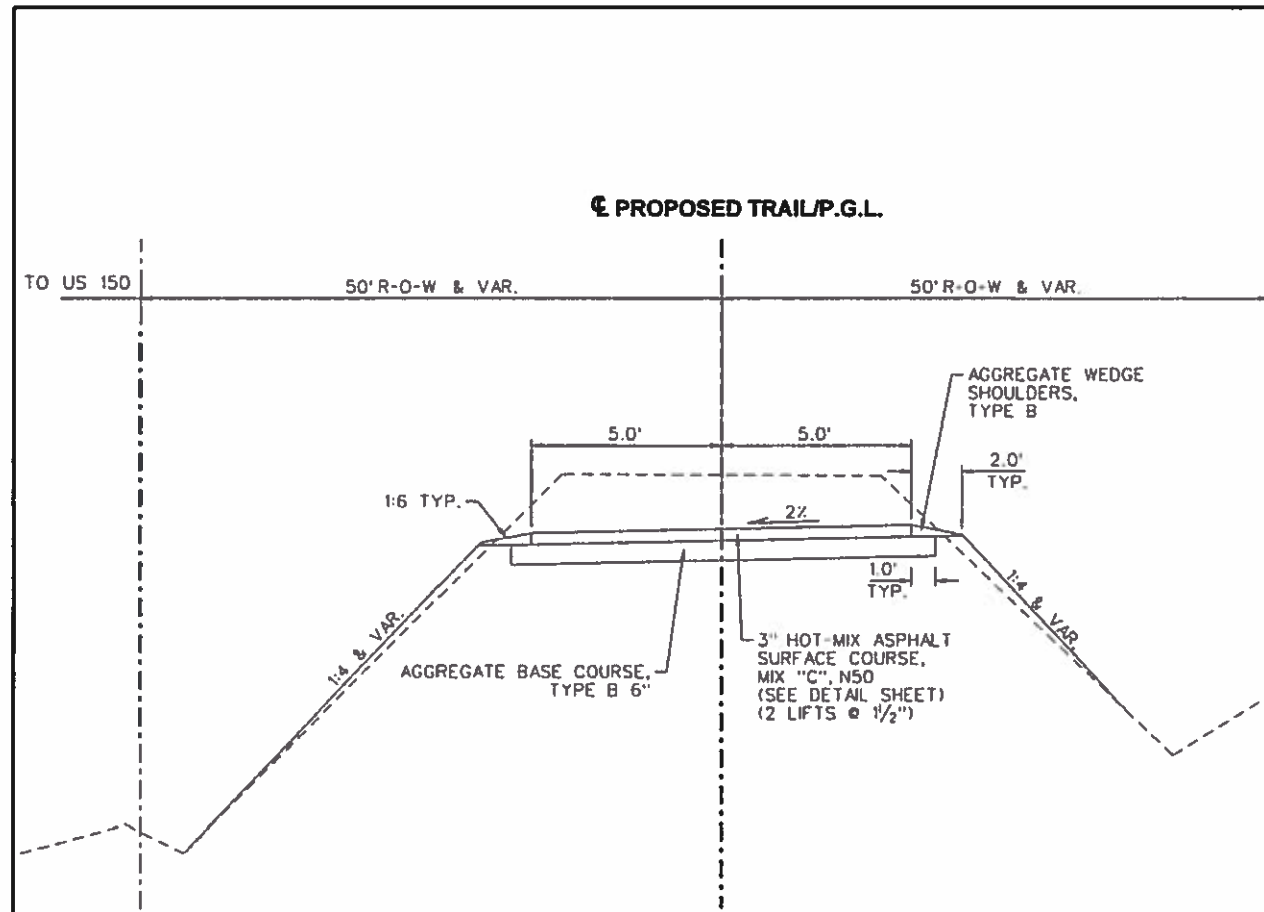
Champaign County
 Department of
 PLANNING &
 ZONING



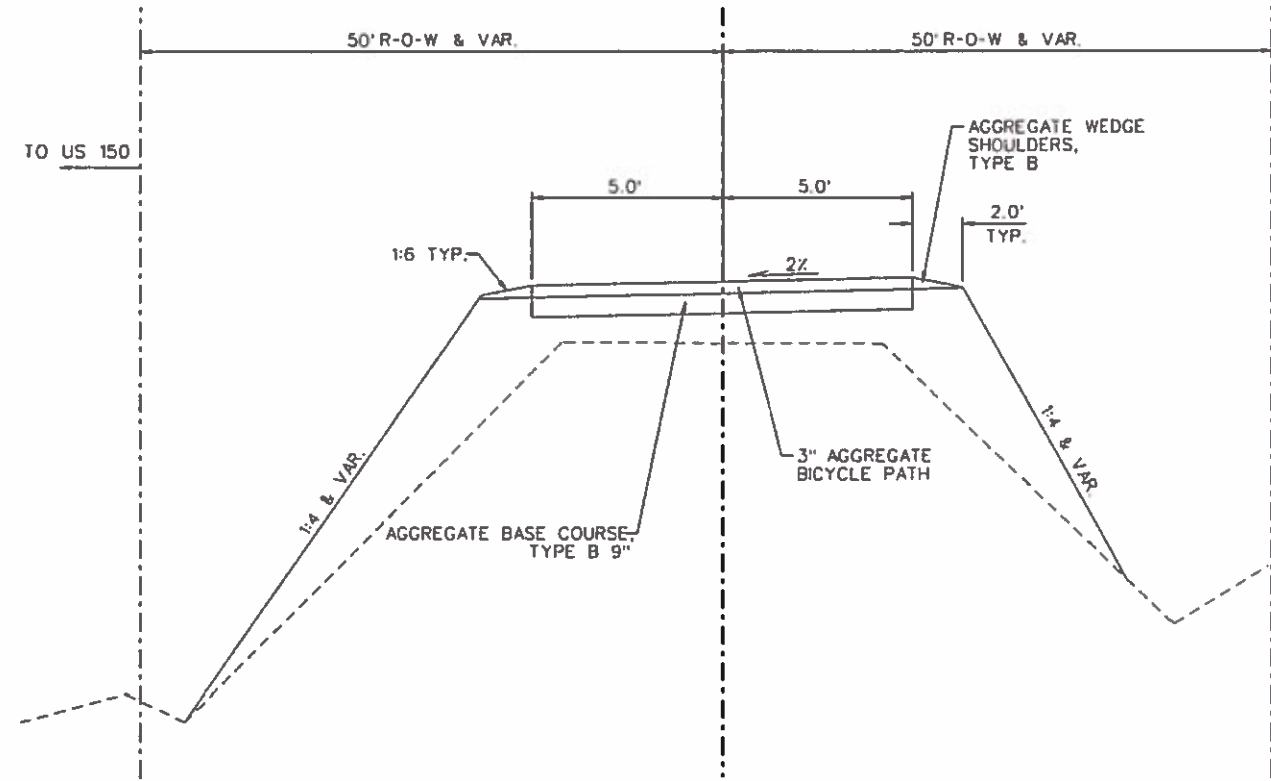
Note: Phase I proposed development is limited to trail footprint, prairie restoration, storm water management, fencing, bridge work, and signage. No existing, or new, structures or parking lots are planned at this time.



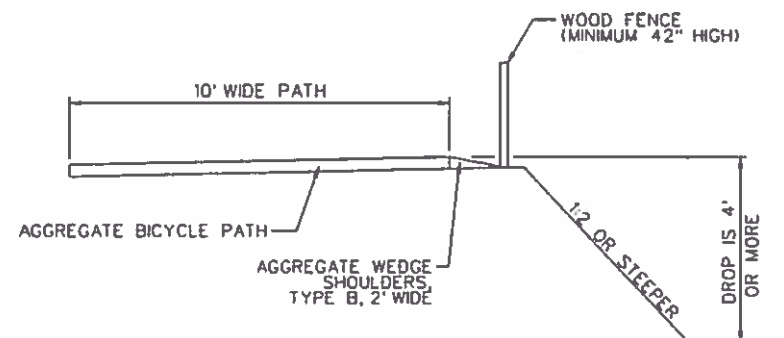
CONTRACT NO. 91520				
ROUTE NO.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
KICKAPOO TRAIL	08-F3000-02-BT	CHAMPAIGN	262	5
STA.	TO STA.			
F.A.W.A. REG.	ILLINOIS	PROJECT		



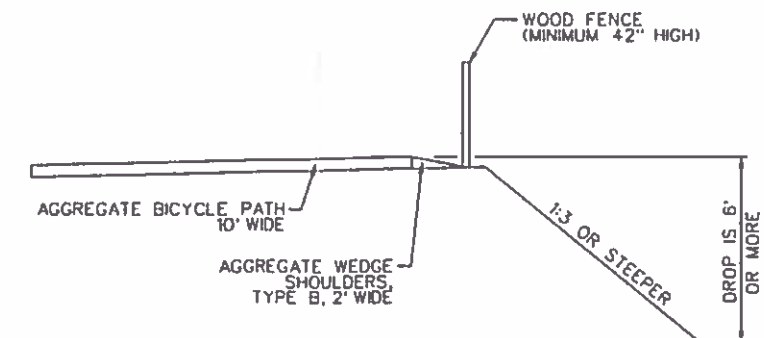
TYPICAL SECTION NEAR CROSS ROADS
NOT TO SCALE



TYPICAL SECTION
NOT TO SCALE



TYPICAL FENCE SECTION
NOT TO SCALE
NOTE: WHEN FORESLOPE IS 1:2 OR STEEPER AND VERTICAL DROP IS 4' OR MORE.

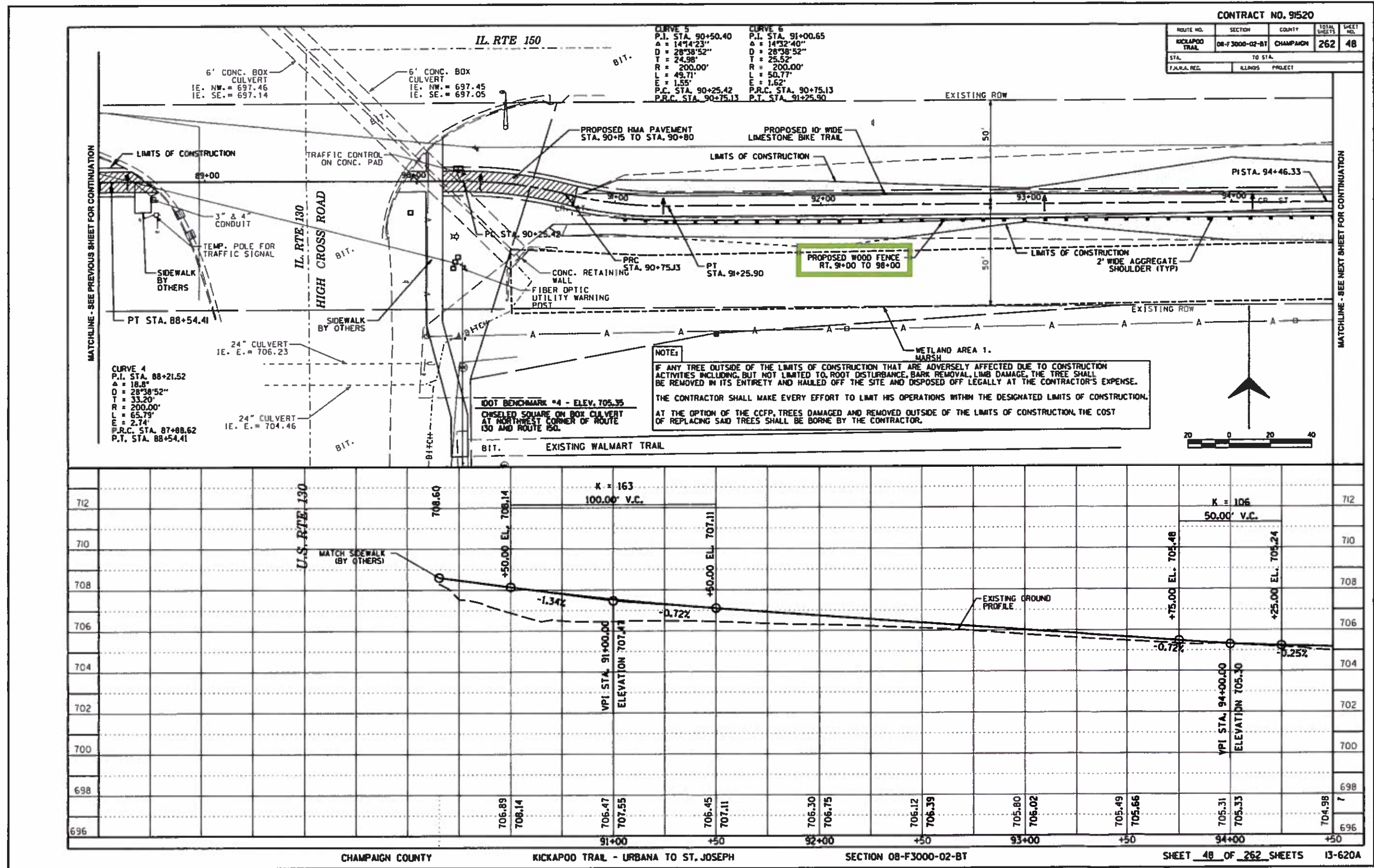


TYPICAL FENCE SECTION
NOT TO SCALE
NOTE: WHEN FORESLOPE IS 1:3 OR STEEPER AND VERTICAL DROP IS 6' OR MORE.

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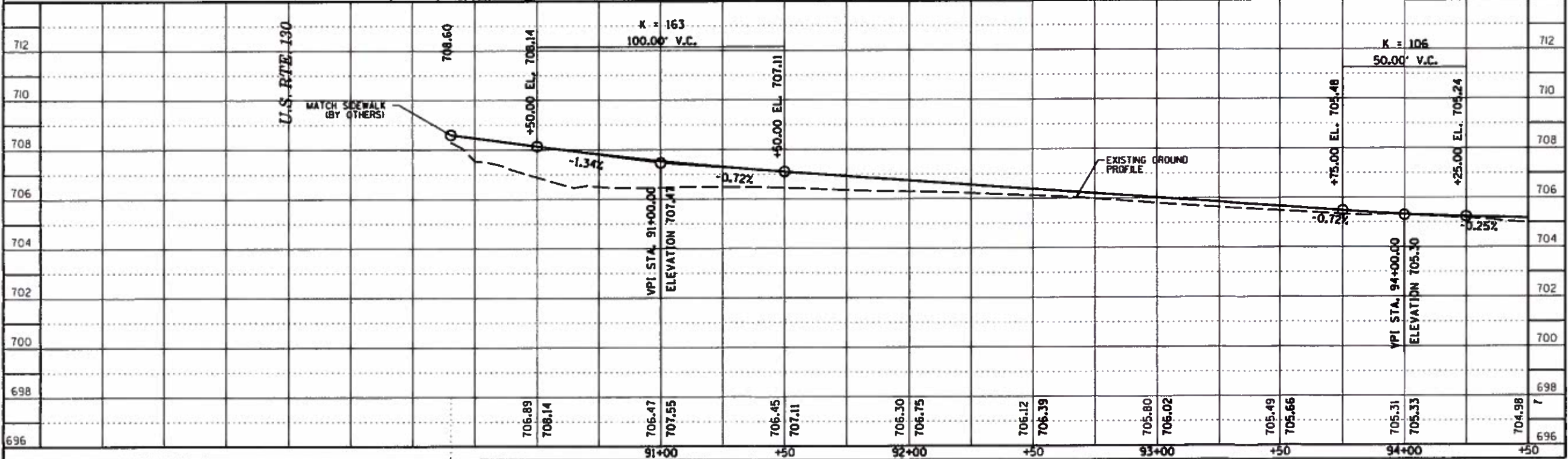
JAN 19 2016

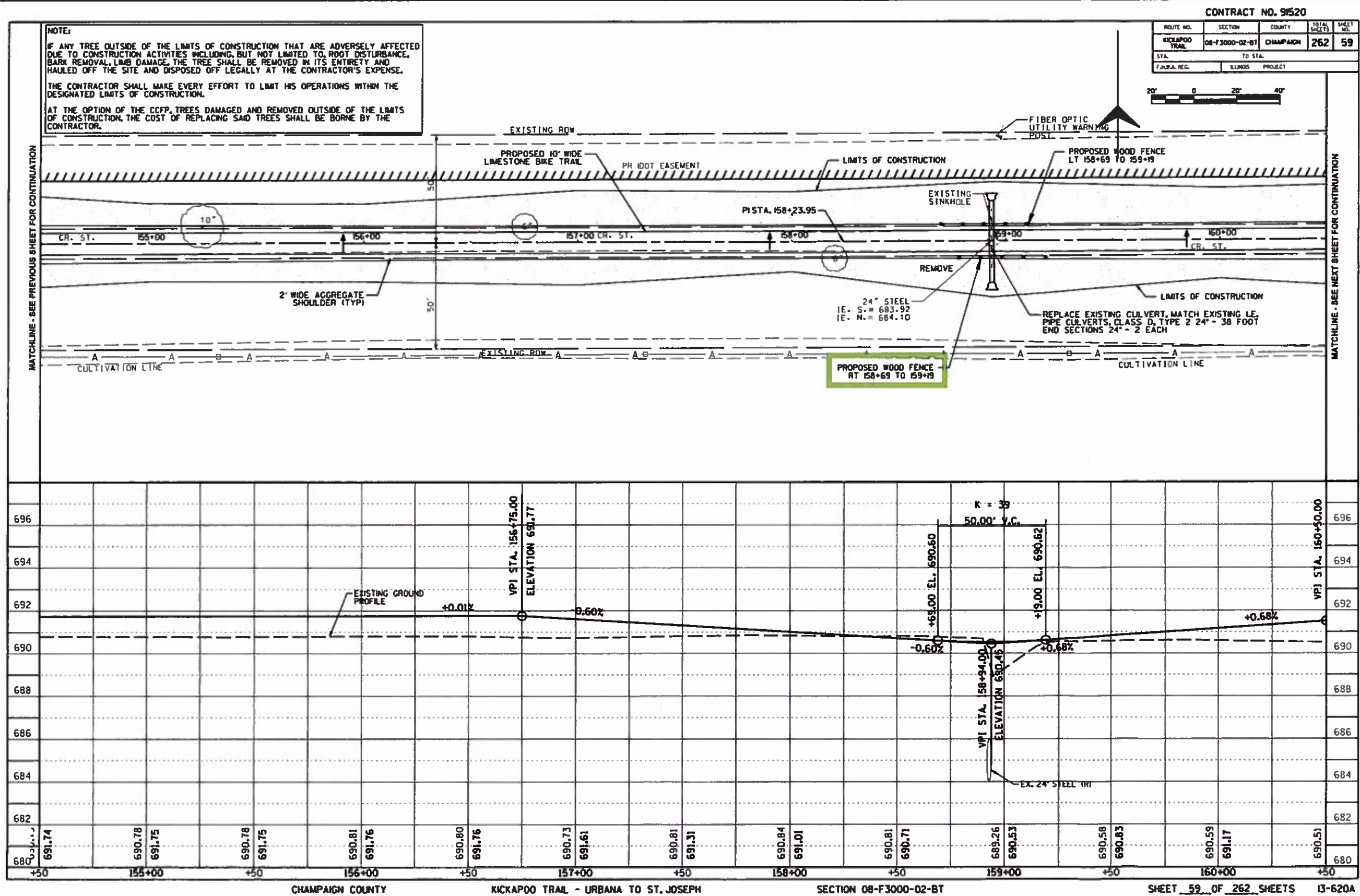
CHAMPAIGN CO. P & Z DEPARTMENT



CONTRACT NO. 91520				
ROUTE NO.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
KICKAPOO TRAIL	08-F 3000-02-BT	CHAMPAIGN	262	48
STA.	TO STA.			
F.A.R.A. REC.	BLDG.	PROJECT		

NOTE:
IF ANY TREE OUTSIDE OF THE LIMITS OF CONSTRUCTION THAT ARE ADVERSELY AFFECTED DUE TO CONSTRUCTION ACTIVITIES INCLUDING, BUT NOT LIMITED TO, ROOT DISTURBANCE, BARK REMOVAL, LIMB DAMAGE, THE TREE SHALL BE REMOVED IN ITS ENTIRETY AND HAULED OFF THE SITE AND DISPOSED OFF LEGALLY AT THE CONTRACTOR'S EXPENSE.
THE CONTRACTOR SHALL MAKE EVERY EFFORT TO LIMIT HIS OPERATIONS WITHIN THE DESIGNATED LIMITS OF CONSTRUCTION.
AT THE OPTION OF THE CCFP, TREES DAMAGED AND REMOVED OUTSIDE OF THE LIMITS OF CONSTRUCTION, THE COST OF REPLACING SAID TREES SHALL BE BORNE BY THE CONTRACTOR.

