

## **CASE NO. 845-AM-16 and 846-S-16**

PRELIMINARY MEMORANDUM

SEPTEMBER 8, 2016

**Petitioners:** Kevin Modglin, Jeff Swan, and Jeff Dazey, d.b.a. Advantage Trucking, LLC

### **Case 845-AM-16**

**Request:** Amend the Zoning Map to change the zoning district designation from the R-4 Multiple Family Residence Zoning District to the B-4 General Business Zoning District in order to establish and operate the proposed Special Use in related Zoning Case 846-S-16.

### **Case 846-S-16**

**Request:** Part A: Authorize multiple principal uses and buildings on the same lot consisting of a Truck Terminal, Contractor's Facility with Outdoor Storage and/or Operations, and 144 Self-Storage Warehouse Units without heat and utilities to individual units, as a Special Use on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current R-4 Multiple Family Residence Zoning District in related zoning case 845-AM-16 on the subject property described below.

Part B: Authorize the following waiver to the standard conditions of the "Truck Terminal" special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 55 feet in lieu of the minimum required 200 feet between any Truck Terminal and any adjacent residential district or residential use on the subject property described below.

Part C: Authorize the following waiver to the standard conditions of the "Truck Terminal" special use as per Section 6.1.3 of the Zoning Ordinance: No wire mesh fence surrounding the Truck Terminal in lieu of the minimum required 6 feet tall wire mesh fence on the subject property described below.

**Location:** A 7.97-acre tract in Rantoul Township that is part of the Southwest Quarter of the Southwest Quarter of Section 15 and a part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 21 North, Range 9 East of the Third Principal Meridian in Rantoul Township and formerly known as the Cherry Orchard Apartments property with an address of 1512 CR2700N, Rantoul.

**Site Area:** 7.97 acres

**Time Schedule for Development:** 1-2 years

**Prepared by:** Susan Chavarria, Senior Planner

John Hall, Zoning Administrator

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## **BACKGROUND**

The petitioners purchased the former Cherry Orchard Apartment Complex property in 2016. The Cherry Orchard Apartments property was rezoned from AG-1 Agriculture to R-4 Multi Family Residential by the County Board in Zoning Case 467-AM-83, which was approved on May 17, 1983. The apartments eventually fell into a state of disrepair, and in April 2009, the Planning and Zoning Department began receiving complaints about the living conditions at Cherry Orchard. The complaints were that there was no power, no heat, and at times no water. In December 2010, the Champaign County State's Attorney

filed suit against the owners of Cherry Orchard on behalf of the Champaign County Health Department for a non-working septic system; the owners agreed to vacate 5 of their 8 buildings. In January 2011, 2 of the 5 buildings were still occupied. In April 2011, a Champaign County Judge closed the apartment complex. In March 2011, the Champaign County State's Attorney's Office filed a complaint in Champaign County Circuit Court related to the dangerous structures on the property. After several changes in ownership, the enforcement case was finally resolved in July 2016, when Advantage Trucking purchased the property and demolished all structures.

The petitioners would like to establish a business which would include a Truck Terminal, Contractor's Facility with Outdoor Storage and/or Operations, and 144 Self-Storage Warehouse Units without heat and utilities to individual units. None of these uses are allowed in the R-4 Zoning District. All of these uses are allowed by-right in the B-4 Zoning District, subject to conditions in Section 6 of the Zoning Ordinance.

The petitioners require a Zoning Map Amendment (Case 845-AM-16) to change the zoning from R-4 to B-4 and a Special Use Permit (Case 846-S-16) for having multiple uses and/or buildings on a lot in the proposed B-4 District (Part A). They also require two waivers of standard conditions for a separation distance from the nearest residential use (Part B); and for having no fence surrounding the Truck Terminal (Part C).

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning Summary**

Direction	Land Use	Zoning
Onsite	vacant	R-4 Multiple Family Residential (Proposed rezoning to B-4)
North	Agriculture	AG-1 Agriculture
East	Vacant and Residential	R-4 Multiple Family Residential and AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Commercial and Agriculture	B-4 General Business and R-5 Mobile Home Park

## EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Rantoul, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.

The subject property is located within Rantoul Township, which has a Plan Commission. Townships with Plan Commissions have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Rantoul Township Plan Commission. No comments have been received.

## NEIGHBOR CONCERNS

On August 26, 2016, staff received a phone call from a resident who was concerned about the potential noise the proposed facility might create. The resident also stated that mud was being tracked out onto CR2700N and US Route 45 North from the subject property.

## **PARKING FOR THE PROPOSED SPECIAL USE**

Other than 3 handicap accessible spaces, no parking was indicated on the Revised Site Plan received August 26, 2016.

The Truck Terminal's shop space would be used only by the stakeholders in the company and employees; no clients are expected to visit the site. Parking requirements based on square footage of the Truck Terminal's shop space calculate to a minimum required 91 parking spaces, which seems excessive given the number of vehicles expected at the property.

Self-storage warehouses require 1 space per 3 storage units and must provide handicap accessible spaces. The proposed self-storage facility has 144 units, which would thus require at least 48 parking spaces. These parking spaces can be added as the warehouse area develops, which is expected to occur in stages.

The proposed building footprint (shop space and self-storage buildings) totals approximately 35,480 square feet. Paragraph 7.4.2 C.5. requires two loading berths of minimum 12 feet by 70 feet dimensions for commercial and industrial establishments of 25,000 to 39,999 square feet of floor area.

Commercial establishments within 100 feet from the building restriction line of a lot containing a dwelling require parking screens as per Section 7.4.1 C.4, depending on the number and weight of vehicles expected at the establishment. Either a Type A or Type D screen will be required because there is a dwelling restriction line adjacent to the east side of the subject property. Item 6.F.(5) on page 11 of the Preliminary Draft Summary of Evidence provides more details on this requirement.

The final Site Plan will need to reflect the number of spaces and the type of parking lot screening the ZBA finds necessary.

## **DECISION POINTS**

### *Case 845-AM-16*

Regarding LRMP Goal 4 Agriculture: While staff does not recommend any negative findings under this Goal, the ZBA is being asked to consider whether this Goal is achieved because the property is Best Prime Farmland with an LE of 100, but also has not been in agricultural production for over 50 years.

### *Case 846-S-16*

The petitioners stated in a letter received June 14, 2016, that they do not intend to immediately install a fence surrounding the property. A 6 feet tall wire mesh fence is a minimum requirement for both the Truck Terminal and for outdoor storage and operations. Staff included the proposed waiver regarding the fence as a consideration to the petitioner's statement, but also added a Special Condition E that a fence will need to be installed around the outdoor operations area for the Truck Terminal. Staff requests that ZBA make a determination about the fencing requirement for this case.

## **PROPOSED SPECIAL CONDITIONS**

The following special condition is proposed for the Map Amendment:

- A. LRMP Policy 4.2.3 requires discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following condition is intended to provide for that:

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

The above special condition is necessary to ensure the following:

**Conformance with Land Resource Management Plan Policy 4.2.3.**

The following special conditions are proposed for the Special Use:

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 845-AM-16 by the County Board.**

The above special condition is required to ensure the following:

**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**

- B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Truck Terminal, Contractor's Facility with Outdoor Storage and/or Operations, and 144 Self-Storage Warehouse Units without heat and utilities to individual units, until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- C. Certification from the County Health Department that the septic system on the subject property has sufficient capacity for the proposed uses is a requirement for approval of the Zoning Use Permit.**

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

**That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.**

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

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

**That the proposed uses are in compliance with the Zoning Ordinance.**

- E. The Zoning Administrator shall not authorize a Zoning Compliance Certificate for the proposed development until the petitioner has demonstrated that a 6 feet tall wire mesh fence has been installed around the outdoor storage and operations area for the Truck Terminal.**

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

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



- F. The petitioners must plant evergreen screening along the east lot line to screen the proposed uses from adjacent residential properties, as indicated on the approved Site Plan. As per standard Department practice, a Norway Spruce vegetative screen must be four to six feet high at the time of planting and will be planted in staggered rows and must be planted within one year of the approval of Zoning Case 845-AM-16.**

The above special condition is required to ensure the following:

**To promote public health, safety, and general welfare that is a purpose of the Zoning Ordinance.**

- G. Two loading berths meeting Zoning Ordinance requirements will be constructed on the property prior to the Zoning Administrator authorizing a Zoning Compliance Certificate.**