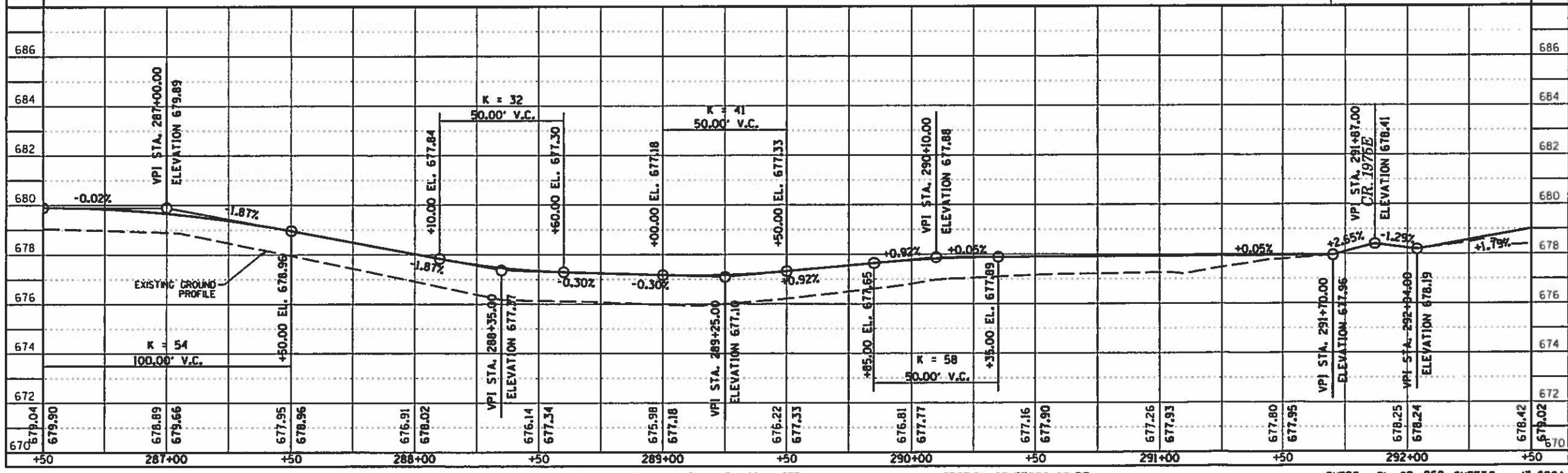
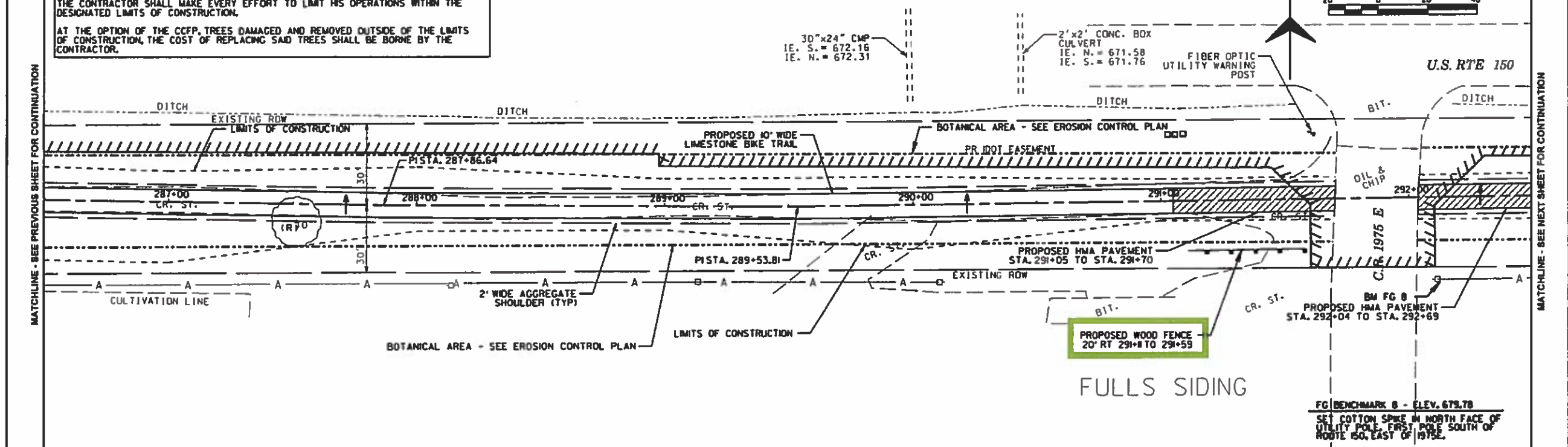




CONTRACT NO. 91520

ROUTE NO.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
KICKAPOO TRAIL	08-F3000-02-B1	CHAMPAIGN	262	81
STA.	TO STA.			
F.A.R.A. REL.	LLHOS	PROJECT		

NOTE:
IF ANY TREE OUTSIDE OF THE LIMITS OF CONSTRUCTION THAT ARE ADVERSELY AFFECTED DUE TO CONSTRUCTION ACTIVITIES INCLUDING, BUT NOT LIMITED TO, ROOT DISTURBANCE, BARK REMOVAL, LIMB DAMAGE, THE TREE SHALL BE REMOVED IN ITS ENTIRETY AND HAULED OFF THE SITE AND DISPOSED OFF LEGALLY AT THE CONTRACTOR'S EXPENSE.
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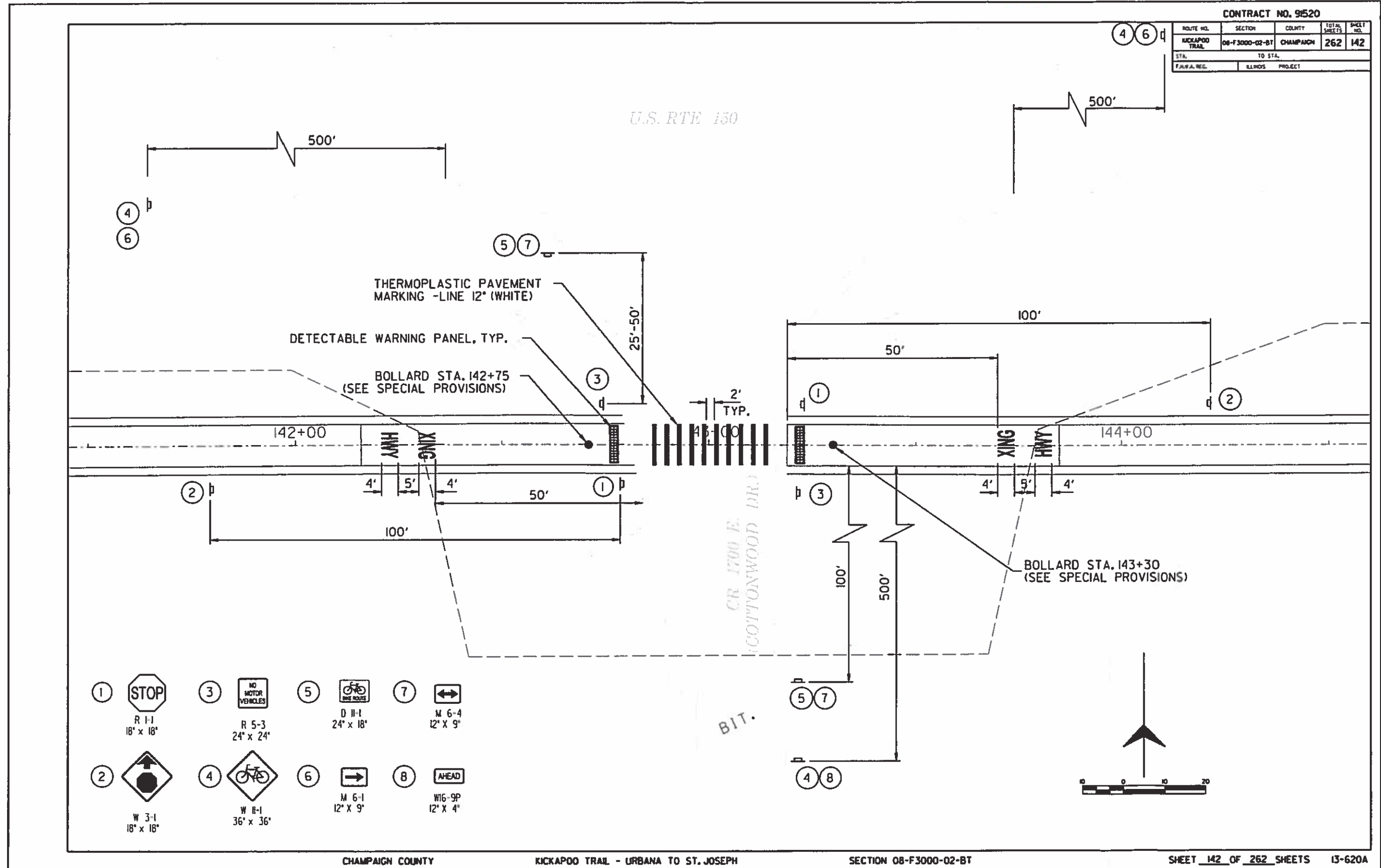


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JAN 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Champaign County Forest Preserves
Application for Special Use Permit
1/15/2016 - Attachment #3
Cottonwood Road Crossing

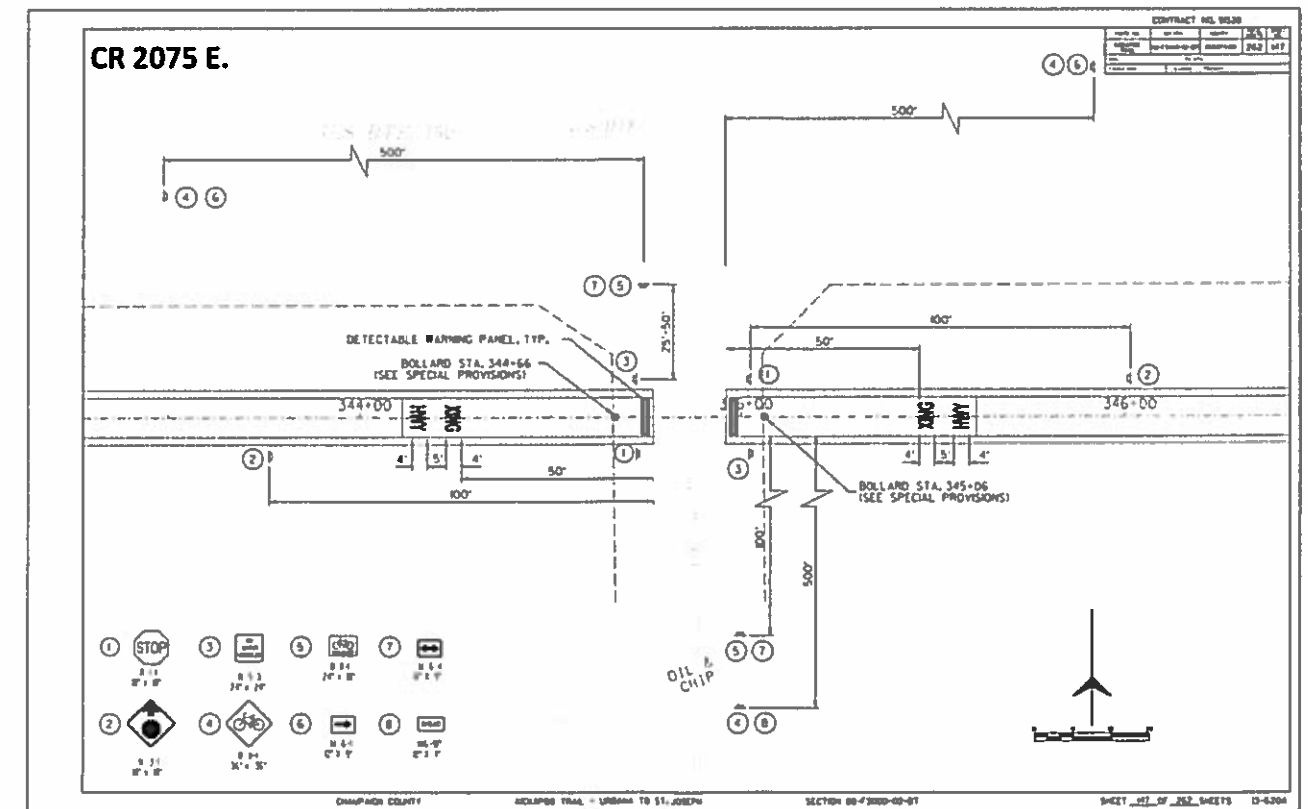
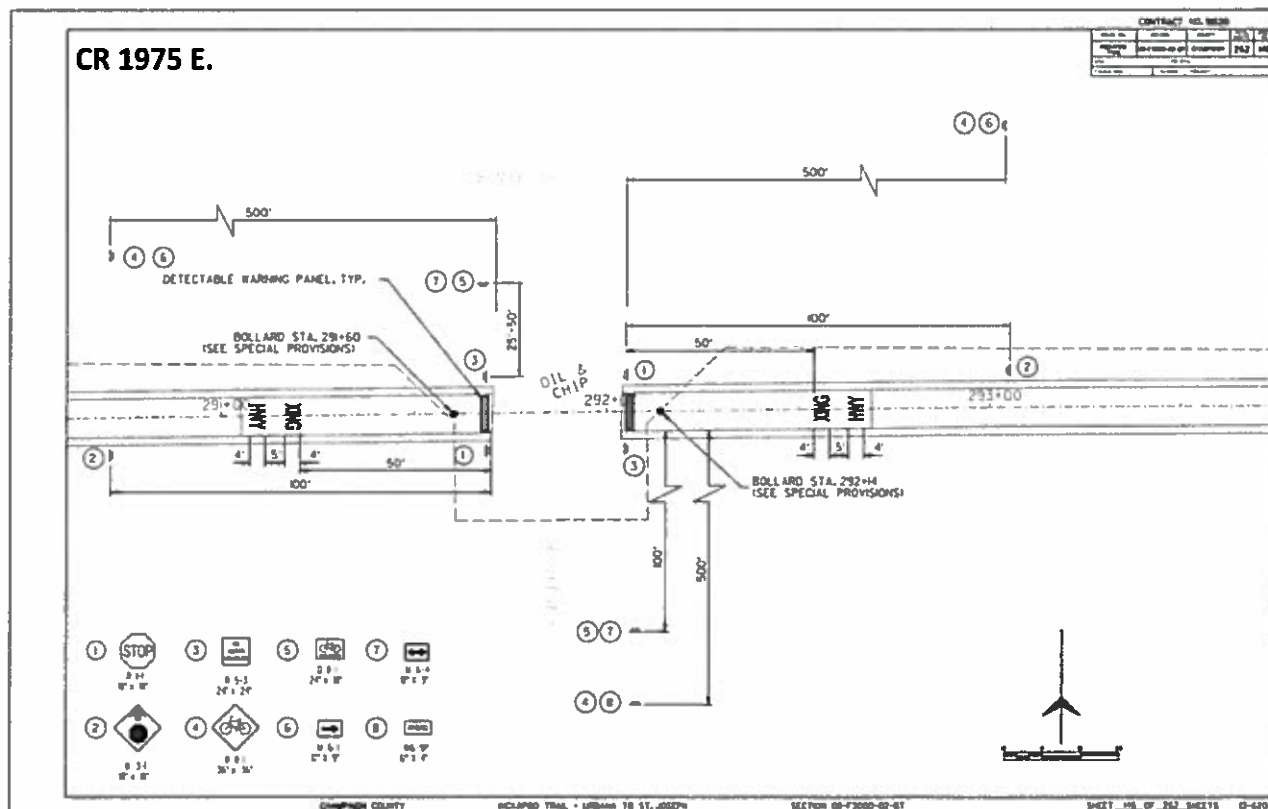
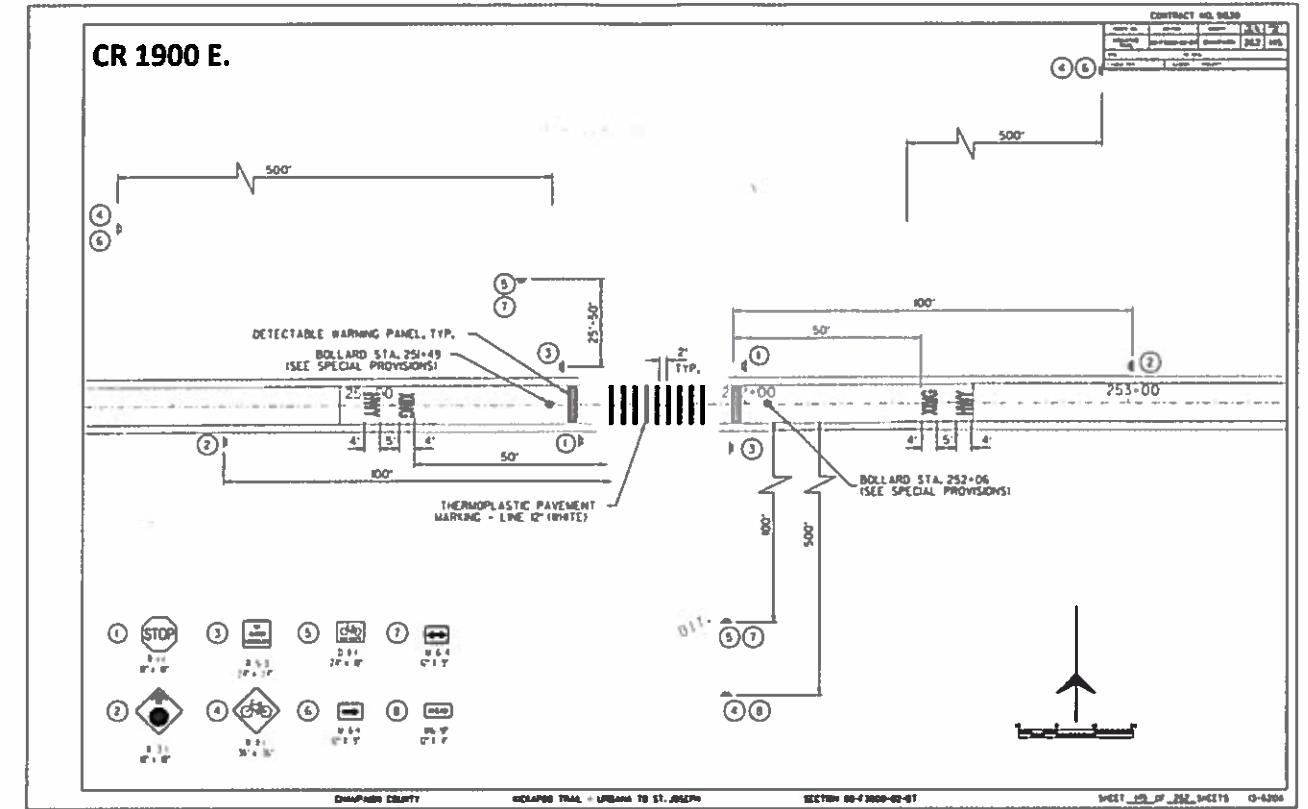
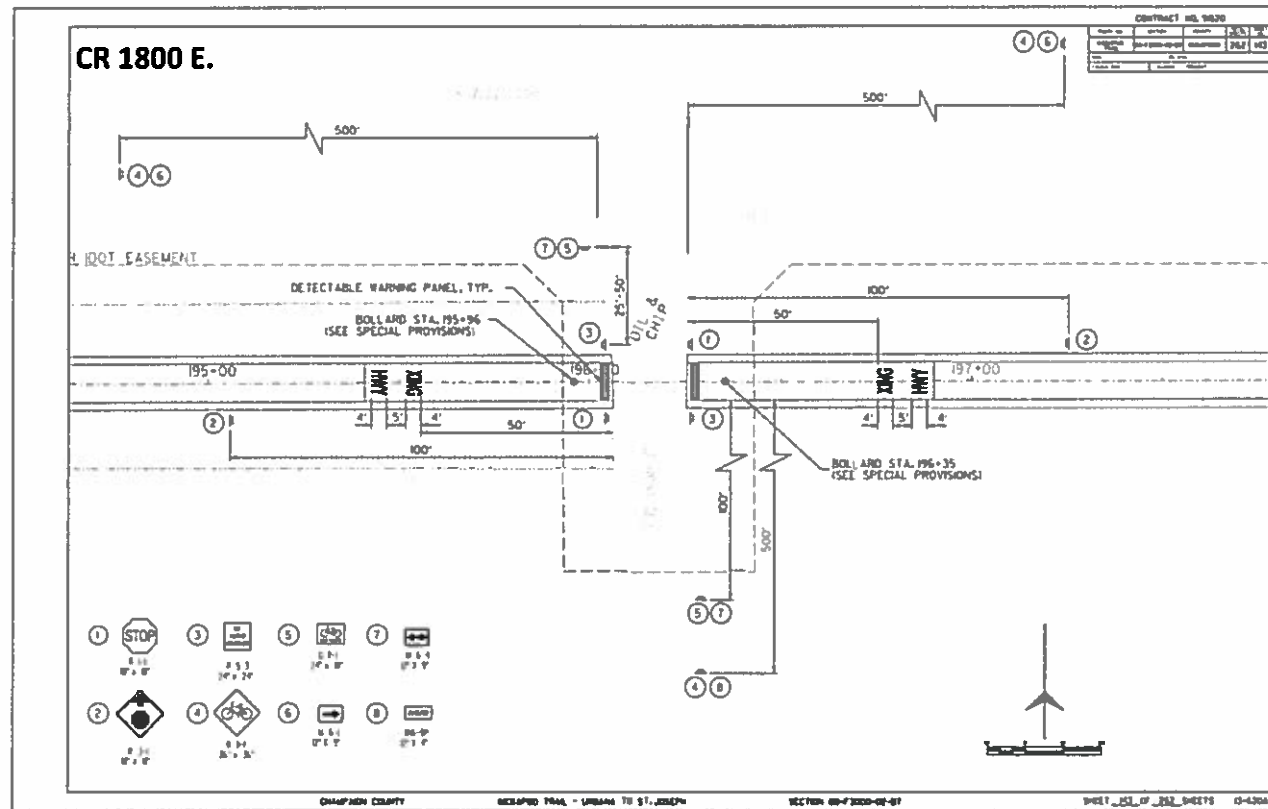