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

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

- H. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the 2006 or later edition of the International Building Code; (B) the 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.**

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

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

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

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

**That the drainage improvements conform to the requirements of the Stormwater Management and Erosion Control Ordinance.**

- J. The Special Use is subject to the approval of Case 845-AM-16.**

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

**That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.**

- K. Outdoor operations may involve nothing louder than loading and unloading earth, sand, rock, and gravel, and any noise must comply with the Champaign County Nuisance Ordinance.**

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

**That operations promote the public health, safety, and general welfare.**

- L. Fugitive dust from the subject property is prohibited during loading and unloading, and also while earth is being stored.**

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

**That operations promote the public health, safety, and general welfare.**

- M. No business operations in the self-storage area can include anything other than simple storage.**

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

**That no additional uses are established on the subject property.**

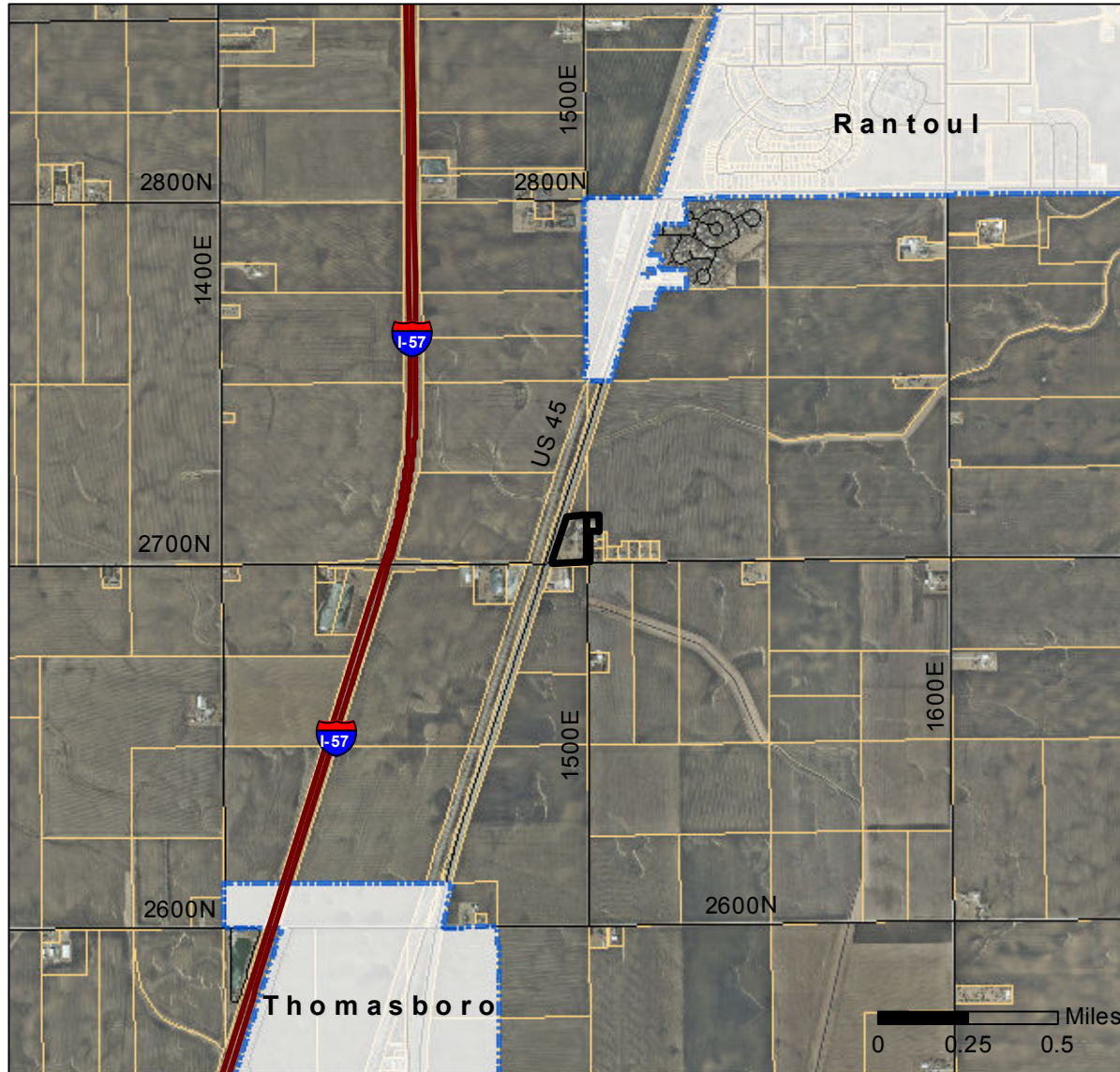
## ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site layout plan dated May 26, 2016 and received June 14, 2016
- C Email from Kevin Modglin received August 26, 2016, with attachment:
  - Revised site plan received August 26, 2016
- D Plat of Survey by Theodore P. Hartke, dated April 22, 2016 and received June 14, 2016
- E Letter received June 14, 2016, as an attachment to the Rezoning/Special Use applications
- F LRMP Land Use Goals, Objectives, and Policies
- G LRMP Appendix of Defined Terms
- H Copy of Right to Farm Resolution 3425
- I Natural Resources Report from Champaign County Soil and Water Conservation District dated June 8, 2016 and received June 10, 2016
- J LESA Site Assessment worksheet completed by staff on August 23, 2016
- K Email from Kevin Modglin received August 24, 2016
- L Email from Kevin Modglin received August 31, 2016
- M Site Images packet
- N Summary of Evidence, Finding of Fact, and Final Determination for Case 845-AM-16
- O Summary of Evidence, Finding of Fact, and Final Determination for Case 846-S-16

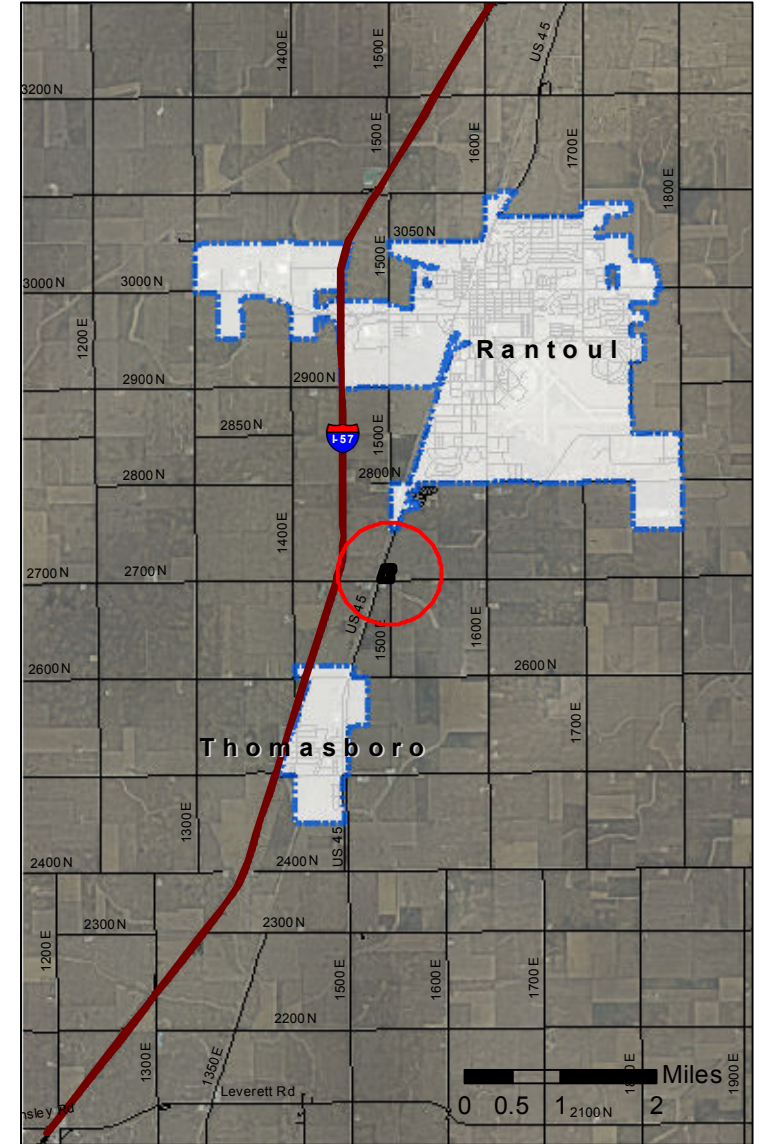
# Location Map

Cases 845-AM-16 and 846-S-16  
September 15, 2016

Subject Property



Property location in Champaign County



## Legend

- Subject Property
- Corporate Limits
- Parcels
- Streets



Champaign County  
Department of  
**PLANNING &  
ZONING**





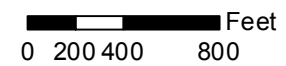
# Land Use Map

Cases 845-AM-16 and 846-S-16  
September 15, 2016



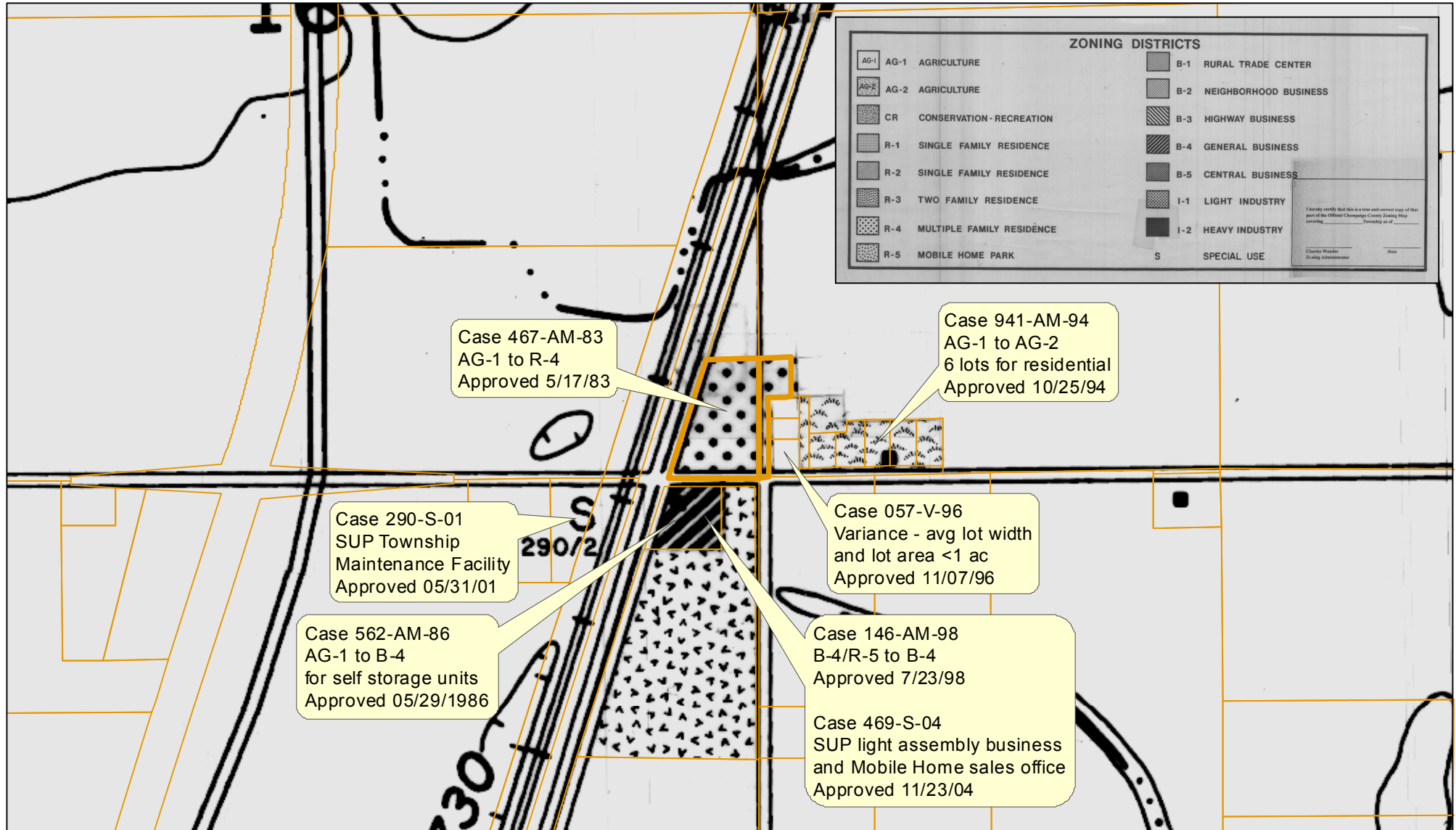
## Legend

-  Subject Property
-  Parcels



# Zoning Map

Cases 845-AM-16 and 846-S-16  
September 15, 2016



## Legend

- Subject Property
- Parcels

0 200 400 800 Feet



Champaign County  
Department of  
PLANNING &  
ZONING

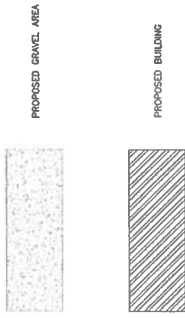
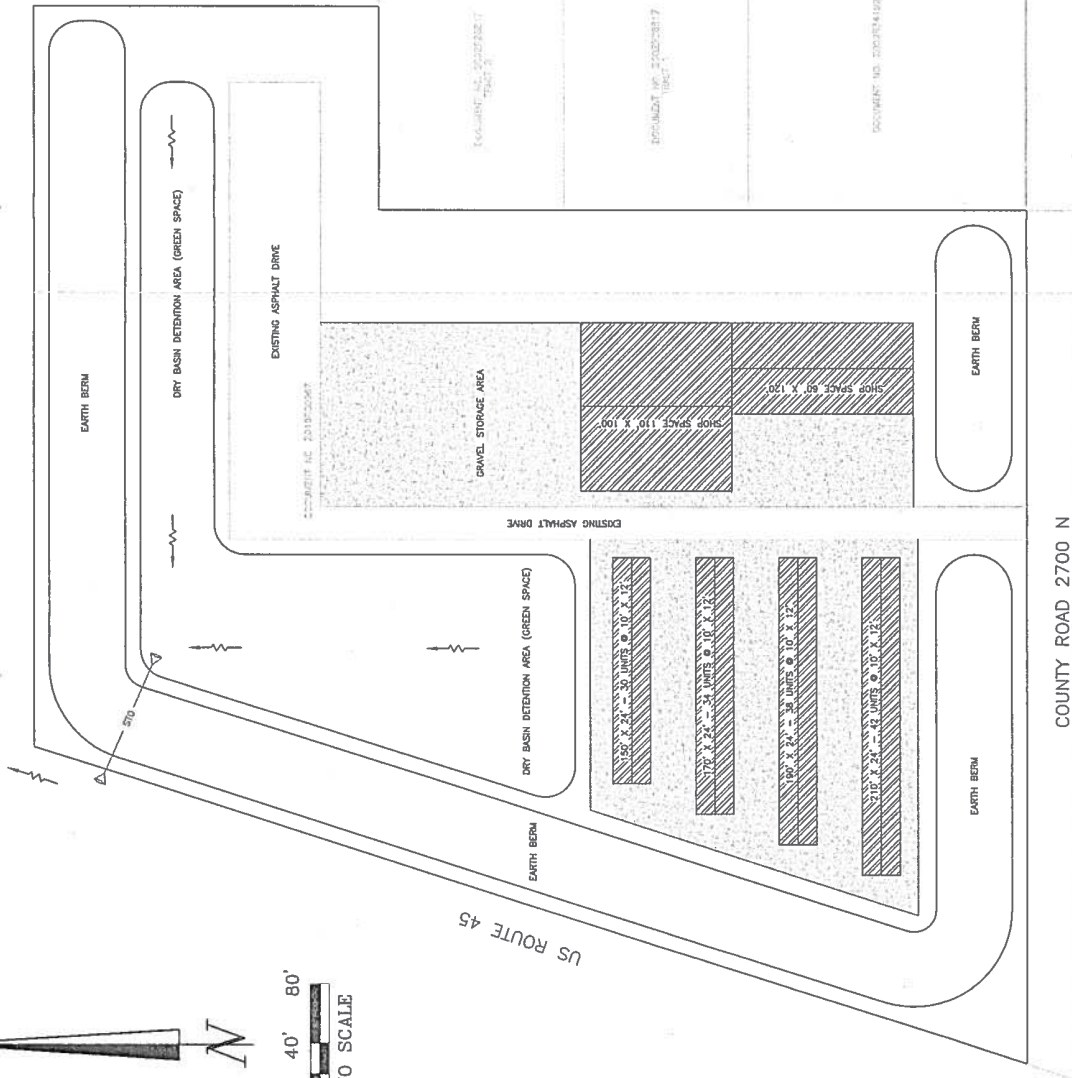
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*SITE LAY-OUT PLAN  
ADVANTAGE TRUCKING &  
SELF STORAGE  
1512 COUNTY ROAD 2700 N  
RANTOUL, IL 61866*