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JAN 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Champaign County Forest Preserves
Application for Special Use Permit
1/15/2016 - Attachment #3
Other County Road Crossings



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JAN 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Champaign County Forest Preserves
Application for Special Use Permit
1/15/2016 - Attachment #3
Salt Fork River Bridge Details

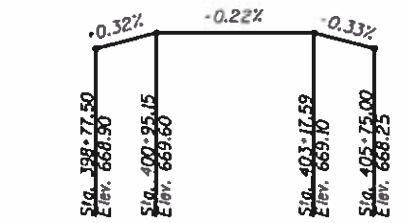
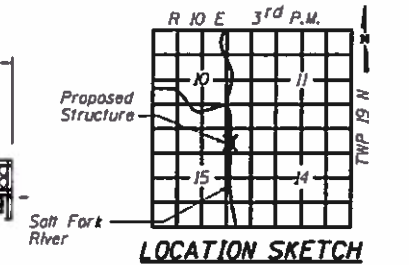
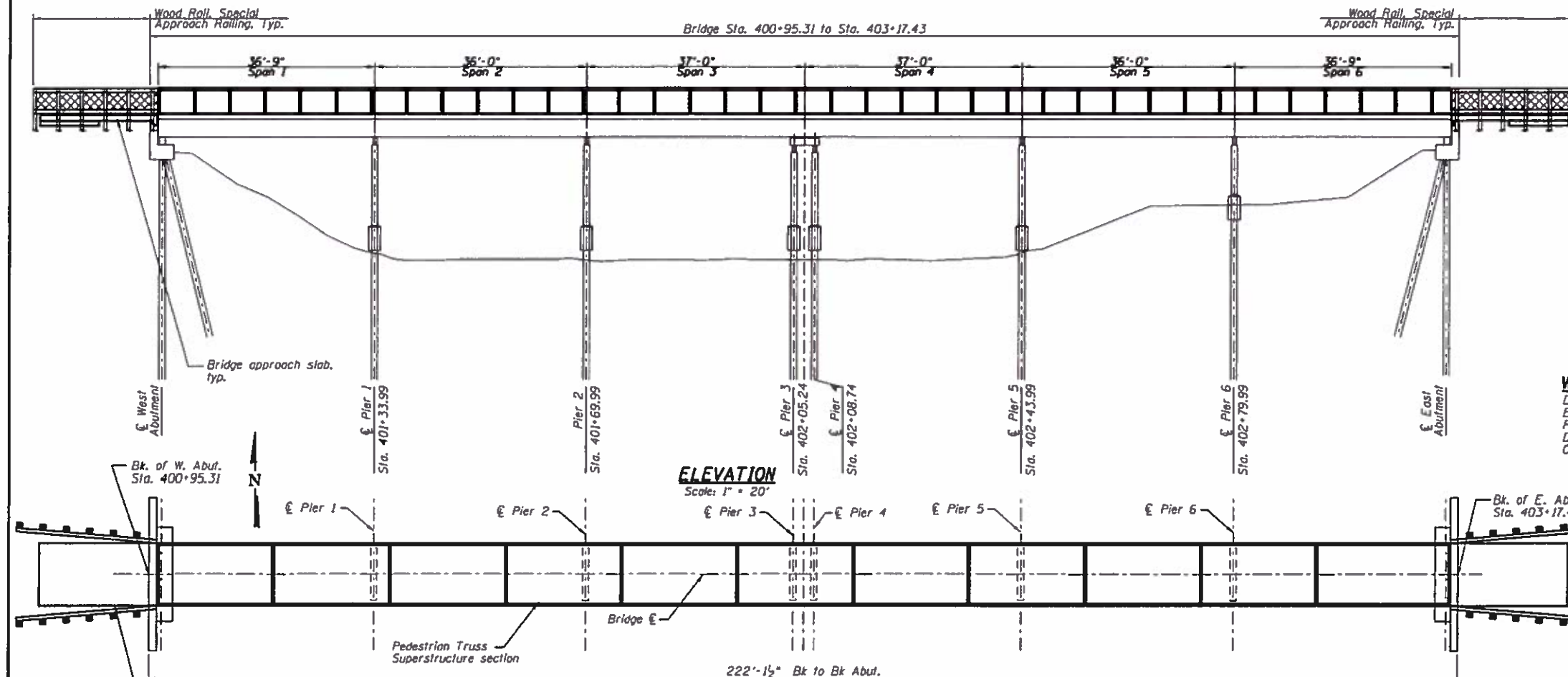
CONTRACT NO. 91520

ROUTE NO.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
KICKAPOO TRAIL	08-F3000-00-BT	CHAMPAIGN	262	152
STA.	TO STA.	PROJECT		
F.W.A. REG.	ELIGIBLE	PROJECT		

Existing Bridge: The existing bridge S.N. 010-BR01 is a 6 span steel beam timber tie bridge supported on steel piers and concrete abutments. The structure was constructed in 1922 and reconstructed in 1970. All the substructure units are supported by steel piles according to the construction plans. The structure was built for E70 Live Load with 100% Steam Impact. The existing design loading is 1650 psf.

Proposed Bridge: The existing bridge will receive a new 10' wide prefabricated truss structure that will be anchored to the existing steel bridge superstructure. The proposed bridge will be used by pedestrians, cyclists and maintenance vehicles.

BENCHMARKS:
BM FG #12 - Elevation 668.29
Set mag spike in north face of utility pole. Second pole west of the river, south of the berm.



WATERWAY DATA
(along E Trail)

Drainage Area	233	Sq. Mi.
Existing Opening (25 Year)	2432	Sq. Ft.
Proposed Opening (25 Year)	2432	Sq. Ft.
Design Discharge (25 Year)	11200	C.F.S.
Computed Discharge (100 Year)	15400	C.F.S.

SEISMIC DATA
Seismic Performance Zone (SPZ) = 1
Seismic Performance Category (SPC) = A
Bedrock Acceleration Coefficient = 0.05g
Site Coefficient = 1.6
Site Class = D

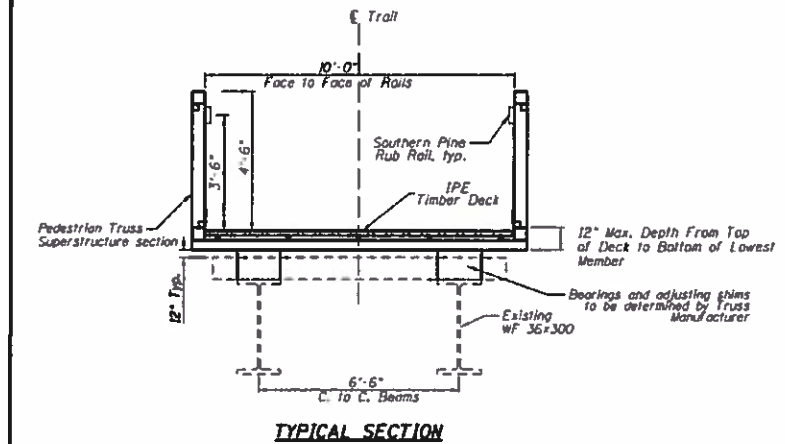
DESIGN LOADING
90 psf Pedestrian Live Load
H5 Vehicle w/10,000# Max. GVW

DESIGN STRESSES
fy = 50,000 psi (M270 Grade 50W)

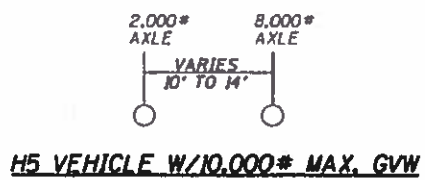
TIMBER
2x6 Treated Members = S.P.#1
Fb min. = 1,650 psi
2x8 Treated Members = S.P.#2
Fb min. = 1,250 psi
6x6 Treated Members = S.P.#2
Fb min. = 1,250 psi

CONCRETE
IPE Hardwood Deck Boards (Min. Proposed)
Fb min. = 5,000 psi
Fv = 200 psi

F'c = 3,500 psi (28 days)



- Notes:**
- Contractor shall not be allowed to perform any construction work in the river or in any areas designated as Wetlands.
 - Length of individual Pedestrian Truss Superstructure sections and number of spans.
 - Remove rail ties at abutments and truss bearing locations only to install bearings.



DESIGN SPECIFICATIONS
2012 ASHTO LRFD Guide Specifications
for Design of Pedestrian Bridges, 2nd Edition

I certify that to the best of my knowledge, information and belief, this bridge design is structurally adequate for the design loading shown on the plans. The design is an economical one for the style of structure and complies with the requirements of the current "AASHTO Standard Specifications for Highway Bridges".



Keith E. Brandau 1/15/16
DATE
KEITH E. BRANDAU
LICENSE EXPIRES 11/30/2016

GENERAL PLAN & ELEVATION
KICKAPOO TRAIL
OVER SALT FORK
SECTION 08-F3000-00-BT
CHAMPAIGN COUNTY
STA 400+95.31 to STA 403+17.43
STRUCTURE NO. 010-BR01

RECEIVED

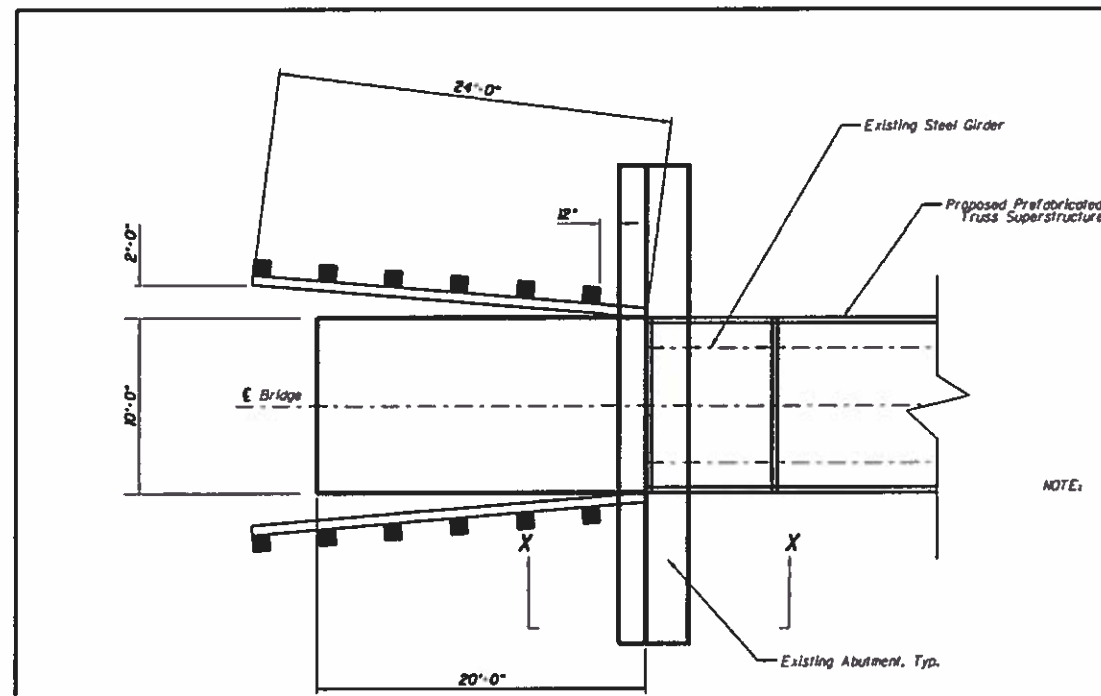
JAN 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Champaign County Forest Preserves
Application for Special Use Permit
1/15/2016 - Attachment #3
Bridge Approach / Fencing Details

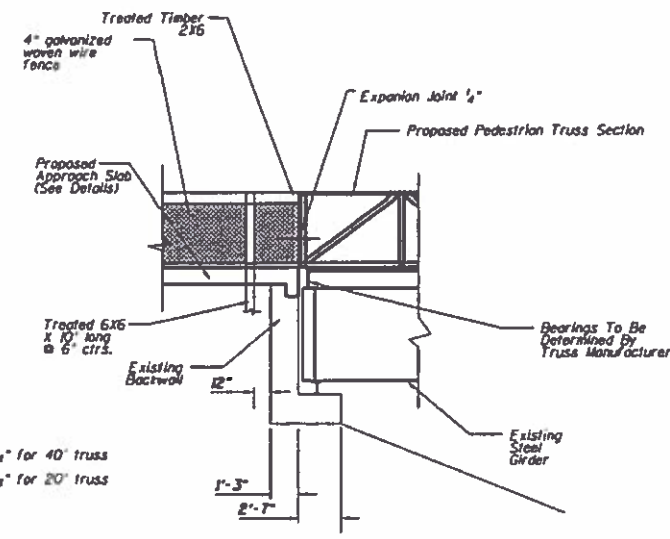
CONTRACT NO. 91520

ROUTE NO.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
KICKAPOO TRAIL	08-F3000-00-BT	CHAMPAIGN	262	156
STA.	TO STA.			
F.I.R.C.A. NO.	LLHOS		PROJECT	

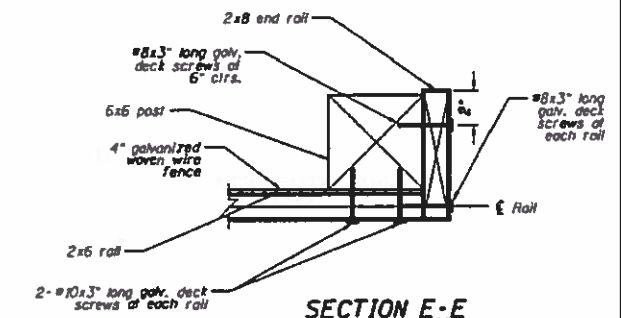


BRIDGE APPROACH RAILING PLAN

NOTE: Expansion joint shall be 1/4" for 40' truss section at 60 F.
Expansion joint shall be 1/2" for 20' truss section at 60 F.