0' 40' 80'  
NO SCALE



**RECEIVED**

JUN 14 2016

**CHAMPAIGN CO. P & Z DEPARTMENT**

ADVANTAGE TRUCKING, LLC  
05/26/2016

**Susan Chavarria**

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**From:** Kevin <kevin@midilconcrete.com>  
**Sent:** Friday, August 26, 2016 1:35 PM  
**To:** Susan Chavarria  
**Subject:** RE: Zoning Case for Advantage Trucking LLC  
**Attachments:** S\_\_ACAD\_Cherry Orchard\_Cherry Orchard Site Lay-out PZB 8-26-16.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please find a revised site plan attached.

Equipment stored inside would be our trucks. We currently have 3 Tandems and 1 Semi. Equipment stored outside would consist of 3 semi dump trailers, a bulldozer, a farm tractor with disc and a front end loader.

Please let me know if you need additional information.

Thank you,

Kevin Modglin, P.E.  
President



[www.midilconcrete.com](http://www.midilconcrete.com)

PO Box 926

Champaign, IL 61824

Phone: 217.366.3444

Fax: 217.965.1601

**From:** Susan Chavarria [<mailto:schavarr@co.champaign.il.us>]  
**Sent:** Friday, August 26, 2016 1:30 PM  
**To:** 'Kevin' <kevin@midilconcrete.com>  
**Subject:** RE: Zoning Case for Advantage Trucking LLC

Hi Kevin,

Could you please send me a list of what equipment you plan to have on site, and whether each item would be indoors or outdoors?

Thanks,  
Susan

**Susan Chavarria, AICP, PCED**  
Senior Planner  
Champaign County Planning and Zoning  
1776 East Washington Street  
Urbana, IL 61802  
217-819-4086  
[www.co.champaign.il.us](http://www.co.champaign.il.us)

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AUG 26 2016

CHAMPAIGN CO. P & Z DEPARTMENT

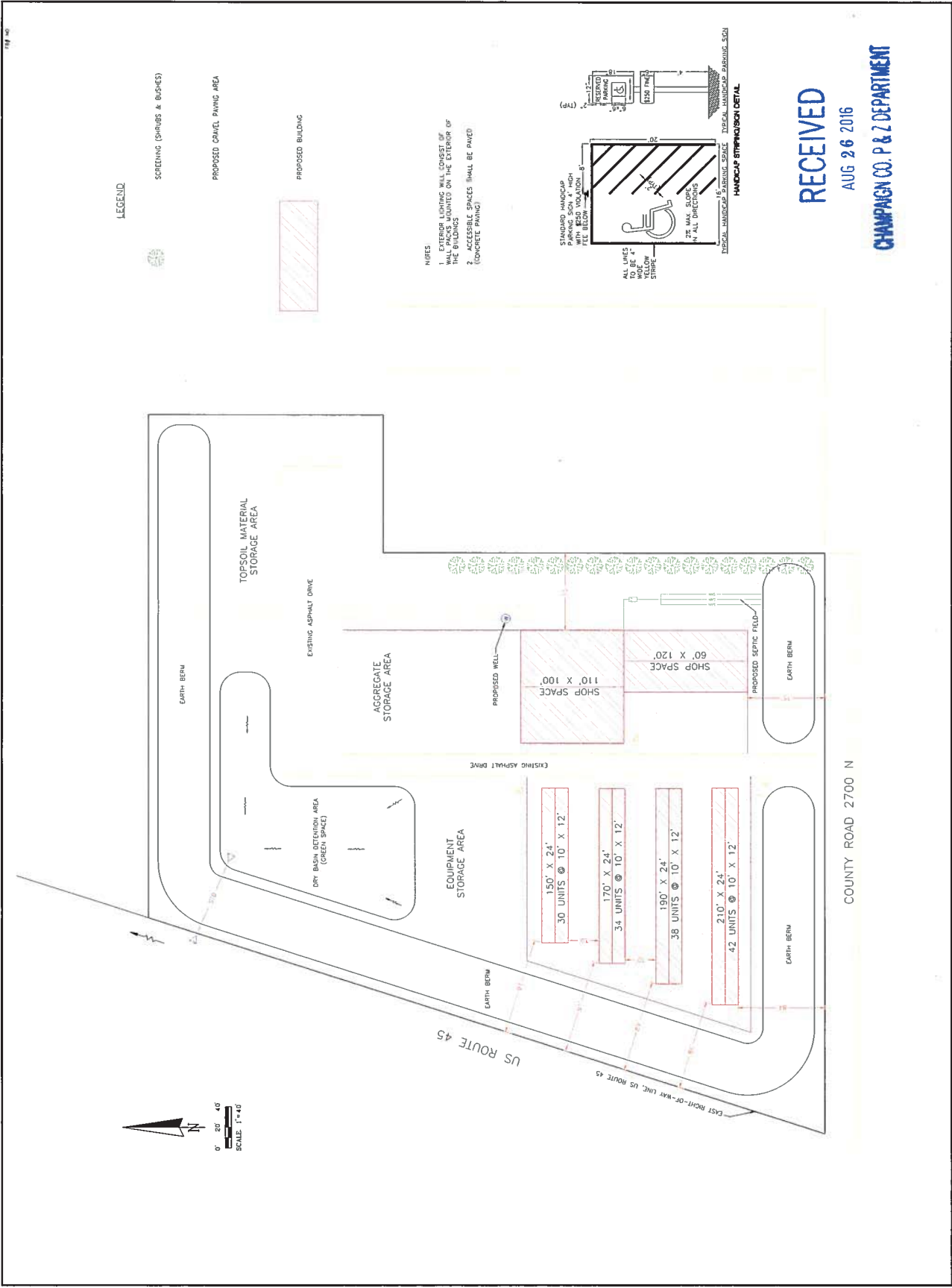




**SITE LAY-OUT PLAN  
ADVANTAGE TRUCKING + SELF STORAGE  
1512 COUNTY ROAD 2700 N  
RANTOUL, IL 61866**

NO.	DATE	BY	REVISIONS

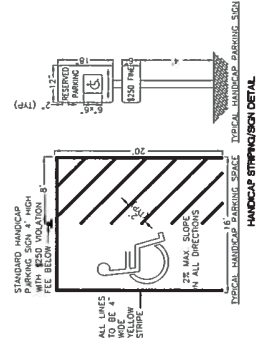
SHEET 1 OF 1



**LEGEND**

- SCREENING (SHRUBS & BUSHES)
- PROPOSED PAVING AREA
- PROPOSED BUILDING

- NOTES:**
1. EXTERIOR LIGHTING WILL BE MOUNTED ON THE EXTERIOR OF THE BUILDING.
  2. ACCESSIBLE SPACES SHALL BE PAVED (CONCRETE PAVING)



**RECEIVED**

AUG 26 2016

**CHAMPAIGN CO. P & Z DEPARTMENT**



COUNTY ROAD 2700 N

US ROUTE 45

EAST RIGHT-OF-WAY LINE, US ROUTE 45

# PLAT OF SURVEY

PART OF THE  
SOUTHWEST 1/4 OF SECTION 15  
AND PART OF THE  
SOUTHEAST 1/4 OF SECTION 16  
TOWNSHIP 21 NORTH, RANGE 9 EAST OF THE 3RD P.M.  
CHAMPAIGN COUNTY, ILLINOIS

## LEGAL DESCRIPTION

Part of the Southwest 1/4 of the Southwest 1/4 of Section 15, and part of the Southeast 1/4 of the Southeast 1/4 of Section 16, all in Township 21 North, Range 9 East of the Third Principle Meridian, in Champaign County, Illinois described as follows:

Beginning at the Southeast Corner of Section 16, Township 21 North, Range 9 East of the Third Principle Meridian, Running thence West 519.9 feet on the South line of said Section 16; thence Northeast 716.75 feet along the East line of the Right-Of-Way of S.B.I. Route 25 (US Rte 45); thence 71 Degrees 06 minutes 33 Seconds to the Right 488.8 feet, thence South 227.3 feet parallel with the East line of said Section 16; thence West 134 feet parallel with the South line of Section 15 in said Township and Range; thence South 461.3 feet parallel with the East line of Section 16 to the South line; thence West 55 feet on the South line of Section 15 to the Point Of Beginning, situated in Champaign County, Illinois.

## NOTES

1. Client Name: Advantage Trucking LLC
2. Field Work Completion Date: 04/12/16
3. Utilities and other improvements exist in addition to the items shown on this survey.
4. Basis of Bearings: Illinois State Plane Coordinate System, East Zone NAD 1983
5. During this survey, the Iron Rod @ the SW Cor Section 15 was found bent. Survey crew straightened the top of the monument, and it is now 6 inches below road surface. A new monument record will be filed.

S 1/4 Cor. Sec. 15-21-9;  
Iron Rod with Cap Found at Corner Per Monument Record Ties filed as Doc. No. 82R15802 in Champaign County Recorder's Office (Monument Record calls for Stone)

This professional service conforms to the current Illinois minimum standards for a boundary survey. Dimensions are shown in feet, tenths, and hundredths. Signed and dated in Ogden, Illinois, this 22nd day of April, 2016.

*Theodore P. Hartke*  
Theodore P. Hartke  
Illinois Professional Land Surveyor No. 3554

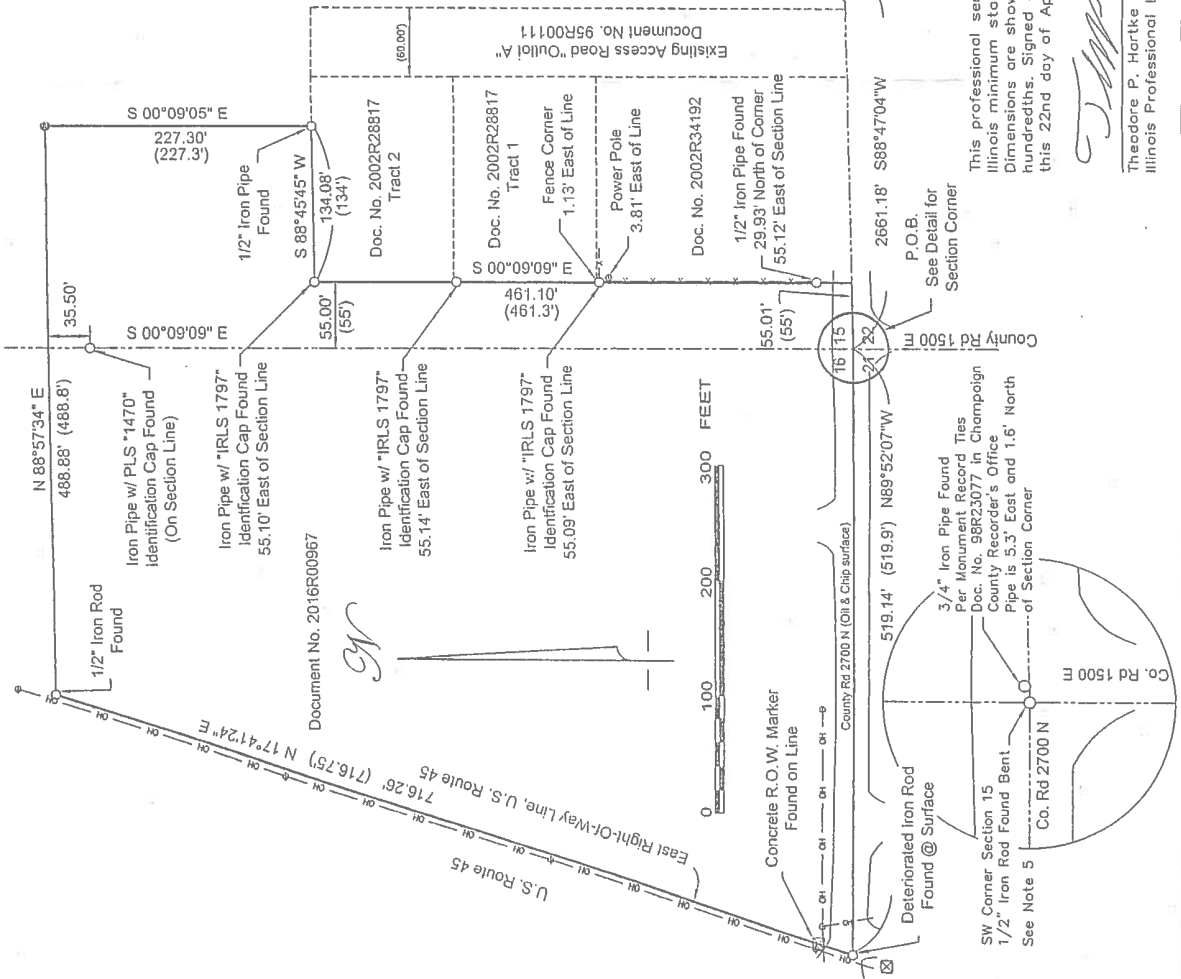


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JUN 14 2016

CHAMPAIGN CO. P & Z DEPARTMENT

PROJECT NO. 1602006  
SHEET NO. 1  
HARTKE  
1118 LEASAY | P.O. BOX 129 | OGDEN, ILLINOIS 62450  
363 BROADWAY 4TH FLOOR NEW YORK, NY 10013  
REGISTERED PROFESSIONAL LAND SURVEYOR AND NOTARY PUBLIC  
ILLINOIS LICENSE NO. 3554 EXPIRES 12/31/17  
RECEIVED BY: [Signature] DATE: [Blank]



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JUN 14 2016

**CHAMPAIGN CO. P & Z DEPARTMENT**

**Advantage Trucking, LLC**

**PO Box 944**

**Champaign, IL 61824**

**(217) 377-7525**

June 3, 2016

Champaign County  
Department of Planning & Zoning  
Brookens Administrative Center  
1776 E Washington Street  
Urbana, IL 61802

RE: Re-Zoning of Cherry Orchard Apartment Complex  
1512 County Road 2700 N, Rantoul, IL 61866

Dear Members of the Zoning Board of Appeals:

Advantage Trucking, LLC is requesting that the members of the Zoning Board of Appeals consider approving a change in the Zoning of the property formerly known as Cherry Orchard Apartment Complex, located on the South side of Rantoul, as well as approve a Special Use Permit for the property. The property is currently Zoned R-4 (Multiple Family Residence Zoning District). Advantage Trucking, LLC is requesting a zoning change to B-4 (General Business Zoning District). We are also requesting the ZBA approve a Special Use Permit for the property since our desired use of the property includes two separate business types.

Advantage Trucking, LLC desires to use the property for a truck terminal and also for self-storage units per the attached site lay-out plan. Our development intentions are very preliminary at this stage. It was our intention upon purchase of this property to remove the blighted buildings and seek a change in the zoning for our desired use. The cost to remove the blighted buildings required a large cash outlay up front from our company and we will need twelve to twenty-four months to build sufficient cash reserves to begin putting together the engineering and architectural plans required for the development of the property. If approved, we intend to develop the property over the course of two to five years.

The truck terminal would be used for the storage, maintenance and repair of Advantage Trucking, LLC's vehicles. We currently have four dump trucks and one semi-tractor with two different trailers. Our trucks haul gravel, sand and dirt locally. They return to our current yard every night. The trucks do not run on Sundays. Major repairs for our trucks and trailers are done at qualified repair facilities, so permanent employees would not be working out of the shop building full time. Our drivers do minor repairs and maintenance when required and during down times, which would be done in the proposed shop area. The southern part of the shop building would be used for storage of personal and recreational vehicles of the shareholders of Advantage Trucking, LLC. The shop building would be heated and have water and electricity. There would be one restroom with a new private septic system for waste disposal.