SECTION X-X

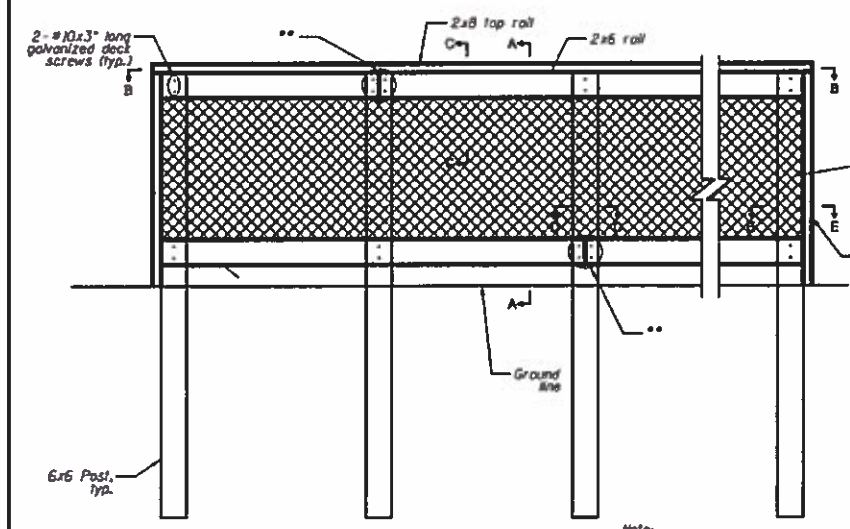


SECTION E-E



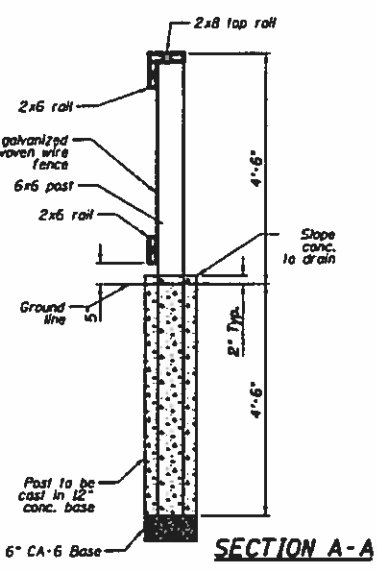
SECTION B-B

** Wood rail members shall run continuous over a minimum of two spans, alternate splice locations at each post.

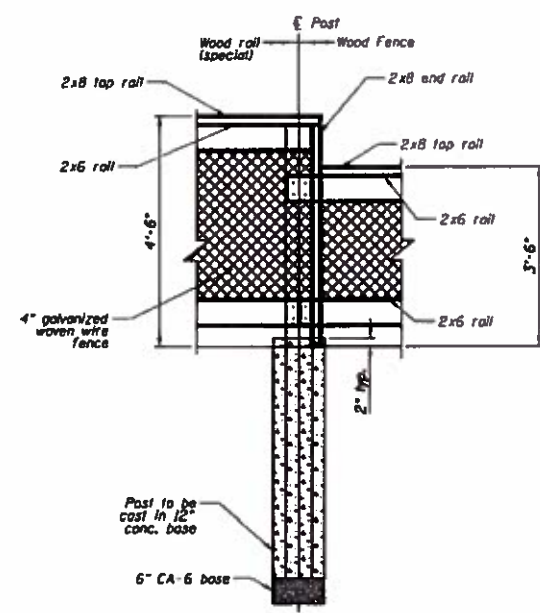


INSIDE RAIL ELEVATION

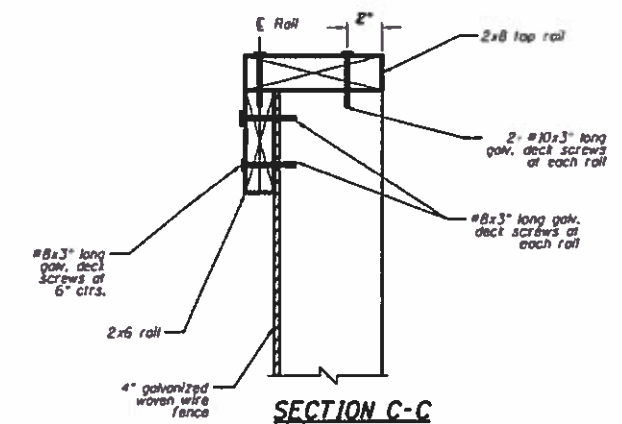
Note: Concrete base and CA-6 base, for each post, see section A-A.



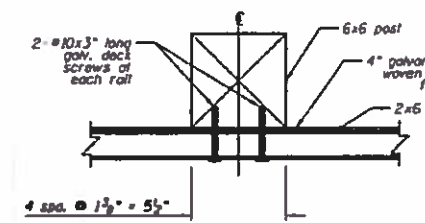
SECTION A-A



RAIL TRANSITION DETAIL



SECTION C-C



SECTION D-D


**BRIDGE APPROACH RAILING
KICKAPOO TRAIL
OVER SALT FORK
SECTION 08-F3000-00-BT
CHAMPAIGN COUNTY
STA 400-95.31 TO STA 403-17.43
STRUCTURE NO. 010-BR01**

STATEMENT OF COMPLIANCE

for

Plans for Construction
Kickapoo Trail
Urbana to St. Joseph (Main Street)
Champaign County
Forest Preserve District
Section 08-F3000-02-BT
Project TE-00D5(115)
Job C-95-342-14
ITEP #531005

I have prepared, or caused to be prepared under my direct supervision, the referenced plans and specifications and state that, to the best of my knowledge and belief and to the extent of my contractual obligation, they are in compliance with the Environmental Barriers Act [410 ILCS 25] and the Illinois Accessibility Code (71 Ill. Adm. Code 400).

Signed: 
Keith E. Brandau, P.E.



ILLINOIS REGISTRATION NO.: 062-044096

Date: 01/15/2015

License Expires: 11/30/2017

RECEIVED
JAN 19 2016
CHAMPAIGN CO. P & Z DEPARTMENT

Attachment E:

SEE SEPARATE DOCUMENT

Kickapoo Rail Trail Phase 1

Construction Plans

Sheets 45-105

Attachment F:

SEE SEPARATE DOCUMENT

Kickapoo Rail Trail Phase 1

Construction Cross Section Drawings

Sheets 157-262

Attachment G:

SEE SEPARATE DOCUMENT

Kickapoo Rail Trail Phase 1

Construction Cross Section Drawings

Sheets indicating culvert crossings and slopes



Storm Water Pollution Prevention Plan

Route _____
 Section 08-F3000-02-BT
 County Champaign

Marked Rte. _____
 Project No. HD-0019 (125)
 Contract No. C-95-342-14

This plan has been prepared to comply with the provisions of the National Pollutant Discharge Elimination System (NPDES) Permit No. ILR10 (Permit ILR10), issued by the Illinois Environmental Protection Agency (IEPA) for storm water discharges from construction site activities.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

 Dan Olson
 Print Name
 Executive Director
 Title
 Champaign County Forest Preserve Distric
 Agency

Daniel J. Olson

 Signature
 11/5/15

 Date

I. Site Description:

- A. Provide a description of the project location (include latitude and longitude):
 Former CSX railroad right of way from East Main Street in Urbana (40deg 06' 47" N 88deg 10' 04" W) to Main Street in St. Joseph (40deg 06' 43" N 88deg 02' 31" W); generally runs parallel to US 150. ; generally runs parallel to US 150.
- B. Provide a description of the construction activity which is the subject of this plan:
 Construction of a 10' wide aggregate recreation trail with 2' aggregate shoulder wedges on the existing rail road embankment
- C. Provide the estimated duration of this project:
 150 working days.
- D. The total area of the construction site is estimated to be 20 acres.
 The total area of the site estimated to be disturbed by excavation, grading or other activities is 10 acres.
- E. The following is a weighted average of the runoff coefficient for this project after construction activities are completed:
 0.1
- F. List all soils found within project boundaries. Include map unit name, slope information, and erosivity:
 see attached map
 152A Drummer silty clay loam, 0 to 2 percent slopes
 154A Flanagan silt loam, 0 to 2 percent slopes
 171B Catlin silt loam, 2 to 5 percent slopes

- 3107A Sawmill silty clay loam, 0 to 2 percent slopes, frequently flooded
- 233B Birkbeck silt loam, 2 to 5 percent slopes
- 219A Millbrook silt loam, 0 to 2 percent slopes
- 679B Blackberry silt loam, 2 to 5 percent slopes
- 56B Dana silt loam, 2 to 5 percent slopes
- 622C2 Wyanet silt loam, 5 to 10 percent slopes, eroded
- 242A Kendall silt loam, 0 to 2 percent slopes
- 802B Orthents, loamy, undulating
- 3302A Ambraw silty clay loam, 0 to 2 percent slopes, frequently flooded
- 330A Peotone silty clay loam, 0 to 2 percent slopes
- 134B Camden silt loam, 2 to 5 percent slopes
- 67A Harpster silty clay loam, 0 to 2 percent slopes
- 663B Clare silt loam, 2 to 5 percent slopes
- 3473A Rossburg silt loam, 0 to 2 percent slopes, frequently flooded

G. Provide an aerial extent of wetland acreage at the site:

Attached are the aerial maps plus descriptions of the 3 identified wetlands.

H. Provide a description of potentially erosive areas associated with this project:

The erosive areas are very minimal. Those areas include a very small amount of ditch work, the extension or replacement of 5 culverts.

I. The following is a description of soil disturbing activities by stages, their locations, and their erosive factors (e.g. steepness of slopes, length of slopes, etc):

Since as much as possible of the existing environment along this trail is to be preserved, the design involves a narrow footprint utilizing existing slopes and proposed 1:3 slopes and 1:4 slopes along embankments. Fencing is used in areas to minimize the disturbance of existing slopes.

J. See the erosion control plans and/or drainage plans for this contract for information regarding drainage patterns, approximate slopes anticipated before and after major grading activities, locations where vehicles enter or exit the site and controls to prevent offsite sediment tracking (to be added after contractor identifies locations), areas of soil disturbance, the location of major structural and non-structural controls identified in the plan, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands) and locations where storm water is discharged to surface water including wetlands.

K. Identify who owns the drainage system (municipality or agency) this project will drain into:

Champaign County Forest Preserve District owns and maintains the lands the trail will drain onto.

L. The following is a list of receiving water(s) and the ultimate receiving water(s) for this site. The location of the receiving waters can be found on the erosion and sediment control plans:

Salt Fork River

M. Describe areas of the site that are to be protected or remain undisturbed. These areas may include steep slopes, highly erodible soils, streams, stream buffers, specimen trees, natural vegetation, nature preserves, etc.

Most of the corridor is wooded. Minimal clearing will be done for trail construction. The existing trees that remain will serve as a natural buffer and slope protection. Areas that are not wooded and have the potential to silt off the project corridor will be protected with silt fence.

N. The following sensitive environmental resources are associated with this project, and may have the potential to be impacted by the proposed development:

- Floodplain
- Wetland Riparian
- Threatened and Endangered Species
- Historic Preservation
- 303(d) Listed receiving waters for suspended solids, turbidity, or siltation
- Receiving waters with Total Maximum Daily Load (TMDL) for sediment, total suspended solids, turbidity or siltation
- Applicable Federal, Tribal, State or Local Programs
- Other

1. 303(d) Listed receiving waters (fill out this section if checked above):
 - a. The name(s) of the listed water body, and identification of all pollutants causing impairment:
 - b. Provide a description of how erosion and sediment control practices will prevent a discharge of sediment resulting from a storm event equal to or greater than a twenty-five (25) year, twenty-four (24) hour rainfall event:
 - c. Provide a description of the location(s) of direct discharge from the project site to the 303(d) water body:
 - d. Provide a description of the location(s) of any dewatering discharges to the MS4 and/or water body:

2. TMDL (fill out this section if checked above)
 - a. The name(s) of the listed water body:
 - b. Provide a description of the erosion and sediment control strategy that will be incorporated into the site design that is consistent with the assumptions and requirements of the TMDL:
 - c. If a specific numeric waste load allocation has been established that would apply to the project's discharges, provide a description of the necessary steps to meet that allocation:

O. The following pollutants of concern will be associated with this construction project:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Soil Sediment | <input type="checkbox"/> Petroleum (gas, diesel, oil, kerosene, hydraulic oil / fluids) |
| <input checked="" type="checkbox"/> Concrete | <input type="checkbox"/> Antifreeze / Coolants |
| <input checked="" type="checkbox"/> Concrete Truck Waste | <input type="checkbox"/> Waste water from cleaning construction equipment |
| <input checked="" type="checkbox"/> Concrete Curing Compounds | <input type="checkbox"/> Other (specify) |
| <input type="checkbox"/> Solid Waste Debris | <input type="checkbox"/> Other (specify) |
| <input type="checkbox"/> Paints | <input type="checkbox"/> Other (specify) |
| <input type="checkbox"/> Solvents | <input type="checkbox"/> Other (specify) |
| <input checked="" type="checkbox"/> Fertilizers / Pesticides | <input type="checkbox"/> Other (specify) |

II. Controls:

This section of the plan addresses the controls that will be implemented for each of the major construction activities described in I.C. above and for all use areas, borrow sites, and waste sites. For each measure discussed, the Contractor will be responsible for its implementation as indicated. The Contractor shall provide to the Resident Engineer a plan for the implementation of the measures indicated. The Contractor, and subcontractors, will notify the Resident Engineer of any proposed changes, maintenance, or modifications to keep construction activities compliant with the Permit ILR10. Each such Contractor has signed the required certification on forms which are attached to, and are a part of, this plan:

A. Erosion and Sediment Controls

1. **Stabilized Practices:** Provided below is a description of interim and permanent stabilization practices, including site specific scheduling of the implementation of the practices. Site plans will ensure that existing vegetation is preserved where attainable and disturbed portions of the site will be stabilized. Stabilization practices may include but are not limited to: temporary seeding, permanent seeding, mulching, geotextiles, sodding, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Except as provided below in II(A)(1)(a) and II(A)(3), stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven (7) days after the construction activity in that portion of the site has temporarily or permanently ceases on all disturbed portions of the site where construction will not occur for a period of fourteen (14) or more calendar days.

Where the initiation of stabilization measures by the seventh day after construction activity temporarily or permanently ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable thereafter.

The following stabilization practices will be used for this project:

- | | |
|---|---|
| <input type="checkbox"/> Preservation of Mature Vegetation | <input type="checkbox"/> Erosion Control Blanket / Mulching |
| <input type="checkbox"/> Vegetated Buffer Strips | <input type="checkbox"/> Sodding |
| <input checked="" type="checkbox"/> Protection of Trees | <input type="checkbox"/> Geotextiles |
| <input checked="" type="checkbox"/> Temporary Erosion Control Seeding | <input checked="" type="checkbox"/> Other (specify) temporary ditch checks |
| <input type="checkbox"/> Temporary Turf (Seeding, Class 7) | <input checked="" type="checkbox"/> Other (specify) pipe and inlet protection |
| <input type="checkbox"/> Temporary Mulching | <input type="checkbox"/> Other (specify) |
| <input checked="" type="checkbox"/> Permanent Seeding | <input type="checkbox"/> Other (specify) |

Describe how the stabilization practices listed above will be utilized during construction:

Temporary Erosion Control Seeding shall occur during times when construction activities have temporarily ceased. Permanent Seeding and Mulching shall be done at the completion of the project.

Describe how the stabilization practices listed above will be utilized after construction activities have been completed:

Permanent Seeding will stabilize the project area permanently.

2. **Structural Practices:** Provided below is a description of structural practices that will be implemented, to the degree attainable, to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include but are not limited to: perimeter erosion barrier, earth dikes, drainage swales, sediment traps, ditch checks, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. The installation of these devices may be subject to Section 404 of the Clean Water Act.

The following structural practices will be used for this project:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Perimeter Erosion Barrier | <input type="checkbox"/> Rock Outlet Protection |
| <input checked="" type="checkbox"/> Temporary Ditch Check | <input type="checkbox"/> Riprap |
| <input checked="" type="checkbox"/> Storm Drain Inlet Protection | <input type="checkbox"/> Gabions |
| <input type="checkbox"/> Sediment Trap | <input type="checkbox"/> Slope Mattress |
| <input type="checkbox"/> Temporary Pipe Slope Drain | <input type="checkbox"/> Retaining Walls |
| <input type="checkbox"/> Temporary Sediment Basin | <input type="checkbox"/> Slope Walls |
| <input type="checkbox"/> Temporary Stream Crossing | <input type="checkbox"/> Concrete Revetment Mats |
| <input type="checkbox"/> Stabilized Construction Exits | <input type="checkbox"/> Level Spreaders |
| <input type="checkbox"/> Turf Reinforcement Mats | <input type="checkbox"/> Other (specify) |
| <input type="checkbox"/> Permanent Check Dams | <input type="checkbox"/> Other (specify) |
| <input type="checkbox"/> Permanent Sediment Basin | <input type="checkbox"/> Other (specify) |
| <input type="checkbox"/> Aggregate Ditch | <input type="checkbox"/> Other (specify) |
| <input type="checkbox"/> Paved Ditch | <input type="checkbox"/> Other (specify) |

Describe how the structural practices listed above will be utilized during construction:

Perimeter Erosion Barrier will be placed in areas susceptible to erosion as shown on the drawings. Temporary Ditch Checks will be placed in ditch bottoms to limit velocities during construction. Storm Drain Inlet Protection will be placed to keep sediments from entering pipe culvers.

Describe how the structural practices listed above will be utilized after construction activities have been completed:

all will be removed when vegetation is 70% restored

3. **Storm Water Management:** Provided below is a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. The installation of these devices may be subject to Section 404 of the Clean Water Act.

- a. Such practices may include but are not limited to: storm water detention structures (including wet ponds), storm water retention structures, flow attenuation by use of open vegetated swales and natural depressions, infiltration of runoff on site, and sequential systems (which combine several practices).