**Advantage Trucking, LLC**

**PO Box 944**

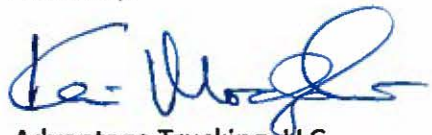
**Champaign, IL 61824**

**(217) 377-7525**

The self-storage units would be constructed with a typical unit size of 10' x 20'. The units would not be heated or air conditioned. Electricity would not be available to the individual units. Lighting would be achieved by wall units mounted to the buildings with a low wattage as not to affect traffic or neighboring properties. We intend to develop and build the storage unit buildings one at a time as the units fill to capacity in each building. At this time, we do not intend to have a perimeter fence around the storage units or the property. Access would be controlled by a gate at the main entrance.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Modglin", written over a light blue horizontal line.

Advantage Trucking, LLC  
Kevin Modglin, Partner





## Goal 1 Planning and Public Involvement

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

### Goal 1 Objectives

#### **Objective 1.1** Guidance on Land Resource Management Decisions

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

#### **Objective 1.2** Updating Officials

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

#### **Objective 1.3** Incremental Updates

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

#### **Objective 1.4** Comprehensive Updates

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

### Goal 1 Objectives and Policies

#### **Objective 1.1** Guidance on Land Resource Management Decisions

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

#### **Objective 1.2** Updating Officials

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

##### **Policy 1.2.1**

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

#### **Objective 1.3** Incremental Updates

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

##### **Policy 1.3.1**

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

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



### **Objective 1.4 Comprehensive Updates**

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

#### **Policy 1.4.1**

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

#### **Policy 1.4.2**

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

## **Goal 2 Governmental Coordination**

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

### **Goal 2 Objectives**

#### **Objective 2.1 Local and Regional Coordination**

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

#### **Objective 2.2 Information Sharing**

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

### **Goal 2 Objectives and Policies**

#### **Objective 2.1 Local and Regional Coordination**

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

#### **Policy 2.1.1**

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

#### **Policy 2.1.2**

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

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



### **Policy 2.1.3**

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

### **Objective 2.2 Information Sharing**

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

## **Goal 3 Prosperity**

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

### **Goal 3 Objectives**

#### **Objective 3.1 Business Climate**

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

#### **Objective 3.2 Efficient County Administration**

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

#### **Objective 3.3 County Economic Development Policy**

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

## **Goal 4 Agriculture**

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

### **Goal 4 Objectives**

#### **Objective 4.1 Agricultural Land Fragmentation and Conservation**

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

#### **Objective 4.2 Development Conflicts with Agricultural Operations**

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

continued

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

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

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

**Objective 4.4 Regulations for Rural Residential Discretionary Review**

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

**Objective 4.5 LESA Site Assessment Review and Updates**

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

**Objective 4.6 Protecting Productive Farmland**

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

**Objective 4.7 Right to Farm Resolution**

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

**Objective 4.8 Locally Grown Foods**

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

**Objective 4.9 Landscape Character**

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

## Goal 4 Objectives and Policies

**Objective 4.1 Agricultural Land Fragmentation and Conservation**

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

**Policy 4.1.1**

Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.

**Policy 4.1.2**

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

**Policy 4.1.3**

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a





reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

**Policy 4.1.4** The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

**Policy 4.1.5**

a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:

- 1 new lot allowed per parcel less than 40 acres in area;
- 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
- 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.

b. The County will not allow further division of parcels that are 5 acres or less in size.

**Policy 4.1.6** Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
- ii. adequacy of infrastructure and public services for the proposed use;
- iii. minimizing conflict with agriculture;
- iv. minimizing the conversion of farmland; and
- v. minimizing the disturbance of natural areas,

then,

a) on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or

b) on *best prime farmland*, the County may authorize non-residential *discretionary development*; or

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

**Policy 4.1.7**

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

**Policy 4.1.8**

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

**Policy 4.1.9**

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.



### **Objective 4.2 Development Conflicts with Agricultural Operations**

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

#### **Policy 4.2.1**

The County may authorize a proposed business or other non-residential *discretionary review* development in a *rural* area if the proposed development supports agriculture or involves a product or service that is provided better in a *rural* area than in an urban area.

#### **Policy 4.2.2**

The County may authorize *discretionary review* development in a *rural* area if the proposed development:

- a. is a type that does not negatively affect agricultural activities; or
- b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
- c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.

#### **Policy 4.2.3**

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

#### **Policy 4.2.4**

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.

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

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

#### **Policy 4.3.1**

On other than *best prime farmland*, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.

#### **Policy 4.3.2**

On *best prime farmland*, the County may authorize a *discretionary review* development provided the site with proposed improvements is *well-suited overall* for the proposed land use.

#### **Policy 4.3.3**

The County may authorize a *discretionary review* development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.

#### **Policy 4.3.4**

The County may authorize a *discretionary review* development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.

**Policy 4.3.5**

On *best prime farmland*, the County will authorize a business or other non-residential use only if:

- a. it also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
- b. the use is otherwise appropriate in a *rural* area and the site is very well suited to it.

**Objective 4.4** Regulations for Rural Residential *Discretionary Review*

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

**Objective 4.5** LESA Site Assessment Review and Updates

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

**Objective 4.6** Protecting Productive Farmland

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

**Policy 4.6.1** The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

**Policy 4.6.2** The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

**Policy 4.6.3** The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

**Objective 4.7** Right to Farm Resolution

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

**Objective 4.8** Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

**Objective 4.9** Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

**Policy 4.9.1**

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.



## Goal 5 Urban Land Use

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

### Goal 5 Objectives

#### **Objective 5.1** Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

#### **Objective 5.2** Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources

#### **Objective 5.3** Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

### Goal 5 Objectives and Policies

#### **Objective 5.1** Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

##### **Policy 5.1.1**

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

##### **Policy 5.1.2**

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

##### **Policy 5.1 3**

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

##### **Policy 5.1.4**

The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
- b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

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

**Policy 5.1 5**

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

**Policy 5.1.6**

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.

**Policy 5.1.7**

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

**Policy 5.1.8**

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

**Policy 5.1.9**

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any *discretionary development* approval from the County that would otherwise be necessary without the annexation agreement.

**Objective 5.2 Natural Resources Stewardship**

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

**Policy 5.2.1**

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

**Policy 5.2 2**

The County will:

- a. ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland.

**Policy 5.2.3**

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and



- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality.

### **Objective 5.3 Adequate Public Infrastructure and Services**

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

#### **Policy 5.3.1**

The County will:

- a. require that proposed new *urban development* in unincorporated areas is sufficiently served by available *public services* and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* is sufficiently served by available *public services* and without undue public expense.

#### **Policy 5.3.2**

The County will:

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

#### **Policy 5.3.3**

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.

## **Goal 6 Public Health and Public Safety**

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

### **Goal 6 Objectives**

#### **Objective 6.1 Protect Public Health and Safety**

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

#### **Objective 6.2 Public Assembly Land Uses**

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

#### **Objective 6.3 Development Standards**

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

#### **Objective 6.4 Countywide Waste Management Plan**

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

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





## Goal 6 Objectives and Policies

### **Objective 6.1** Protect Public Health and Safety

Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.

#### **Policy 6.1.1**

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

#### **Policy 6.1.2**

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

#### **Policy 6.1.3**

The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.

#### **Policy 6.1.4**

The County will seek to abate blight and to prevent and rectify improper dumping.

### **Objective 6.2** Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

**Policy 6.2.1** The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

**Policy 6.2.2** The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

**Policy 6.2.3** The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

### **Objective 6.3** Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

### **Objective 6.4** Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.



## Goal 7 Transportation

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

### Goal 7 Objectives

#### **Objective 7.1** Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

#### **Objective 7.2** Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

### Goal 7 Objectives and Policies

#### **Objective 7.1** Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

##### **Policy 7.1.1**

The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

#### **Objective 7.2** Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

##### **Policy 7.2.1**

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

##### **Policy 7.2.2**

The County will encourage the maintenance and improvement of existing County railroad system lines and services.

##### **Policy 7.2.3**

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

##### **Policy 7.2.4**

The County will seek to implement the County's Greenways and Trails Plan.

##### **Policy 7.2.5**

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

##### **Policy 7.2.6**

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

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





## Goal 8 Natural Resources

Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.

### Goal 8 Objectives

#### **Objective 8.1 Groundwater Quality and Availability**

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

#### **Objective 8.2 Soil**

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

#### **Objective 8.3 Underground Mineral and Energy Resource Extraction**

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

#### **Objective 8.4 Surface Water Protection**

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

#### **Objective 8.5 Aquatic and Riparian Ecosystems**

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

#### **Objective 8.6 Natural Areas and Habitat**

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

#### **Objective 8.7 Parks and Preserves**

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

#### **Objective 8.8 Air Pollutants**

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

#### **Objective 8.9 Natural Resources Assessment System**

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

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



## Goal 8 Objectives and Policies

### Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

#### Policy 8.1.1

The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

#### Policy 8.1.2

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

#### Policy 8.1.3

As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

#### Policy 8.1.4

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

#### Policy 8.1.5

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

#### Policy 8.1.6

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

#### Policy 8.1.7

The County will ensure that existing and new developments do not pollute the groundwater supply.

#### Policy 8.1.8

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

#### Policy 8.1.9

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

### Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

**Policy 8.2.1**

The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*. *Best prime farmland* is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.

**Objective 8.3 Underground Mineral and Energy Resource Extraction**

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

**Policy 8.3.1**

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a) the operation poses no significant adverse impact to existing land uses;
- b) the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c) provisions are made to fully reclaim the site for a beneficial use.

**Objective 8.4 Surface Water Protection**

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

**Policy 8.4.1**

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

**Policy 8.4.2**

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

**Policy 8.4.3**

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

**Policy 8.4.4**

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

**Policy 8.4.5**

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

**Policy 8.4.6**

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.



### **Objective 8.5 Aquatic and Riparian Ecosystems**

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

#### **Policy 8.5.1**

For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.

#### **Policy 8.5.2**

The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

#### **Policy 8.5.3**

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

#### **Policy 8.5.4**

The County will support efforts to control and eliminate invasive species.

#### **Policy 8.5.5**

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

### **Objective 8.6 Natural Areas and Habitat**

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

#### **Policy 8.6.1**

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

#### **Policy 8.6.2**

- a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.
- b. With regard to *by-right development* on *good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

#### **Policy 8.6.3**

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

#### **Policy 8.6.4**

The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

**Policy 8.6.5**

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

**Policy 8.6.6**

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

**Objective 8.7 Parks and Preserves**

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.

**Policy 8.7.1**

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

**Policy 8.7.2**

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

**Policy 8.7.3**

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

**Policy 8.7.4**

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

**Policy 8.7.5**

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

**Policy 8.7.6** The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

**Objective 8.8 Air Pollutants**

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

**Policy 8.8.1** The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

**Policy 8.8.2** In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.



### **Objective 8.9 Natural Resources Assessment System**

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

## **Goal 9 Energy Conservation**

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

### **Goal 9 Objectives**

#### **Objective 9.1 Reduce Greenhouse Gases**

Champaign County will seek to reduce the discharge of greenhouse gases.

#### **Objective 9.2 Energy Efficient Buildings**

Champaign County will encourage energy efficient building design standards.

#### **Objective 9.3 Land Use and Transportation Policies**

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

#### **Objective 9.4 Reuse and Recycling**

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

#### **Objective 9.5 Renewable Energy Sources**

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

### **Goal 9 Objectives and Policies**

#### **Objective 9.1 Reduce Greenhouse Gases**

Champaign County will seek to reduce the discharge of greenhouse gases.

##### **Policy 9.1.1**

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

##### **Policy 9.1.2**

The County will promote energy efficient building design standards.

##### **Policy 9.1.3**

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

#### **Objective 9.2 Energy Efficient Buildings**

Champaign County will encourage energy efficient building design standards.

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

**Policy 9.2.1**

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

**Policy 9.2.2**

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

**Objective 9.3 Land Use and Transportation Policies**

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

**Objective 9.4 Reuse and Recycling**

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

**Objective 9.5 Renewable Energy Sources**

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

**Goal 10 Cultural Amenities**

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

**Goal 10 Objective****Objective 10.1 Cultural Amenities**

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

**Goal 10 Objectives and Policy****Objective 10.1 Cultural Amenities**

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

**Policy 10.1.1**

The County will work to identify historic structures, places and landscapes in the County.

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



## APPENDIX

### DEFINED TERMS

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy.

#### **best prime farmland**

'Best prime farmland' consists of soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

#### **by right development**

'By right development' is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County's Planning and Zoning Department. At the present time, 'by right' development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for 'over-the-counter' at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

#### **contiguous urban growth area**

Unincorporated land within the County that meets one of the following criteria:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
- land surrounded by incorporated land or other urban land within the County.

#### **discretionary development**

A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.

#### **discretionary review**

The County may authorize certain non-agricultural land uses in unincorporated areas of the County provided that a public review process takes place and provided that the County Board or County Zoning Board of Appeals (ZBA) finds that the development meets specified criteria and approves the development request. This is referred to as the 'discretionary review' process.

The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For 'discretionary review' requests, a



**discretionary review** (continued)

public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

**good zoning lot** (commonly referred to as a 'conforming lot')

A lot that meets all County zoning, applicable County or municipal subdivisions standards, and other requirements in effect at the time the lot is created.

**parks and preserves**

Public land established for recreation and preservation of the environment or privately owned land that is participating in a conservation or preservation program

**pre-settlement environment**

When used in reference to outlying Champaign County areas, this phrase refers to the predominant land cover during the early 1800s, when prairie comprised approximately 92.5 percent of land surface; forestland comprised roughly 7 percent; with remaining areas of wetlands and open water. Riparian areas along stream corridors containing 'Forest Soils' and 'Bottomland Soils' are thought to most likely be the areas that were forested during the early 1800s.

**public infrastructure**

'Public infrastructure' when used in the context of rural areas of the County generally refers to drainage systems, bridges or roads.

**public services**

'Public services' typically refers to public services in rural areas of the County, such as police protection services provided the County Sheriff office, fire protection principally provided by fire protection districts, and emergency ambulance service.

**rural**

Rural lands are unincorporated lands that are not expected to be served by any public sanitary sewer system.

**site of historic or archeological significance**

A site designated by the Illinois Historic Preservation Agency (IHPA) and identified through mapping of high probability areas for the occurrence of archeological resources in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/3). The County requires Agency Report from the IHPA be submitted for the County's consideration during discretionary review of rezoning and certain special use requests. The Agency Report addresses whether such a site is present and/or nearby and subject to impacts by a proposed development and whether further consultation is necessary.

**suited overall**

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

**well-suited overall**

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

- the site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

**urban development**

The construction, extension or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system.

**urban land**

Land within the County that meets any of the following criteria:

- within municipal corporate limits; or
- unincorporated land that is designated for future urban land use on an adopted municipal comprehensive plan, adopted intergovernmental plan or special area plan and served by or located within the service area of a public sanitary sewer system.

**urban land use**

Generally, land use that is connected and served by a public sanitary sewer system.

**RESOLUTION NO. 3425**

**A RESOLUTION PERTAINING TO THE  
RIGHT TO FARM IN CHAMPAIGN COUNTY**

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

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

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

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

**1. That the purpose of this resolution is to reduce the loss to the county of its agricultural resources by limiting the circumstances under which farming operations are deemed a nuisance.**

**2. That the term "farm" as used in this resolution means that part of any parcel of land used for the growing and harvesting of crops, for the feeding, breeding, and management of livestock; for dairying or other agricultural or horticultural use or combination thereof.**

**3. That no farm or any of its appurtenances should be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation.**

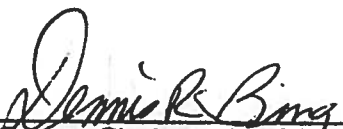
RESOLUTION NO. 3425

Page 2

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

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

  
\_\_\_\_\_  
Chairman, County Board of the  
County of Champaign, Illinois

ATTEST:   
\_\_\_\_\_  
County Clerk and Ex-Officio  
Clerk of the County Board



# Champaign County

Soil and Water Conservation District  
2110 West Park Court Suite C Champaign, IL 61821  
(217) 352-3536 Extension 3 --- fax 855-289-5179  
www.ccsxcd.com

RECEIVED

JUN 10 2016

CHAMPAIGN CO. P & Z DEPARTMENT

## NATURAL RESOURCE REPORT

**Development Name: Advantage Trucking LLC**

**Date Reviewed: June, 3<sup>rd</sup>, 2016**

**Requested By: Kevin Modglin**

**Address:** P.O. Box 944  
Champaign, IL 61824

**Location of Property:** A part of the SE  $\frac{1}{4}$  of sec. 16, A part of the SW  $\frac{1}{4}$  of sec 15  
T.21N., R.9E., 3<sup>rd</sup>. P.M.