The practices selected for implementation were determined on the basis of the technical guidance in Chapter 41 (Construction Site Storm Water Pollution Control) of the IDOT Bureau of Design and Environment Manual. If practices other than those discussed in Chapter 41 are selected for implementation or if practices are applied to situations different from those covered in Chapter 41, the technical basis for such decisions will be explained below.

- b. Velocity dissipation devices will be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. maintenance of hydrologic conditions such as the hydroperiod and hydrodynamics present prior to the initiation of construction activities).

Description of storm water management controls:

None to be used.

- 4. **Approved State or Local Laws:** The management practices, controls and provisions contained in this plan will be in accordance with IDOT specifications, which are at least as protective as the requirements contained in the Illinois Environmental Protection Agency's Illinois Urban Manual. Procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by local officials shall be described or incorporated by reference in the space provided below. Requirements specified in sediment and erosion site plans, site permits, storm water management site plans or site permits approved by local officials that are applicable to protecting surface water resources are, upon submittal of an NOI, to be authorized to discharge under the Permit ILR10 incorporated by reference and are enforceable under this permit even if they are not specifically included in the plan.

Description of procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by local officials:

N/A

- 5. **Contractor Required Submittals:** Prior to conducting any professional services at the site covered by this plan, the Contractor and each subcontractor responsible for compliance with the permit shall submit to the Resident Engineer a Contractor Certification Statement, BDE 2342a.

- a. The Contractor shall provide a construction schedule containing an adequate level of detail to show major activities with implementation of pollution prevention BMPs, including the following items:

- Approximate duration of the project, including each stage of the project
- Rainy season, dry season, and winter shutdown dates
- Temporary stabilization measures to be employed by contract phases
- Mobilization timeframe
- Mass clearing and grubbing/roadside clearing dates
- Deployment of Erosion Control Practices
- Deployment of Sediment Control Practices (including stabilized construction entrances/exits)
- Deployment of Construction Site Management Practices (including concrete washout facilities, chemical storage, refueling locations, etc.)
- Paving, saw-cutting, and any other pavement related operations
- Major planned stockpiling operations
- Timeframe for other significant long-term operations or activities that may plan non-storm water discharges such as dewatering, grinding, etc.
- Permanent stabilization activities for each area of the project

- b. The Contractor and each subcontractor shall provide, as an attachment to their signed Contractor Certification Statement, a discussion of how they will comply with the requirements of the permit in regard to the following items and provide a graphical representation showing location and type of BMPs to be used when applicable:

- Vehicle Entrances and Exits – Identify type and location of stabilized construction entrances and exits to be used and how they will be maintained.
- Material Delivery, Storage and Use – Discuss where and how materials including chemicals, concrete curing compounds, petroleum products, etc. will be stored for this project.
- Stockpile Management – Discuss what BMPs will be used to prevent pollution of storm water from stockpiles.

- Waste Disposal – Discuss methods of waste disposal that will be used for this project.
- Spill Prevention and Control – Discuss steps that will be taken in the event of a material spill (chemicals, concrete curing compounds, petroleum, etc.)
- Concrete Residuals and Washout Wastes – Discuss the location and type of concrete washout facilities to be used on this project and how they will be signed and maintained.
- Litter Management – Discuss how litter will be maintained for this project (education of employees, number of dumpsters, frequency of dumpster pick-up, etc.).
- Vehicle and Equipment Fueling – Identify equipment fueling locations for this project and what BMPs will be used to ensure containment and spill prevention.
- Vehicle and Equipment Cleaning and Maintenance – Identify where equipment cleaning and maintenance locations for this project and what BMPs will be used to ensure containment and spill prevention.
- Additional measures indicated in the plan.

III. Maintenance:

When requested by the Contractor, the Resident Engineer will provide general maintenance guides to the Contractor for the practices associated with this project. The following additional procedures will be used to maintain, in good and effective operating conditions, the vegetation, erosion and sediment control measures and other protective measures identified in this plan. It will be the Contractor's responsibility to attain maintenance guidelines for any manufactured BMPs which are to be installed and maintained per manufacture's specifications.

None

IV. Inspections:

Qualified personnel shall inspect disturbed areas of the construction site which have not yet been finally stabilized, structural control measures, and locations where vehicles and equipment enter and exit the site using IDOT Storm Water Pollution Prevention Plan Erosion Control Inspection Report (BC 2259). Such inspections shall be conducted at least once every seven (7) calendar days and within twenty-four (24) hours of the end of a storm that is 0.5 inch or greater or equivalent snowfall.

If any violation of the provisions of this plan is identified during the conduct of the construction work covered by this plan, the Resident Engineer shall notify the appropriate IEPA Field Operations Section office by email at: epa.swnoncomp@illinois.gov, telephone or fax within twenty-four (24) hours of the incident. The Resident Engineer shall then complete and submit an "Incidence of Non-Compliance" (ION) report for the identified violation within five (5) days of the incident. The Resident Engineer shall use forms provided by IEPA and shall include specific information on the cause of noncompliance, actions which were taken to prevent any further causes of noncompliance, and a statement detailing any environmental impact which may have resulted from the noncompliance. All reports of non-compliance shall be signed by a responsible authority in accordance with Part VI. G of the Permit ILR10.

The Incidence of Non-Compliance shall be mailed to the following address:

Illinois Environmental Protection Agency
 Division of Water Pollution Control
 Attn: Compliance Assurance Section
 1021 North Grand East
 Post Office Box 19276
 Springfield, Illinois 62794-9276

V. Failure to Comply:

Failure to comply with any provisions of this Storm Water Pollution Prevention Plan will result in the implementation of a National Pollutant Discharge Elimination System/Erosion and Sediment Control Deficiency Deduction against the Contractor and/or penalties under the Permit ILR10 which could be passed on to the Contractor.



828-S-16 CCFRD
08-02-2011

CONCEPT SKETCH: BRIDGE OVER THE SALT FORK RIVER

Susan Chavarria

From: Jonathan Hasselbring <JHasselbring@ccfpd.org>
Sent: Monday, April 11, 2016 12:51 PM
To: Susan Chavarria
Subject: RE: zoning case for Kickapoo trail

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Susan,

I just added a folder to dropbox with the Erosion Control Plans and Agreement . There are no plans for new lighting at this time, as the trail will only be open to the public from dawn to dusk.

Please let me know if any additional information is needed.
Thank you,
Jon

From: Susan Chavarria [<mailto:schavarr@co.champaign.il.us>]
Sent: Monday, April 11, 2016 10:15 AM
To: Jonathan Hasselbring
Subject: RE: zoning case for Kickapoo trail

Could you please send me the Erosion Control Plan for the trail, and any information you have on lighting for the trail?

Thanks,
Susan

From: Jonathan Hasselbring [<mailto:JHasselbring@ccfpd.org>]
Sent: Monday, April 11, 2016 8:22 AM
To: Susan Chavarria
Cc: John Hall
Subject: RE: zoning case for Kickapoo trail

Thanks Susan

From: Susan Chavarria [<mailto:schavarr@co.champaign.il.us>]
Sent: Monday, April 11, 2016 8:18 AM
To: Jonathan Hasselbring
Cc: John Hall
Subject: RE: zoning case for Kickapoo trail

You are not required to submit anything to the board. The packet we create for the board will have a lot of what you already sent me (typical cross section, photos, etc). If you have information you think would be critical to the Board's understanding of the trail, you are free to submit it to me or bring it to the meeting.

You will receive the same packet the board does about a week before the meeting.

Thanks,
Susan

RECEIVED

APR 11 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Susan Chavarria

From: Jonathan Hasselbring <JHasselbring@ccfpd.org>
Sent: Friday, April 15, 2016 2:36 PM
To: Susan Chavarria
Subject: FW: KRT 404 Permit

Follow Up Flag: Follow up
Flag Status: Flagged

Susan, please see below correspondence from our Engineer regarding the 404 permit.

Thanks,
Jon

From: Uebinger, Ryan [<mailto:ruebinger@F-W.com>]
Sent: Monday, April 11, 2016 3:38 PM
To: Jonathan Hasselbring
Cc: Grimm, Joseph; michael.carnahan@illinois.gov
Subject: RE: KRT 404 Permit

Jon,

We discussed this with IL DNR, who is generally more restrictive than USACE on these types of permits.

IL DNR considers this type of work to be maintenance and does not require a special permit.

Please let us know if you have any further questions.

Thanks, Ryan

RECEIVED

APR 15 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Susan Chavarria

From: Jonathan Hasselbring <JHasselbring@ccfpd.org>
Sent: Friday, April 15, 2016 2:37 PM
To: Susan Chavarria
Subject: FW: KRT Stockpiles

Follow Up Flag: Follow up
Flag Status: Flagged

Susan, please see below correspondence from Cross Construction regarding stockpiles.

Thanks,
Jon

From: Dan Long [<mailto:dlong@crossconstructioncorp.com>]
Sent: Thursday, April 14, 2016 9:02 AM
To: Jonathan Hasselbring
Cc: ruebinger@F-W.com; Joe Grimm (jgrimm@F-W.com)
Subject: RE: KRT Stockpiles

Jonathan, At this point I really don't anticipate any stockpiles, my hopes are to immediately apply the materials as they are brought to the site.

Dan Long
Vice President
Cross
Construction
3615 Countryview Rd
Urbana, IL
217 367-3526 x 112

From: Jonathan Hasselbring [<mailto:JHasselbring@ccfpd.org>]
Sent: Thursday, April 14, 2016 8:28 AM
To: Dan Long <dlong@crossconstructioncorp.com>
Cc: ruebinger@F-W.com; Joe Grimm (jgrimm@F-W.com) <jgrimm@F-W.com>
Subject: KRT Stockpiles

Good Morning Dan,

Champaign County Zoning has requested the following information related to Kickapoo Rail Trail material stockpiles,

"Could you check with your contractor to see the estimated size and location of any construction materials stockpiles? There is a regulation regarding a minimum separation of 30 feet between a stockpile and the property line if the stockpile is greater than 150 cubic yards. We will need to add to the variance request if any stockpiles larger than 150 cy will be within 30 feet of the property line."

We realize that stockpile areas / sizes may not be finalized, but please let us know your thoughts so we may respond accordingly.

Thanks,
Jon

RECEIVED

APR 15 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Susan Chavarria

From: Jonathan Hasselbring <JHasselbring@ccfpd.org>
Sent: Friday, April 15, 2016 5:20 PM
To: Susan Chavarria
Subject: Re: KRT Stockpiles

Great question Susan. We purchased this land under the federal rail banking act. Under this act we are not allowed to sell any individual piece or parcel to anyone.

If the federal government determines that this rail line is significant for national transportation, we will be required to sell all of the land back to the railroad company.

Just let me know if there are any other questions.

Jon

On Apr 15, 2016, at 4:20 PM, Susan Chavarria <schavarr@co.champaign.il.us> wrote:

A question came up about what happens if you no longer use the properties – does CSX somehow get them back, do the parcels get piecemealed off to adjacent neighbors, etc. I know this is very unlikely to happen, but it would help to know this.

Thanks,
Susan

From: Jonathan Hasselbring [<mailto:JHasselbring@ccfpd.org>]
Sent: Friday, April 15, 2016 3:11 PM
To: Susan Chavarria
Subject: RE: KRT Stockpiles

Thank YOU! Just let me know if anything else is needed.

The work within 50’ of the river bank will be subject to the same erosion control measures as the rest. In addition, the bridge abutments are existing concrete walls that extend 8’ beyond the trail on each side (please see attached sheet 154 for details). The walls are being built up an additional two feet. This will provide more control for earthwork near the river banks.

Thanks again and have a great weekend,
Jon

From: Susan Chavarria [<mailto:schavarr@co.champaign.il.us>]
Sent: Friday, April 15, 2016 2:55 PM
To: Jonathan Hasselbring
Subject: RE: KRT Stockpiles

You’re awesome, thanks!

From: Jonathan Hasselbring [<mailto:JHasselbring@ccfpd.org>]
Sent: Friday, April 15, 2016 2:37 PM
To: Susan Chavarria
Subject: FW: KRT Stockpiles

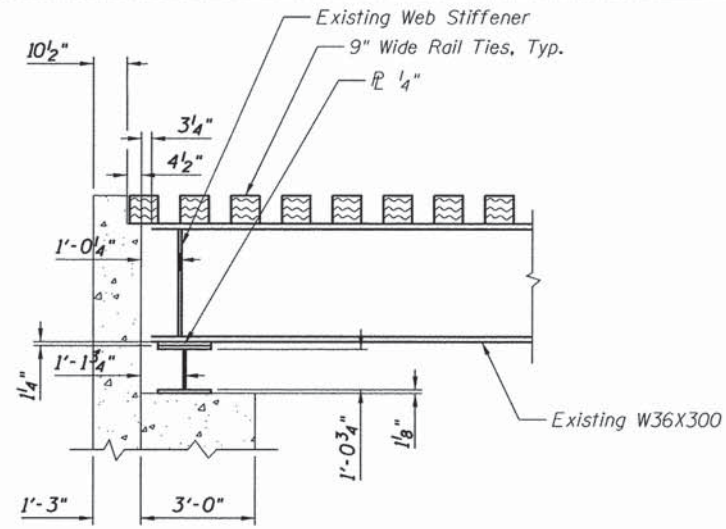
RECEIVED

APR 15 2016

CHAMPAIGN CO. P & Z DEPARTMENT

CONTRACT NO. 91520

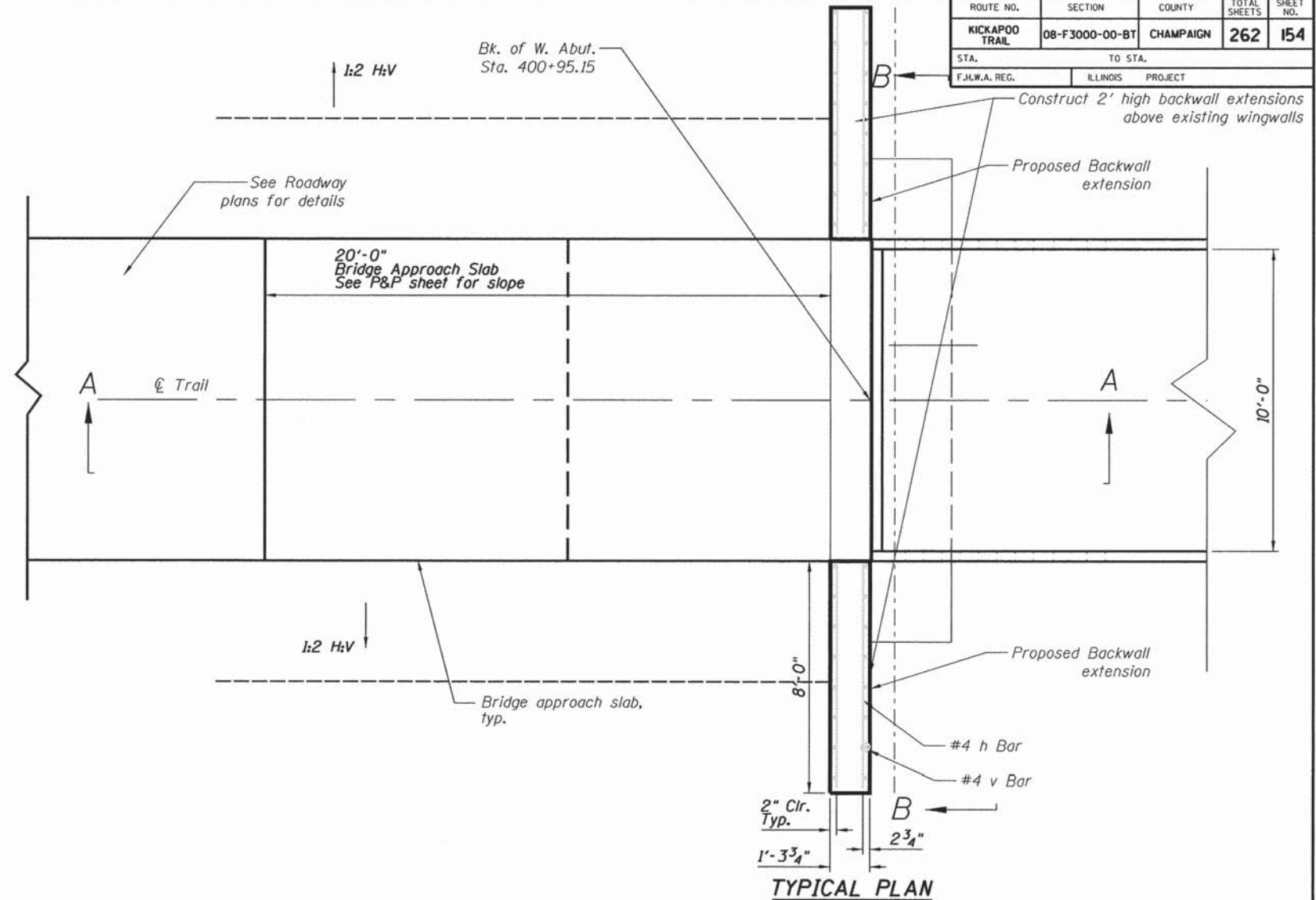
ROUTE NO.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
KICKAPOO TRAIL	08-F3000-00-BT	CHAMPAIGN	262	154
STA.	TO STA.			
F.H.W.A. REG.	ILLINOIS	PROJECT		



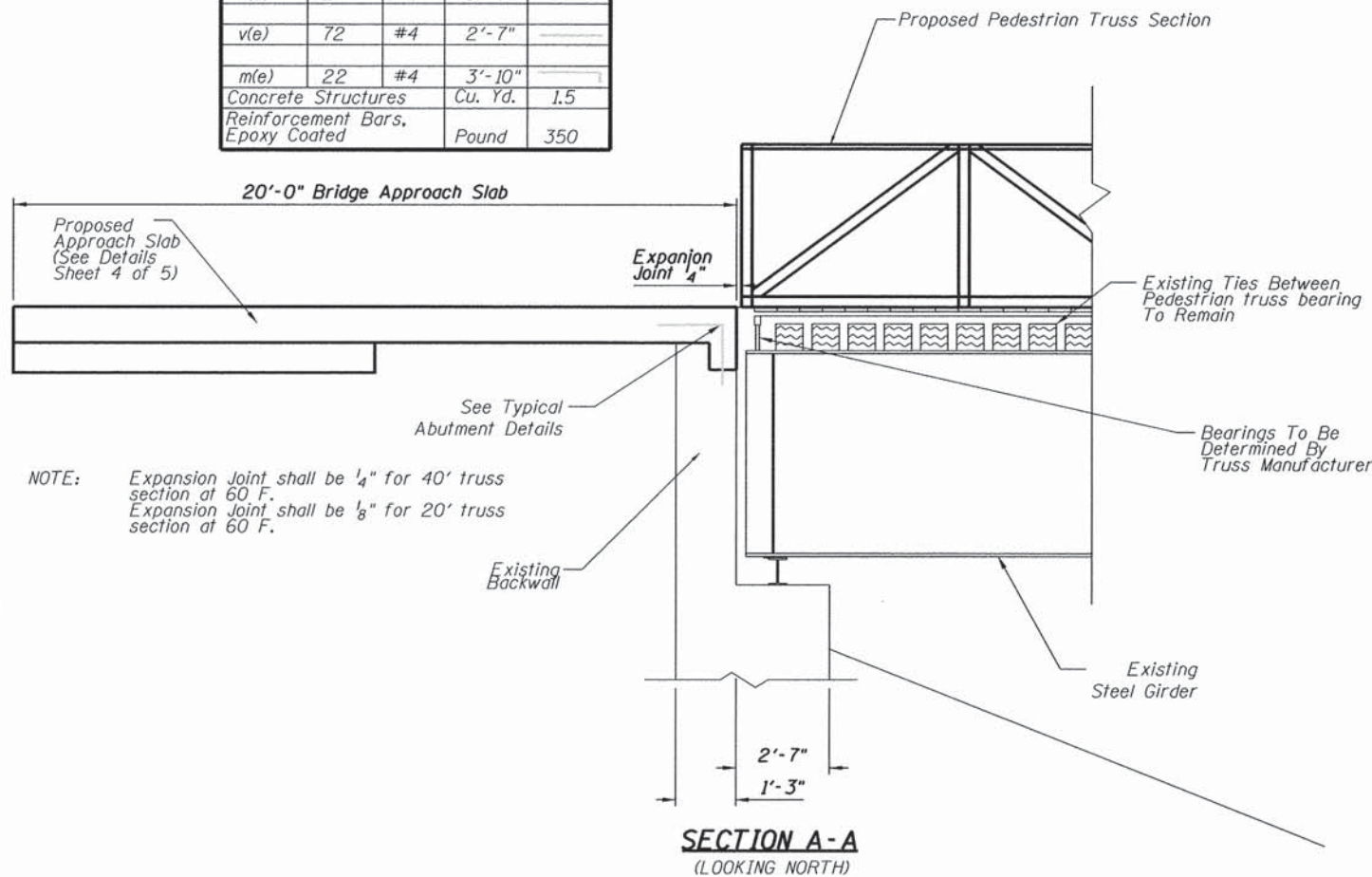
EXISTING ABUTMENT
(LOOKING NORTH)

TWO APPROACHES
BILL OF MATERIAL

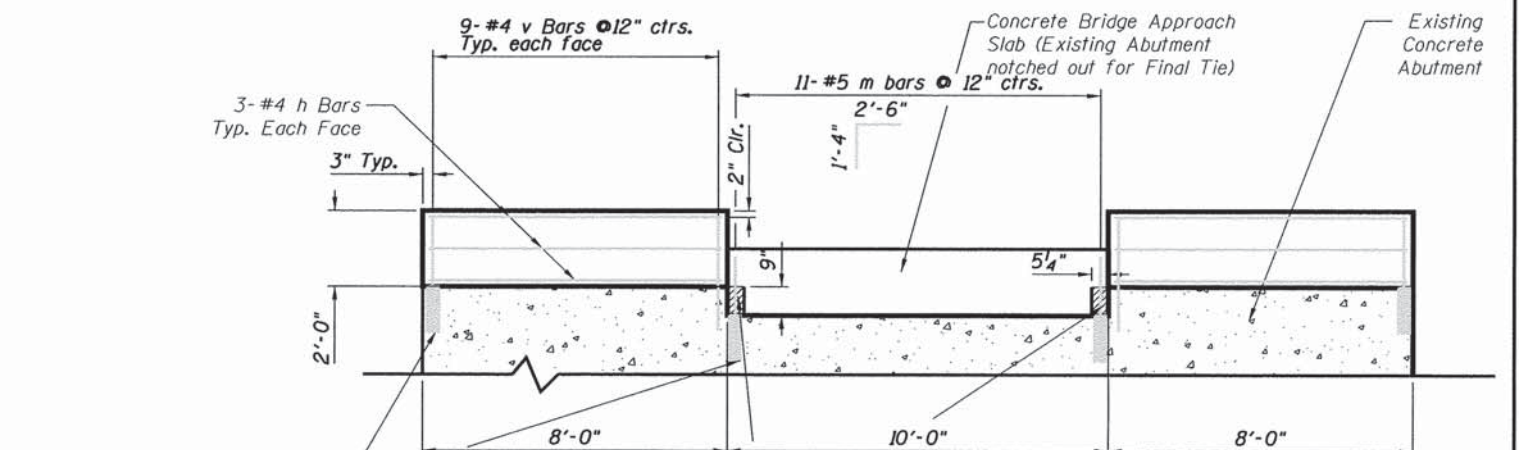
Bar	No.	Size	Length	Shape
h(e)	24	#4	8'-4"	
v(e)	72	#4	2'-7"	
m(e)	22	#4	3'-10"	
Concrete Structures			Cu. Yd.	1.5
Reinforcement Bars, Epoxy Coated			Pound	350



TYPICAL PLAN



SECTION A-A
(LOOKING NORTH)



SECTION B-B
TYPICAL ABUTMENT DETAILS

ABUTMENT DETAILS

KICKAPOO TRAIL
OVER SALT FORK

SECTION 08-F3000-00-BT
CHAMPAIGN COUNTY

STA 400+95.31 to STA 403+17.43
STRUCTURE NO. 010-BRQ1

NOTE: Expansion Joint shall be 1/4" for 40' truss section at 60 F.
Expansion Joint shall be 1/8" for 20' truss section at 60 F.

Epoxy Anchor in 7/8" dia. X 6" deep drilled holes with Epcon 6 two part ceramic epoxy or equivalent, typ.

Sawcut and remove 5/4" on each side for new approach slab
Cost included with Concrete Structures



At SE corner of IL130/High Cross Road in Urbana, facing east



At Fulls Siding, facing east

828-S-16/834-V-16 Images



At Salt Fork River crossing, facing east



At Salt Fork River crossing, facing west



At Main Street in St. Joseph, facing west (just east of Phase 1 area)



At Main Street in St. Joseph, facing east (just east of Phase 1 area)

04/21/16 PRELIMINARY DRAFT

828-S-16 and 834-V-16

**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: *{April 28, 2016}*

Petitioner: Jonathan Hasselbring, Planning Director for the Champaign County Forest Preserve District

Request: Authorize those portions of the Kickapoo Rail Trail that are proposed in the unincorporated area only, and that shall connect to those portions of the Kickapoo Rail Trail that are proposed to be located inside the Village of St. Joseph and the City of Urbana, as a Special Use as a “public park or recreational facility”, in the AG-1 and AG-2 Agriculture Zoning Districts and subject to the described variance, on the Subject Property described below in Parts and in general:

Special Use Part A Subject Property:

A 13.2 acre tract in the AG-1 District in the North Half of the North Half of Section 15 and the South Half of the South Half of Section 10, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part A:

Part A1: ~~A variance from Section 5.3 of the Zoning Ordinance for a setback of 66 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;~~ PART A1 UNNECESSARY

Part A2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 33 feet in lieu of the minimum required 35 feet in the AG-1 Agriculture District; and

Part A3: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Special Use Part B Subject Property:

An 11.6 acre tract in the AG-1 District in the North Half of the North Half of Section 16 and the South Half of the South Half of Section 9, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part B:

Part B1: A variance from Section 5.3 of the Zoning Ordinance for a front setback

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of 61 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;

Part B2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 25 feet in lieu of the minimum required 35 feet in the AG-1 Agriculture District;

~~Part B3: A variance from Section 5.3 of the Zoning Ordinance for a rear yard of 20 feet in lieu of the minimum required 25 feet in the AG-1 Agriculture District;~~
PART B3 UNNECESSARY

Part B4: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Special Use Part C Subject Property:

A 9.2 acre tract in the AG-1 District in the North Half of the North Half of Section 17 and the South Half of the South Half of Section 8, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part C:

Part C1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 53 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;

Part C2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 27 feet in lieu of the minimum required 35 feet in the AG-1 Agriculture District;
and

Part C3: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Special Use Part D Subject Property:

A 12.4 acre tract in the AG-1 District in the North Half of the North Half of Section 18 and the South Half of the South Half of Section 7, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part D:

Part D1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 58 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;

Part D2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 21 feet in lieu of the minimum required 35 feet in the AG-1 Agriculture District;

Part D3: A variance from Section 5.3 of the Zoning Ordinance for a rear yard of 22 feet in lieu of the minimum required 25 feet in the AG-1 Agriculture District;
and

Part D4: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Special Use Part E Subject Property:

A 12.1 acre tract in the AG-2 District in the North Half of the North Half of Section 13 and the South Half of the South Half of Section 12, Township 19N Range 9E of the Third Principal Meridian in Urbana Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part E:

Part E1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 65 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-2 District;

Part E2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 30 feet in lieu of the minimum required 35 feet in the AG-2 Agriculture District; and

Part E3: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Special Use Part F Subject Property:

A 12.1 acre tract in the AG-2 District in the North Half of the North Half of Section 14 and the South Half of the South Half of Section 11, Township 19N Range 9E of the Third Principal Meridian in Urbana Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part F:

Part F1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 65 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-2 District;

Part F2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 22 feet in lieu of the minimum required 35 feet in the AG-2 Agriculture District; and

Part F3: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 28, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. The Petitioner, Champaign County Forest Preserve District (CCFPD), owns the subject property. Jonathan Hasselbring, CCFPD Planning Director, is the Agent for these cases.
 - A. As per an email from Jonathan Hasselbring received April 15, 2016, CCFPD purchased the land under the National Trails System Act (16 USC 1247). Under this act they are not allowed to sell any individual piece or parcel to anyone. Further, if the Federal government determines that this rail line is significant for national transportation, CCFPD will be required to sell all of the land back to the railroad company.

2. The subject property is 8 different tracts of land totaling 70.6 acres comprised of the various Parts described above and commonly known as the inactive CSX railroad line between the City of Urbana and the Village of St. Joseph and that shall connect to those portions of the Kickapoo Rail Trail that are proposed to be located inside the Village of St. Joseph and the City of Urbana.
 - A. Special Use Part A Subject Property is a 13.2 acre tract in the AG-1 District in the North Half of the North Half of Section 15 and the South Half of the South Half of Section 10, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of Route 150.
 - B. Special Use Part B Subject Property is an 11.6 acre tract in the AG-1 District in the North Half of the North Half of Section 16 and the South Half of the South Half of Section 9, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of Route 150.
 - C. Special Use Part C Subject Property is a 9.2 acre tract in the AG-1 District in the North Half of the North Half of Section 17 and the South Half of the South Half of Section 8, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of Route 150.
 - D. Special Use Part D Subject Property is a 12.4 acre tract in the AG-1 District in the North Half of the North Half of Section 18 and the South Half of the South Half of Section 7, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of Route 150.
 - E. Special Use Part E Subject Property is a 12.1 acre tract comprised of one 4.68 acre tract and one 7.44 acre tract in the AG-2 District in the North Half of the North Half of Section 13 and the South Half of the South Half of Section 12, Township 19N Range 9E of the Third Principal Meridian in Urbana Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150.
 - F. Special Use Part F Subject Property is a 12.1 acre tract comprised of one 6.99 acre tract and one 5.13 acre tract in the AG-2 District in the North Half of the North Half of Section 14 and the South Half of the South Half of Section 11, Township 19N Range 9E of the

Third Principal Meridian in Urbana Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150.

3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdictions of the City of Urbana and the Village of St. Joseph, both municipalities with zoning.
 - (1) Municipalities with zoning do not have protest rights on Special Use Permits or Variances within their ETJ; however, they do receive notice of such cases and they are invited to comment.
 - (2) Regarding the City of Urbana Comprehensive Plan: The City of Urbana Comprehensive Plan adopted April 11, 2005 shows a “Future Trail to Danville south of US150 with connectivity to the core of Urbana.
 - (3) Regarding the St. Joseph Comprehensive Plan: The Village of St. Joseph also lists a “Proposed Trail” on its Future Land Use Map with connectivity toward Urbana and Danville.
 - B. The subject property is located within Urbana Township and St. Joseph Township. St. Joseph Township has a Plan Commission and Urbana Township does not.
 - (1) Townships with Plan Commissions have protest rights on Variances within their township as per Section 9.1.9 F.1. of the Zoning Ordinance: “In the case of a written protest against a VARIANCE on land which is located within a township with a plan commission, and the plan commission objects to the VARIANCE, the township board of trustees shall submit its written objections to the GOVERNING BODY within 15 days after the public hearing at the Zoning Board of Appeals, and such VARIANCE shall not be approved except by the favorable vote of three-fourths of all members of the GOVERNING BODY.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity adjacent to the subject property are as follows:
 - A. Special Use Parts A, B, C, and D of the subject property are in the AG-1 Agriculture District and are in use as an inactive CSX railroad line.
 - B. Special Use Parts E and F of the subject property are in the AG-2 Agriculture District and are in use as an inactive CSX railroad line.
 - C. Land to the north of US 150 and south of the proposed trail is zoned and in use as follows:
 - (1) For Special Use Part A:
 - a. Land to the north of US 150 is zoned I-1 Light Industry and is in agricultural production.
 - b. Land to the south of the proposed trail is zoned AG-1 Agriculture and is in agricultural production.

- (2) For Special Use Part B:
 - a. Land to the north of US 150 is zoned AG-1 Agriculture and is in use as a mix of agricultural production and residential.
 - b. Land to the south of the proposed trail is zoned AG-1 Agriculture and is in agricultural production.
- (3) For Special Use Part C:
 - a. Land to the north of US 150 is zoned AG-1 Agriculture and is in use as a mix of agricultural production and residential.
 - b. Land to the south of the proposed trail is zoned AG-1 Agriculture and is in use as a mix of agricultural production and agribusiness.
- (4) For Special Use Part D:
 - a. Land to the north of US 150 is zoned AG-1 Agriculture and is in use as a mix of agricultural production, business and residences (Mayview).
 - b. Land to the south of the proposed trail is zoned AG-1 Agriculture and is in agricultural production.
- (5) For Special Use Part E:
 - a. Land to the north of US 150 is zoned AG-2 Agriculture and is in agricultural production.
 - b. Land to the south of the proposed trail is zoned AG-2 Agriculture and is in agricultural production.
- (6) For Special Use Part F:
 - a. Land to the north of US 150 is zoned AG-2 Agriculture and is in use as a mix of agricultural production and residences.
 - b. Land to the south of the proposed trail is zoned AG-2 Agriculture and is in agricultural production. The Urbana Walmart is south of the proposed trail within the corporate limits of Urbana.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- 5. Regarding the proposed site plan for the subject properties:
 - A. The Site Plan received January 19, 2016 includes 9 sheets and indicates the following:
 - (1) “Attachment #2: Proposed SUP Parcels Site Plan” shows the termini for purposes of the Special Use Permit, which extends from High Cross Road in Urbana to the corporate limits of St. Joseph, which is approximately 670 feet west of the eastern boundary of Section 15 in St. Joseph Township.
 - (2) “Attachment #3: Typical Cross Section (sheet 5 of 262)” illustrates the following:
 - a. A 100 feet wide right-of-way with the 10 feet wide proposed crushed limestone trail with 2 feet wide aggregate shoulders. For purposes of the

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Special Use Permit and associated variances, this 14 feet wide trail with shoulders is the structure for which the required minimum setbacks and yards apply.

- b. A wood fence to be built along the trail that is at minimum 42 inches high.
- (3) “Attachment #3: Typical Plan/Fence at Steep Grade (sheet 48 of 262)” shows the cross section and elevations for the west terminus of the trail, just east of IL 130/High Cross Road on the north side of the Wal-Mart property.
 - (4) “Attachment #3: Typical Plan/Fence at Culvert (sheet 59 of 262)” illustrates a typical cross section and elevations for areas of the trail that have a culvert to cross.
 - (5) “Attachment #3: Typical Plan/Fence at Adjacent Drive (sheet 81 of 262)” shows the cross section and elevations for the intersection of the trail with CR 1975 E in Section 17 of St. Joseph Township.
 - (6) “Attachment #3: Cottonwood Road Crossing (sheet 142 of 262)” illustrates signage and markings that will be installed at the intersection of CR 1700 E (Cottonwood Road).
 - (7) “Attachment #3: Other County Road Crossings (sheets 143, 145, 146, and 147 of 262)” shows the signage and markings that will be installed along the trail at CR 1800 E, CR 1900 E, CR 1975 E, and CR 2075 E.
 - (8) “Attachment #3: Salt Fork River Bridge Details (sheet 152 of 262)” shows the structure, fencing, and other details of the bridge to be constructed in Section 15 of St. Joseph Township.
 - (9) “Attachment #3: Bridge Approach/Fencing Details (sheet 156 of 262)” illustrates the bridge structure, elevations, and fencing for the Salt Fork River Bridge.
- B. In an email received April 8, 2016, CCFPD provided digital access to all construction and cross-section sheets, which include:
- (1) Kickapoo Trail Construction Plans Sheets 45 to 105, received April 8, 2016.
 - (2) Kickapoo Trail Construction Cross Section Drawings Sheets 157 to 262, received April 11, 2016.
- C. There are no previous Zoning Use Permits on the subject properties.
- D. The required variance is as follows:
- (1) Special Use Part A Subject Property: A 13.2 acre tract in the AG-1 District in the North Half of the North Half of Section 15 and the South Half of the South Half of Section 10, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

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- a. **Variance Part A:**
- (a) ~~Part A1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 66 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;~~
PART A1 UNNECESSARY
 - (b) Part A2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 33 feet in lieu of the minimum required 35 feet in the AG-1 Agriculture District; and
 - (c) Part A3: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.
- (2) Special Use Part B Subject Property: An 11.6 acre tract in the AG-1 District in the North Half of the North Half of Section 16 and the South Half of the South Half of Section 9, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:
- a. **Variance Part B:**
- (a) Part B1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 61 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;
 - (b) Part B2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 25 feet in lieu of the minimum required 35 feet in the AG-1 Agriculture District;
 - (c) ~~Part B3: A variance from Section 5.3 of the Zoning Ordinance for a rear yard of 20 feet in lieu of the minimum required 25 feet in the AG-1 Agriculture District; and~~
PART B3 UNNECESSARY
 - (d) Part B4: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.
- (3) Special Use Part C Subject Property: A 9.2 acre tract in the AG-1 District in the North Half of the North Half of Section 17 and the South Half of the South Half of Section 8, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:
- a. **Variance Part C:**
- (a) Part C1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 53 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;

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- (b) Part C2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 27 feet in lieu of the minimum required 35 feet in the AG-1 Agriculture District; and
 - (c) Part C3: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.
- (4) Special Use Part D Subject Property: A 12.4 acre tract in the AG-1 District in the North Half of the North Half of Section 18 and the South Half of the South Half of Section 7, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:
 - a. **Variance Part D:**
 - (a) Part D1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 58 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;
 - (b) Part D2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 21 feet in lieu of the minimum required 35 feet in the AG-1 Agriculture District;
 - (c) Part D3: A variance from Section 5.3 of the Zoning Ordinance for a rear yard of 22 feet in lieu of the minimum required 25 feet in the AG-1 Agriculture District; and
 - (d) Part D4: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.
- (5) Special Use Part E Subject Property: A 12.1 acre tract in the AG-2 District in the North Half of the North Half of Section 13 and the South Half of the South Half of Section 12, Township 19N Range 9E of the Third Principal Meridian in Urbana Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:
 - a. **Variance Part E:**
 - (a) Part E1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 65 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-2 District;
 - (b) Part E2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 30 feet in lieu of the minimum required 35 feet in the AG-2 Agriculture District; and
 - (c) Part E3: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.
- (6) Special Use Part F Subject Property: A 12.1 acre tract in the AG-2 District in the North Half of the North Half of Section 14 and the South Half of the South Half of

Section 11, Township 19N Range 9E of the Third Principal Meridian in Urbana Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

- a. **Variance Part F:**
- (a) Part F1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 65 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-2 District;
 - (b) Part F2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 22 feet in lieu of the minimum required 35 feet in the AG-2 Agriculture District; and
 - (c) Part F3: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a PUBLIC PARK OR RECREATIONAL FACILITY in the AG-1 and AG-2 Agriculture Zoning DISTRICTS in the *Zoning Ordinance*:
- A. 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) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
 - (3) “GRADE” is the average of the elevations of the surface of the ground measured at all corners of a BUILDING.
 - (4) “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.
 - (5) “LOT DEPTH” is the distance between the midpoint of the FRONT LOT LINE and the midpoint of the REAR LOT LINE or LINES.

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- (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 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.
- (8) “LOT LINES” are the lines bounding a LOT.
- (9) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (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) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (12) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (13) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (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) “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.

- (16) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning BOARD of Appeals are permitted to grant.
- (17) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
- a. 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 effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- (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.
- B. Section 5.2: Table of Authorized Principal Uses states that a PUBLIC PARK OR RECREATIONAL FACILITY can be established with a Special Use Permit in both the AG-1 and Ag-2 Zoning Districts.
- C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.

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- 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) There are no standard conditions for a PUBLIC PARK OR RECREATIONAL FACILITY in Subsection 6.1.3.
- D. Section 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS:
- (1) Section 7.4.1 A. states, "All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served".
 - (2) Section 7.4.1 C.2. states, "The number of such PARKING SPACES shall be the sum of the individual requirements of the various individual ESTABLISHMENTS computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT."
 - (3) Section 7.4.1 C.3.b.ii. states, "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."
- E. 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.
- F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- G. 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.
- H. 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.
- I. Minimum SETBACK from the centerline of a Federal Highway in the AG-1 and AG-2 Agriculture Zoning Districts is established in Section 5.3 of the Zoning Ordinance as 85 feet.
- J. Minimum FRONT YARD between the property line and the structure adjacent to a Federal Highway in the AG-1 and AG-2 Agriculture Districts is established in Section 5.3 of the Zoning Ordinance as 35 feet.
- K. Minimum REAR YARD in the AG-1 Agriculture District is established in Section 5.3 of the Zoning Ordinance as 25 feet.
- L. Minimum REAR YARD in the AG-2 Agriculture District is established in Section 5.3 of the Zoning Ordinance as 20 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:
- A. The Petitioner has testified on the application, **“Multi-use trails offer recreation, health, and economic benefits to the public and local communities. Furthermore, this right-of-way contains several rare prairie species, and this project will avail the opportunity to restore local ecotypes across central Illinois.”**

- B. The proposed trail will be placed on the former CSX rail bed and will renovate the superstructure of the rail trestle that crosses the Salt Fork River near St. Joseph.
- C. The proposed Special Use Permit is for the first section of the Kickapoo Trail. This section is approximately 6 miles long and is located adjacent to US Route 150 between Urbana and St. Joseph. All land purchases have been made and all resources are in place to complete this phase of the trail.
- D. Once completed, the 34.5 mile Kickapoo Trail will reach Kickapoo State Park near Danville.

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, **“This project was designed by a local professional engineer, licensed to do work in Illinois. It was designed in accordance with IDOT “Standard Specifications for Road and Bridge Construction” and the “Manual on Uniform Traffic Control Devices for Streets and Highways.”**
 - B. Regarding surface drainage:
 - (1) Water generally flows off the existing rail line into the ditch on the south side of US150 or toward the land to the south.
 - (2) There are numerous culvert crossings along the proposed trail. Attachment G includes those cross section sheets where culvert crossings are shown.
 - (3) There is an Erosion Control Plan in place for construction of the proposed trail.
 - a. The Stormwater Pollution Prevention Plan (SWPPP) received April 11, 2016 states, **“Since as much as possible of the existing environment along this trail is to be preserved, the design involves a narrow footprint utilizing existing slopes and proposed 1:3 slopes and 1:4 slopes along embankments. Fencing is used in areas to minimize the disturbance of existing slopes. Most of the corridor is wooded. Minimal clearing will be done for trail construction. The existing trees that remain will serve as a natural buffer and slope protection. Areas that are not wooded and have the potential to silt off the project corridor will be protected with silt fence.”**
 - b. Temporary and permanent seeding, temporary ditch checks, pipe and inlet protection, and tree protection are all listed as erosion control measures.
 - c. In many locations, the shoulder of the trail is at a 1:2 slope. Attachment G includes those cross section sheets where such slopes are shown.
 - (a) The National Trails System Act (16 USC 1247) would make adjustments to the slope, railbed, and other elements of the former

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rail line unwise and economically impractical because it could be necessary to reestablish rail service.

- (4) As per an email from Jonathan Hasselbring received April 15, 2016, the Illinois Department of Natural Resources will not require a Section 404 permit for discharging into area streams; they consider this type of work maintenance, which does not require a special permit.
- (5) As per an email from Jonathan Hasselbring received April 15, 2016, Cross Construction, the contractor for the trail construction, does not anticipate having any stockpiles.
- (6) A special condition has been proposed to ensure compliance with the Storm Water Management and Erosion Control Ordinance.

C. Regarding traffic in the subject property area:

- (1) The proposed trail is designed for pedestrian and bicycle traffic only. Markings and signage as per IDOT regulations will be installed to safely guide both vehicular and pedestrian traffic when the trail crosses a roadway.
 - a. A typical road crossing from the Site Plan received January 19, 2016 (Attachment D pages 142 through 147) includes:
 - (a) Markings on the trail surface warning about the highway crossing;
 - (b) Bollards to prevent access by unauthorized vehicles;
 - (c) Detectable warning panels for accessibility
 - (d) Thermoplastic pavement markings; and
 - (e) Various warning and directional signs.
- (2) US150 between Urbana and St. Joseph is a 2 lane highway. The trail runs parallel to US150 on its south side.
- (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2015.
 - a. Along US150 had an ADT of 4,350 east of IL130 (High Cross Road); 4,200 at CR 1800 E; and 4,900 west of St. Joseph.
 - b. Along the proposed trail, CR 1700 E (Cottonwood Road) had the highest ADT (750) of the north-south roads crossing the proposed trail.
- (4) The Urbana Township and St. Joseph Township Road Commissioners have been notified of this case and no comments have been received.

- D. Regarding fire protection on the subject property, the subject property is located within the Edge-Scott Fire Protection District on the west end and the St. Joseph-Stanton Fire Protection District for the eastern portion.
- (1) The Edge-Scott Fire Station is located approximately 1 road mile from the west terminus of the proposed trail.
 - (2) The St. Joseph-Stanton Fire Station is located approximately 0.6 road mile from the east terminus of the proposed trail.
 - (3) There are no buildings proposed on the subject properties.
 - (4) The FPD Chiefs were notified of this case and no comments have been received.
- E. Regarding the mapped floodplain, the only part of the proposed Special Use within the floodplain is a 250 foot span where the Salt Fork River crosses under the proposed trail bridge.
- (1) The Champaign County Special Flood Hazard Areas (SFHA) Ordinance applies to projects when part of the development falls within the mapped floodplain.
 - (2) Base Flood Elevation (BFE) is the standard of protection for the SFHA Ordinance.
 - a. The Salt Fork River between I-74 and US150 has been measured at 665 feet as per FEMA Flood Insurance Rate Map Panel 456D dated October 2, 2013.
 - b. As per Kickapoo Trail Construction Cross Section Drawings Sheet 249 of 262 (see Attachment F), the base of the concrete spanning the bridge will be at a height of over 668 feet.
 - (3) As per Section 5 of the SFHA Ordinance, the Petitioners must apply for a Floodplain Development Permit in conjunction with the standard Zoning Use Permit application. A special condition has been proposed to ensure compliance with this ordinance.
- F. The subject property is considered BEST PRIME FARMLAND. The soil on the subject property consists of: Blackberry silt loam 679B; Catlin silt loam 171B; Drummer silty clay loam 152A; Flanagan silt loam 154A; Clare silt loam 171B; Camden silt loam 134A; Milbrook silt loam 219A; Orthents loamy undulating 802B; and Sawmill silty clay loam 3107A. These soils have an average LE score of 98. The former CSX rail line has traversed the subject properties for many years so the land has not been in agricultural production.
- G. Regarding outdoor lighting on the subject property:
- (1) As per an email from Jonathan Hasselbring received April 11, 2016, the Petitioners do not have outdoor lighting planned at this time; the proposed trail will only be open from dawn to dusk.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) With no structures except the proposed trail, the subject property will not need wastewater treatment or disposal.

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- I. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
 - g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and

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

- j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- J. Other than as reviewed in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

- 9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner has testified on the application: **“Yes, this project aims to limit development, while improving storm water management along the abandoned railroad corridor. We plan to work with adjacent landowners to identify drainage issues, and improve infrastructure whenever possible.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) A PUBLIC PARK OR RECREATIONAL FACILITY is authorized by right in the CR, R-1, R-2, R-3, R-4, B-1 through B-5, I-1 and I-2 Zoning DISTRICTS and by Special Use Permit in the AG-1 and AG-2 Zoning DISTRICTS. It is not authorized in the R-5 Zoning DISTRICT.
 - (2) Regarding parking on the subject property for the proposed Special Use: CCFPD has indicated that all parking for the proposed Special Use will be located within the corporate limits of Urbana and St. Joseph.
 - C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
 - (1) The Petitioners submitted a Stormwater Pollution Protection Plan, received April 11, 2016, which fulfills part of the Ordinance requirements.
 - (2) As per an email from Jonathan Hasselbring received April 15, 2016, the Illinois Department of Natural Resources will not require a Section 404 permit for discharging into area streams; they consider this type of work maintenance, which does not require a special permit.

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- (3) As per an email from Jonathan Hasselbring received April 15, 2016, Cross Construction, the contractor for the trail construction, does not anticipate having any stockpiles.
 - (4) A special condition has been proposed to ensure compliance with the Ordinance.
- D. Regarding the Special Flood Hazard Areas Ordinance:
- (1) The only part of the proposed Special Use within the floodplain is a 250 foot span where the Salt Fork River crosses under the proposed trail bridge.
 - (2) The Champaign County Special Flood Hazard Areas (SFHA) Ordinance applies to projects when part of the development falls within the mapped floodplain.
 - (3) Base Flood Elevation (BFE) is the standard of protection for the SFHA Ordinance.
 - a. The Salt Fork River between I-74 and US150 has been measured at 665 feet as per FEMA Flood Insurance Rate Map Panel 456D dated October 2, 2013.
 - b. As per Kickapoo Trail Construction Cross Section Drawings Sheet 249 of 262 (see Attachment F), the base of the concrete spanning the bridge will be at a height of over 668 feet.
 - (4) As per Section 5 of the SFHA Ordinance, the Petitioners must apply for a Floodplain Development Permit in conjunction with the standard Zoning Use Permit application. A special condition has been proposed to ensure compliance with this ordinance.
- E. Regarding the requirement that the Special Use preserve the essential character of the AG-1 and AG-2 Zoning Districts:
- (1) Public parks or recreation areas are allowed with a Special Use Permit in the AG-1 and AG-2 Agriculture Zoning Districts.
- F. 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) Attachment D includes a signed Statement of Compliance for Illinois Accessibility Code by Illinois Professional Engineer Keith E. Brandau dated January 15, 2015.

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 be in harmony with the general intent and purpose of the Ordinance:
 - A. Section 5.2: Table of Authorized Principal Uses states that a Public Park or Recreation Facility can be established with a Special Use Permit in both the AG-1 and AG-2 Zoning Districts.

- B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
- (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 Agriculture 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) Subsection 5.1.2 of the Ordinance states the general intent of the AG-2 Agriculture DISTRICT and states as follows (capitalized words are defined in the Ordinance):

The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - (3) The types of uses authorized in the AG-1 and AG-2 Districts are in fact the types of uses that have been determined to be acceptable in the AG-1 and AG-2 Districts. 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 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 will be in compliance with those requirements upon approval of the Variance in related Case 834-V-16.
 - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed Special Use will conserve the value of real estate throughout the COUNTY, based on the following:

 - a. It is not clear whether or not the proposed special use will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.

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- b. The proposed Special Use could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property, no new construction other than the trail, bridge and fencing is anticipated for the proposed Special Use, so adjacent property values should not be impacted.
 - c. In regards to the value of the subject property it also is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property, the subject property has been an abandoned rail line for several years. Value of the subject property should increase with the addition of the trail, bridge, and fencing.
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed Special Use will lessen and avoid congestion in the public streets, as follows:

- a. The proposed Special Use will provide an alternative transportation mode that may reduce the number of vehicles on adjacent streets.
 - b. Signage and markings will be installed with the proposed trail to control both vehicular and pedestrian traffic when the trail is at a crossroads.
- (4) 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.
- a. Water generally flows off the existing rail line into the ditch on the south side of US150 or toward the land to the south.
 - b. There are numerous culvert crossings along the proposed trail. Attachment G includes those cross section sheets where culvert crossings are shown.
 - c. There is an Erosion Control Plan in place for construction of the proposed trail.
 - (a) The Stormwater Pollution Prevention Plan (SWPPP) received April 11, 2016 states, **“Since as much as possible of the existing environment along this trail is to be preserved, the design involves a narrow footprint utilizing existing slopes and proposed 1:3 slopes and 1:4 slopes along embankments. Fencing is used in areas to minimize the disturbance of existing slopes. Most of the corridor is wooded. Minimal clearing will be done for trail construction. The existing trees that remain will serve as a natural buffer and slope protection. Areas that are not**

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wooded and have the potential to silt off the project corridor will be protected with silt fence.”

- (b) Temporary and permanent seeding, temporary ditch checks, pipe and inlet protection, and tree protection are all listed as erosion control measures.
- d. Items 8E and 9D above provide information about how the proposed project is partially located within the mapped floodplain. As per Section 5 of the Special Flood Hazard Areas (SFHA) Ordinance, the Petitioners must apply for a Floodplain Development Permit in conjunction with the standard Zoning Use Permit application. A special condition has been proposed to ensure compliance with this ordinance.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed Special Use will promote the public health, safety, comfort, morals, and general welfare as follows:

- a. In regards to public health and safety:
 - (a) The proposed trail will promote outdoor exercise that can be used by everyone.
 - (b) The proposed trail will be built in accordance with IDOT “Standard Specifications for Road and Bridge Construction” and the “Manual on Uniform Traffic Control Devices for Streets and Highways.”
 - (c) Signage and markings will be installed with the proposed trail to control both vehicular and pedestrian traffic when the trail is at a crossroads.
 - (d) The existing rail bridge over the Salt Fork River will be replaced with a pedestrian/bicycle bridge as part of the proposed trail construction.
 - (e) In many locations, the shoulder of the trail is at a 1:2 slope. Attachment G includes those cross section sheets where such slopes are shown.
- b. In regards to public comfort and general welfare:
 - (a) No comments have been received by the Champaign County Department of Planning and Zoning from neighbors or other parties.
 - (b) CCFPD, in coordination with other government agencies, the public, and other interested parties, has spent many years raising awareness and funding for the proposed trail, including taking comments

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about the proposed trail in order to optimize public comfort and general welfare, among other ideals.

- (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. The related variance case 834-V-16 will establish conformity with the proposed trail's setback and yard requirements.

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

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

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the 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.

- (9) 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.

The proposed Special Use will not subject the most productive agricultural lands to haphazard and unplanned intrusions of urban uses as follows:

a. Soils on the subject property are BEST PRIME FARMLAND. The subject property has been a rail line for many years and has thus not been in agricultural production.

- (10) 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 Salt Fork River crossing and proposed botanical areas will promote the protection and growth of natural features in the area.

- (11) 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 use explicitly provides for a new public transportation facility for which funding is already in place.

- (12) 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.

The subject property has not been in agricultural production since the former CSX rail line was constructed.

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

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: **“Yes, this project will aim to remove invasive and exotic plant species, while providing safe recreation opportunities and alternate mode of transportation between Urbana and St. Joe.”**
- B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

12. 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, **“The parcels in question are located on unusually narrow lots due to their former use as a railroad. The majority of the subject property is 100’ wide, and at times as narrow as 60’ wide. The trail was designed to align with the existing elevated rail bed, which is primarily at the centerline of the property. Thus, it would be difficult to achieve both front and rear yard setbacks simultaneously, and adequate space is not available to meet parking requirements.”**
- B. The subject properties are comprised of 6 miles of rail line formerly owned by CSX. The stretch of rail line is now owned by the petitioners with the intent to start building a multi-use trail between Urbana and Danville. The 6 mile stretch is Phase 1 of the project.
- (1) As per an email from Jonathan Hasselbring received April 15, 2016, CCFPD purchased the land under the National Trails System Act (16 USC 1247). Under this act they are not allowed to sell any individual piece or parcel to anyone. Further, if the Federal government determines that this rail line is significant for national transportation, CCFPD will be required to sell all of the land back to the railroad company.
- a. It would thus be unwise and economically impractical to relocate the rail bed for purposes of creating the trail because it could be necessary to reestablish rail service.
- C. Regarding Parts A1, A2, B1, B2, C1, C2, D1, D2, E1, E2, F1, and F2 of the Variance, for setbacks less than the minimum required 85 feet from the centerline of a Federal or State Highway and front yards less than 35 feet between the structure and the front property line:
- (1) The subject properties in some places become very narrow due to adjacent existing roads, easements, or the layout of adjacent owners’ land.
- (2) The proposed trail will be placed on the former rail bed, which was constructed many years ago.
- (3) Moving the proposed trail to meet the setback requirement will result in higher construction costs and unnecessary land disturbance, including established drainage ditches and habitats.
- D. Regarding Parts B3 and D3 of the Variance, for a rear yard less than 25 feet between the structure and the rear property line:
- (1) The subject properties in some places become very narrow due to adjacent existing roads, easements, or the layout of adjacent owners’ land.
- (2) The proposed trail will be placed on the former rail bed, which was constructed many years ago.

- (3) Moving the proposed trail to meet the setback requirement will result in higher construction costs and unnecessary land disturbance, including established drainage ditches and habitats.
- E. Regarding Parts A3, B4, C3, D4, E3, and F3 of the Variance, for a variance from the parking requirements of Section 7.4:
- (1) The petitioners are proposing parking only at the trailheads within the corporate limits of the City of Urbana and the Village of St. Joseph.
 - (2) Use of the proposed trail will be limited to pedestrians and bicyclists, who will generally start their use of the path at one of the trailheads.

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

13. 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, **“To achieve required setbacks (where possible), the trail alignment would need to be shifted from the property centerline, and off of the existing elevated rail bed. This would locate the trail and trail users either closer to RT 150 or closer to the adjacent farmland. These alternate locations are less favorable for the safety of trail users and vehicular traffic, as well as the drainage of adjacent farm fields and roadways. Shifting trail alignment would also require significantly more earthwork, which would greatly inflate the overall project cost.”**
 - B. Item 12.B.(1) above states how the National Trails System Act (16 USC 1247) would make moving the rail bed to meet the regulations for setback and yards unwise and economically impractical because it could be necessary to reestablish rail service.
 - C. Regarding the proposed Variance:
 - (1) Without the variance for setback from a Federal Highway (Parts A1, B1, C1, D1, E1, and F1), the petitioner would have to either not develop the proposed path, purchase additional land to secure the minimum setback requirements, or construct the path further south of the existing rail bed, which would in turn negatively impact the minimum rear yard requirements, construction costs, and land disturbance.
 - (2) Without the front yard variance (Parts A2, B2, C2, D2, E2, and F2), the petitioner would have to either not develop the proposed path, purchase additional land to secure the minimum front yard requirements, or construct the path further south of the existing rail bed, which would in turn negatively impact the minimum rear yard requirements, construction costs, and land disturbance.
 - (3) Without the rear yard variance (Parts B3 and D3), the petitioner would have to either not develop the proposed path, purchase additional land to secure the minimum rear yard requirements, or construct the path further north of the existing

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rail bed, which would in turn negatively impact the minimum front yard and setback requirements, construction costs, and land disturbance.

- (4) Without the variance from minimum parking requirements (Parts A3, B4, C3, D4, E3, and F3), the petitioner would have to provide 1 parking space for every 3 patrons on the subject properties based on the estimated number of patrons during peak attendance on a given day during said use is in operation.
- a. This is a proposed trail and as of yet there is no peak hour of usage from which to estimate the number of patrons.
 - b. There is limited space to place parking on the subject properties, and new access points for parking areas would need to be cut at crossroads which would increase traffic safety concerns.

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

14. 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, **“Setback hardships are a result of the former use, existing lot dimensions, and location between RT 150 and the adjacent farmland. Lack of parking is a conscious effort to reduce paved surfaces and vehicular traffic in rural Champaign County. Appropriate locations for parking lots are currently under review by the Champaign County Forest Preserve District. We are working with the City of Urbana, the Urbana Park District, and the Village of St. Joseph to plan and develop new parking areas where none exist. Where adequate parking is already in place, for example Kolb Park in St. Joseph, our goal is to dedicate the parking lot as a trailhead. We currently have no plans to develop parking lots in rural Champaign County. We aim to minimize paved parking surfaces, and make use of infrastructure already in place.”**
 - B. The Petitioners purchased the former CSX rail line that had sufficient right of way for a train; the same amount of right-of-way will be used for constructing the proposed path.
 - C. Item 12.B.(1) above states how the National Trails System Act (16 USC 1247) would make moving the rail bed to meet the regulations for setback and yards unwise and economically impractical because it could be necessary to reestablish rail service.

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

15. 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, **“We believe that these variances align with the general purpose of the Champaign County Zoning Ordinance. We aim to minimize vehicular traffic and development in rural Champaign County, while enhancing economic potential in existing urban areas. A major goal of this project is to restore natural resources and improve drainage near agricultural lands. We wish**

to improve the quality of life for local residents by offering a safe, off-road, opportunity to recreate and connect with neighboring communities.”

- B. Item 12.B.(1) above states how the National Trails System Act (16 USC 1247) would make moving the rail bed to meet the regulations for setback and yards unwise and economically impractical because it could be necessary to reestablish rail service.
- (1) In the meantime, putting the rail bed to use as a rail trail adds an important recreational feature for all of Champaign County.
- C. Regarding Part A of the Variance:
- (1) Regarding Part A1 of the Variance, for a proposed for a setback of 66 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway: the requested variance is 78% of the minimum required, for a variance of 22%.
- (2) Regarding Part A2 of the Variance, for a front yard of 33 feet in lieu of the minimum required 35 feet: the requested variance is 94% of the minimum required, for a variance of 6%.
- (3) Regarding Part A3 of the Variance, for a variance from the parking requirements of Section 7.4: the requested variance is 0% of the minimum required, for a variance of 100%.
- D. Regarding Part B of the Variance:
- (1) Regarding Part B1 of the Variance, for a proposed for a setback of 61 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway: the requested variance is 72% of the minimum required, for a variance of 28%.
- (2) Regarding Part B2 of the Variance, for a front yard of 25 feet in lieu of the minimum required 35 feet: the requested variance is 71% of the minimum required, for a variance of 29%.
- (3) Regarding Part B3 of the Variance, for a rear yard of 20 feet in lieu of the minimum required 25 feet: the requested variance is 80% of the minimum required, for a variance of 20%.
- (4) Regarding Part B4 of the Variance, for a variance from the parking requirements of Section 7.4: the requested variance is 0% of the minimum required, for a variance of 100%.
- E. Regarding Part C of the Variance:
- (1) Regarding Part C1 of the Variance, for a proposed for a setback of 53 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway: the requested variance is 62% of the minimum required, for a variance of 38%.

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- (2) Regarding Part C2 of the Variance, for a front yard of 27 feet in lieu of the minimum required 35 feet: the requested variance is 77% of the minimum required, for a variance of 23%.
 - (3) Regarding Part C3 of the Variance for a variance from the parking requirements of Section 7.4: the requested variance is 0% of the minimum required, for a variance of 100%.
- F. Regarding Part D of the Variance:
- (1) Regarding Part D1 of the Variance, for a proposed for a setback of 58 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway: the requested variance is 68% of the minimum required, for a variance of 32%.
 - (2) Regarding Part D2 of the Variance, for a front yard of 21 feet in lieu of the minimum required 35 feet: the requested variance is 60% of the minimum required, for a variance of 40%.
 - (3) Regarding Part D3 of the Variance, for a rear yard of 22 feet in lieu of the minimum required 25 feet: the requested variance is 88% of the minimum required, for a variance of 12%.
 - (4) Regarding Part D4 of the Variance, for a variance from the parking requirements of Section 7.4: the requested variance is 0% of the minimum required, for a variance of 100%.
- G. Regarding Part E of the Variance:
- (1) Regarding Part E1 of the Variance, for a proposed for a setback of 65 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway: the requested variance is 76% of the minimum required, for a variance of 24%.
 - (2) Regarding Part E2 of the Variance, for a front yard of 30 feet in lieu of the minimum required 35 feet: the requested variance is 86% of the minimum required, for a variance of 14%.
 - (3) Regarding Part E3 of the Variance, for a variance from the parking requirements of Section 7.4: the requested variance is 0% of the minimum required, for a variance of 100%.
- H. Regarding Part F of the Variance:
- (1) Regarding Part F1 of the Variance, for a proposed for a setback of 65 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway: the requested variance is 76% of the minimum required, for a variance of 24%.

- (2) Regarding Part F2 of the Variance, for a front yard of 22 feet in lieu of the minimum required 35 feet: the requested variance is 63% of the minimum required, for a variance of 37%.
- (3) Regarding Part F3 of the Variance, for a variance from the parking requirements of Section 7.4: the requested variance is 0% of the minimum required, for a variance of 100%.

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

16. 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: **“Signage per IDOT standards will be provided as a part of this project. Storm water structures will be enhanced in efforts to improve drainage. Trees will be removed near county road intersections to improve visibility. The trail surface is designed to support the size and weight of emergency vehicles, should a situation arise that requires emergency attention.”**
 - B. In regards to public health and safety:
 - (1) The proposed trail will promote outdoor exercise that can be used by everyone.
 - (2) The proposed trail will be built in accordance with IDOT “Standard Specifications for Road and Bridge Construction” and the “Manual on Uniform Traffic Control Devices for Streets and Highways.”
 - (3) Signage and markings will be installed with the proposed trail to control both vehicular and pedestrian traffic when the trail is at a crossroads.
 - (4) The existing rail bridge over the Salt Fork River will be replaced with a pedestrian/ bicycle bridge as part of the proposed trail construction.
 - (5) In many locations, the shoulder of the trail is at a 1:2 slope. Attachment G includes those cross section sheets where such slopes are shown.
 - C. In regards to public comfort and general welfare:
 - (1) No comments have been received by the Champaign County Department of Planning and Zoning from neighbors or other parties.
 - (2) CCFPD, in coordination with other government agencies, the public, and other interested parties, has spent many years raising awareness and funding for the proposed trail, including taking comments about the proposed trail in order to optimize public comfort and general welfare, among other ideals.
 - D. The Township Road Commissioners for St. Joseph Township and Urbana Township have been notified of this variance but no comments have been received.

- E. The St. Joseph-Stanton and Edge-Scott Fire Protection Districts have been notified of this variance but no comments have been received.
- F. The nearest building on neighboring property is the Premier Cooperative elevator in Section 17 of St. Joseph Township that is approximately 35 feet from the shared property line.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

- 17. Generally regarding any other circumstances which justify the Variance:
 - A. The Petitioner provided no response on the application.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 18. Regarding proposed special conditions of approval for the Special Use Permit:
 - A. **The Petitioners must apply for a Floodplain Development Permit in conjunction with the standard Zoning Use Permit Application.**

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

That the proposed use complies with the Champaign County Special Flood Areas Ordinance.

- B. **The Petitioners must comply with the Champaign County Storm Water Management and Erosion Control Ordinance.**

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

That the proposed use provides for adequate drainage of the development site before, during, and after construction.

- 19. Regarding proposed special conditions of approval for the Variance:
 - A. **All fences constructed on the subject properties will comply with the visibility requirements established in Section 4.3.3 F. of the Zoning Ordinance.**

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

That the proposed use complies with the Zoning Ordinance.

DOCUMENTS OF RECORD

1. Application for Special Use Permit received January 19, 2016, with attachments:
 - Site Plan
 - Legal Description
 - Statement of Compliance for Illinois Accessibility Code by Illinois Professional Engineer Keith E. Brandau dated January 15, 2015
2. Application for Variance received April 15, 2016
3. Email from Jonathan Hasselbring received March 31, 2016, with digital link to attachments:
 - Kickapoo Trail Construction Plans Sheets 45 to 105, received April 8, 2016
 - Kickapoo Trail Construction Cross Section Drawings Sheets 157 to 262, received April 11, 2016
 - KRT Salt Fork River Crossing Concept (1 image)
 - KRT site images
4. Email from Jonathan Hasselbring received April 11, 2016 with digital link to attachments:
 - KRT Stormwater Pollution Prevention Plan – general project
 - KRT Stormwater Pollution Prevention Plan – Urbana to St. Joseph section
5. Email from Jonathan Hasselbring received April 15, 2016 regarding IDNR permitting
6. Email from Jonathan Hasselbring received April 15, 2016 regarding construction materials stockpiles
7. Email from Jonathan Hasselbring received April 15, 2016 with attachment:
 - KRT Bridge Abutment Details page 154
8. Preliminary Memorandum dated April 21, 2016 with attachments:
 - A Legal Advertisement for Cases 828-S-16 and 834-V-16 dated April 4, 2016
 - B Case Maps (Location, Land Use, Zoning)
 - C Map of proposed trail divided into township sections
 - D Site Plan received January 19, 2016 with Statement of Compliance for Illinois Accessibility Code by Illinois Professional Engineer Keith E. Brandau dated January 15, 2015
 - E Kickapoo Trail Construction Plans Sheets 45 to 105, received April 8, 2016, *included separately*
 - F Kickapoo Trail Construction Cross Section Drawings Sheets 157 to 262, received April 11, 2016, *included separately*
 - G Kickapoo Trail Construction Cross Section Drawings Sheets indicating slopes and culvert crossings, *included separately*

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- H KRT Stormwater Pollution Prevention Plan – Urbana to St. Joseph section received April 11, 2016
- I KRT Salt Fork River Crossing Concept received March 31, 2016
- J Email from Jonathan Hasselbring received April 11, 2016 regarding lighting
- K Email from Jonathan Hasselbring received April 15, 2016 regarding IDNR permitting
- L Email from Jonathan Hasselbring received April 15, 2016 regarding construction materials stockpiles
- M Email from Jonathan Hasselbring received April 15, 2016 with attachment:
 - KRT Bridge Abutment Details page 154
- N KRT site images received March 31, 2016
- O Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated April 21, 2016

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **828-S-16** held on **April 28, 2016** the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because: _____

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

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

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

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

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

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

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

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

- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.

4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
 - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.

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

6. Regarding the variance:

- a. 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: _____
- b. 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: _____
- c. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: _____
- d. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because: _____
- e. 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: _____
- f. 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 TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}*

For the Special Use Permit:

A. **The Petitioners must apply for a Floodplain Development Permit in conjunction with the standard Zoning Use Permit Application.**

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

That the proposed use complies with the Champaign County Special Flood Areas Ordinance.

B. **The Petitioners must comply with the Champaign County Storm Water Management and Erosion Control Ordinance.**

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

That the proposed use provides for adequate drainage of the development site before, during, and after construction.

For the Variance:

A. **All fences constructed on the subject properties will comply with the visibility requirements established in Section 4.3.3 F. of the Zoning Ordinance.**

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

That the proposed use complies with the Zoning Ordinance.

FINAL DETERMINATION FOR CASE 828-S-16

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 **828-S-16** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant **Jonathan Hasselbring, Planning Director for the Champaign County Forest Preserve District**, to authorize the following as a Special Use on land in the AG-1 and AG-2 Agriculture Zoning Districts, subject to the variance detailed in the Final Determination for Case 834-V-16:

Authorize those portions of the Kickapoo Rail Trail that are proposed in the unincorporated area only, and that shall connect to those portions of the Kickapoo Rail Trail that are proposed to be located inside the Village of St. Joseph and the City of Urbana, as a Special Use as a “public park or recreational facility” in the AG-1 and AG-2 Agriculture Zoning Districts

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. **The Petitioners must apply for a Floodplain Development Permit in conjunction with the standard Zoning Use Permit Application.**

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

That the proposed use complies with the Champaign County Special Flood Areas Ordinance.

- B. **The Petitioners must comply with the Champaign County Storm Water Management and Erosion Control Ordinance.**

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

That the proposed use provides for adequate drainage of the development site before, during, and after construction.

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

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FINAL DETERMINATION FOR CASE 834-V-16

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 Variance requested in Case **834-V-16** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant **Jonathan Hasselbring, Planning Director for the Champaign County Forest Preserve District**, to authorize the following Special Use on land in the AG-1 and AG-2 Agriculture Zoning Districts:

Authorize those portions of the Kickapoo Rail Trail that are proposed in the unincorporated area only, and that shall connect to those portions of the Kickapoo Rail Trail that are proposed to be located inside the Village of St. Joseph and the City of Urbana, as a Special Use as a “public park or recreational facility” in the AG-1 and AG-2 Agriculture Zoning Districts,

SUBJECT TO THE FOLLOWING VARIANCE:**Special Use Part A Subject Property:**

A 13.2 acre tract in the AG-1 District in the North Half of the North Half of Section 15 and the South Half of the South Half of Section 10, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part A:

Part A1: ~~A variance from Section 5.3 of the Zoning Ordinance for a setback of 66 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;~~ PART A1 UNNECESSARY

Part A2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 33 feet in lieu of the minimum required 35 feet in the AG-1 Agriculture District; and

Part A3: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Special Use Part B Subject Property:

An 11.6 acre tract in the AG-1 District in the North Half of the North Half of Section 16 and the South Half of the South Half of Section 9, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part B:

Part B1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 61 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;

Part B2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 25 feet in lieu of the minimum required 35 feet in the AG-1 Agriculture District;

~~Part B3: A variance from Section 5.3 of the Zoning Ordinance for a rear yard of 20 feet in lieu of the minimum required 25 feet in the AG-1 Agriculture District;~~
PART B3 UNNECESSARY

Part B4: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Special Use Part C Subject Property:

A 9.2 acre tract in the AG-1 District in the North Half of the North Half of Section 17 and the South Half of the South Half of Section 8, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part C:

Part C1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 53 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;

Part C2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 27 feet in lieu of the minimum required 35 feet in the AG-1 Agriculture District; and

Part C3: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Special Use Part D Subject Property:

A 12.4 acre tract in the AG-1 District in the North Half of the North Half of Section 18 and the South Half of the South Half of Section 7, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part D:

Part D1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 58 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;

Part D2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 21 feet in lieu of the minimum required 35 feet in the AG-1 Agriculture District;

Part D3: A variance from Section 5.3 of the Zoning Ordinance for a rear yard of 22 feet in lieu of the minimum required 25 feet in the AG-1 Agriculture District; and

Part D4: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Special Use Part E Subject Property:

A 12.1 acre tract in the AG-2 District in the North Half of the North Half of Section 13 and the South Half of the South Half of Section 12, Township 19N Range 9E of the Third

Principal Meridian in Urbana Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part E:

Part E1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 65 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-2 District;

Part E2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 30 feet in lieu of the minimum required 35 feet in the AG-2 Agriculture District; and

Part E3: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Special Use Part F Subject Property:

A 12.1 acre tract in the AG-2 District in the North Half of the North Half of Section 14 and the South Half of the South Half of Section 11, Township 19N Range 9E of the Third Principal Meridian in Urbana Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part F:

Part F1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 65 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-2 District;

Part F2: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 22 feet in lieu of the minimum required 35 feet in the AG-2 Agriculture District; and

Part F3: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. All fences constructed on the subject properties will comply with the visibility requirements established in Section 4.3.3 F. of the Zoning Ordinance.**

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

That the proposed use complies with the Zoning Ordinance.

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