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on June 3<sup>rd</sup>, 2016.





# Champaign County

Soil and Water Conservation District  
 2110 West Park Court Suite C Champaign, IL 61821  
 (217) 352-3536 Extension 3 --- fax 855-289-5179  
 www.ccsxcd.com

## SITE SPECIFIC CONCERNS

1. The area that is to be developed has 2 soil types (Drummer Silt Clay Loam 152A, Brenton Silt Loam 149A) that is severe wetness or ponding on dwellings with a basement.

## SOIL RESOURCE

### a) Prime Farmland:

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.

This tract is considered best prime farmland for Champaign County.

This tract has an L.E. Factor of 100; see the attached worksheet for this calculation.

### b) Soil Characteristics:

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

Map Symbol	Name	Slope	Shallow			Septic Fields	Steel Corrosion	Concrete Corrosion
			Excavations	Basements	Roads			
149A	Brenton Silt Loam	0-2%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness	high	moderate
152A	Drummer Silty Clay Loam	0-2%	Severe: ponding	Severe: ponding	Severe: ponding	Severe: ponding	high	moderate

### c) Erosion:

This area will be susceptible to erosion both during and after construction. Any areas left bare for more than 7 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area is under construction at the time of inspection. Old buildings where being used for fire training and cleanup work on the rest of the property was taking place.





# Champaign County

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[www.ccsxcd.com](http://www.ccsxcd.com)

---

## **d) Sedimentation:**

A complete erosion and sedimentation control plan should be developed and implemented on this site prior to and during major construction activity. The complete erosion and sedimentation control plan needs to include matanice items that will need to be carried out by the owners once the contractors are gone. All sediment-laden runoff to be routed through sediment basins and discharged only after the sediment has been removed. Silt fences should be used in flow areas with drainage areas that do not exceeding 0.5 acres. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control. The website is: <http://www.aiswcd.org/IUM/>

## **WATER RESOURCE**

### **a) Surface Drainage:**

The site does not currently have large elevation changes. Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much of possible should be considered.

### **b) Subsurface Drainage:**

This site may contain agricultural tile, if any tile is found care should be taken to maintain the tile in working order.

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



# Champaign County

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 2110 West Park Court Suite C Champaign, IL 61821  
 (217) 352-3536 Extension 3 --- fax 855-289-5179  
[www.ccswd.com](http://www.ccswd.com)

---

## c) Water Quality:

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

### *EPA Stormwater Pollution Prevention Plan Reference Tool:*

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

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

## d) Low impact development:

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



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## CULTURAL, PLANT, AND ANIMAL RESOURCE

### a) Cultural:

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

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

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

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

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

### c) Plant:

For eventual landscaping of the site, the use of native species is recommended whenever possible.

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

Signed by Steve Stierwalt  
Steve Stierwalt  
Board Chairman

Prepared by Jonathon Manuel  
Jonathon Manuel  
Resource Conservationist



# Advantage Trucking LLC

Date: 6/3/2016

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: Sections, 16 & 15, T21N, R9E

Aerial 2015



### Legend

— Roads

### Soils Map

MUSYM

■ 149A

■ 152A

□ Case PLUs



## LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
149A	Brenton	1	100	5.4	540.0
152	Drummer	2	100	2.5	250.0
					0.0
					0.0
					0.0
					0.0
					0.0

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

**Total LE Weighted Factor= 790**

**Acreage= 7.9**

**Land Evaluation Factor For Site= 100**

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

Data Source: Champaign County Digital Soil Survey



# Advantage Trucking LLC

Date: 6/3/2016

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

Legal Description: Sections, 16 & 15, T21N, R9E

Aerial 2015

State and County: IL, Champaign County, Illinois



### Legend

- Roads
- Case PLUs
- 3\_T21N\_R09E\_SEC15
- 3\_T21N\_R09E\_SEC16





# Advantage Trucking LLC

Date: 6/3/2016

Field Office: CHAMPAIGN SERVICE CENTER

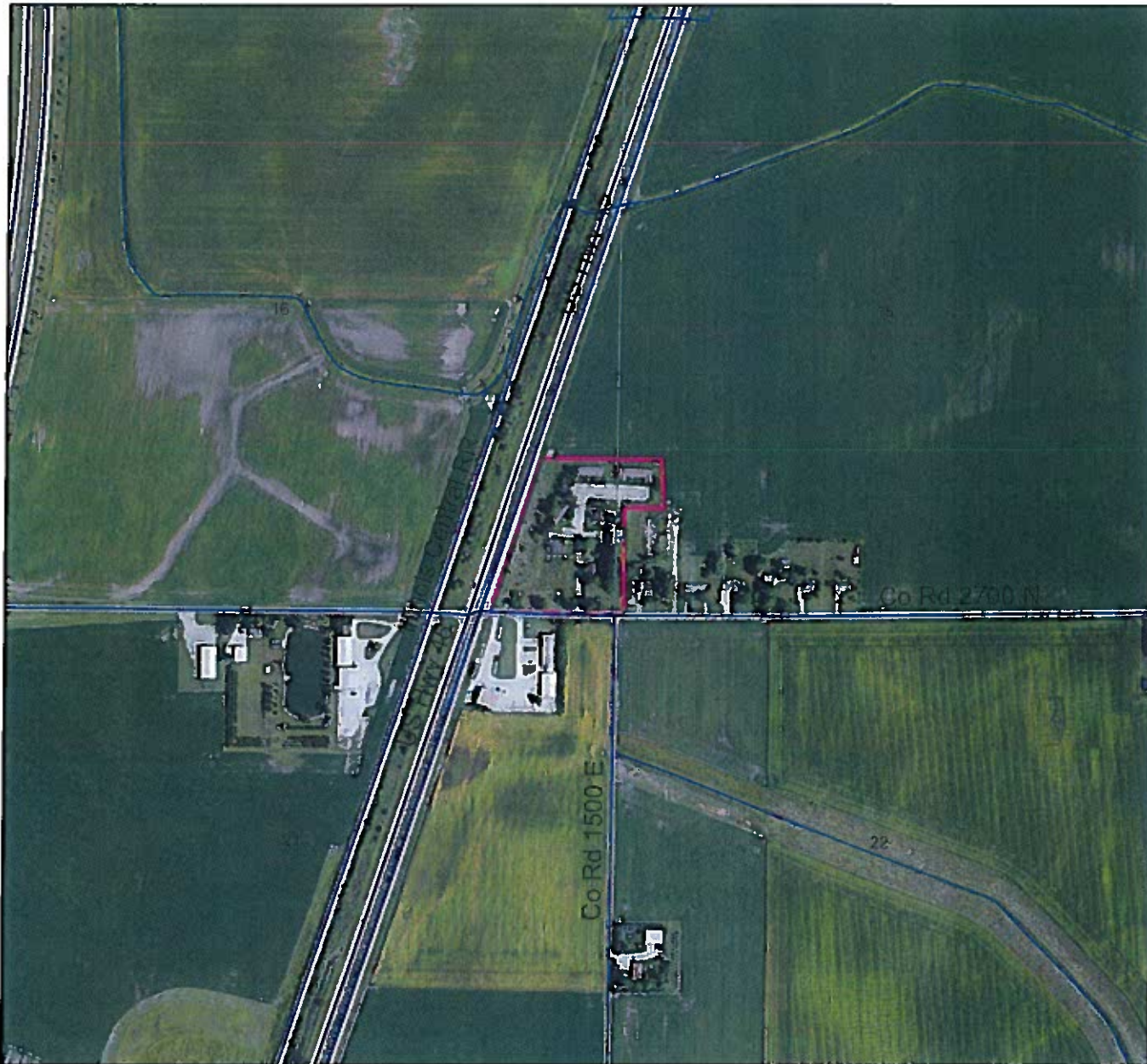
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: Sections, 16 & 15, T21N, R9E

Aerial 2015



### Legend

- Roads
- Case PLUs
- champsections01v1





# Advantage Trucking LLC

Date: 6/3/2016

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

Legal Description: Sections, 16 & 15, T21N, R9E

Aerial 2015

State and County: IL, Champaign County, Illinois



### Legend

- Roads
- Case PLUs





# Advantage Trucking LLC

Date: 6/3/2016

Field Office: CHAMPAIGN SERVICE CENTER

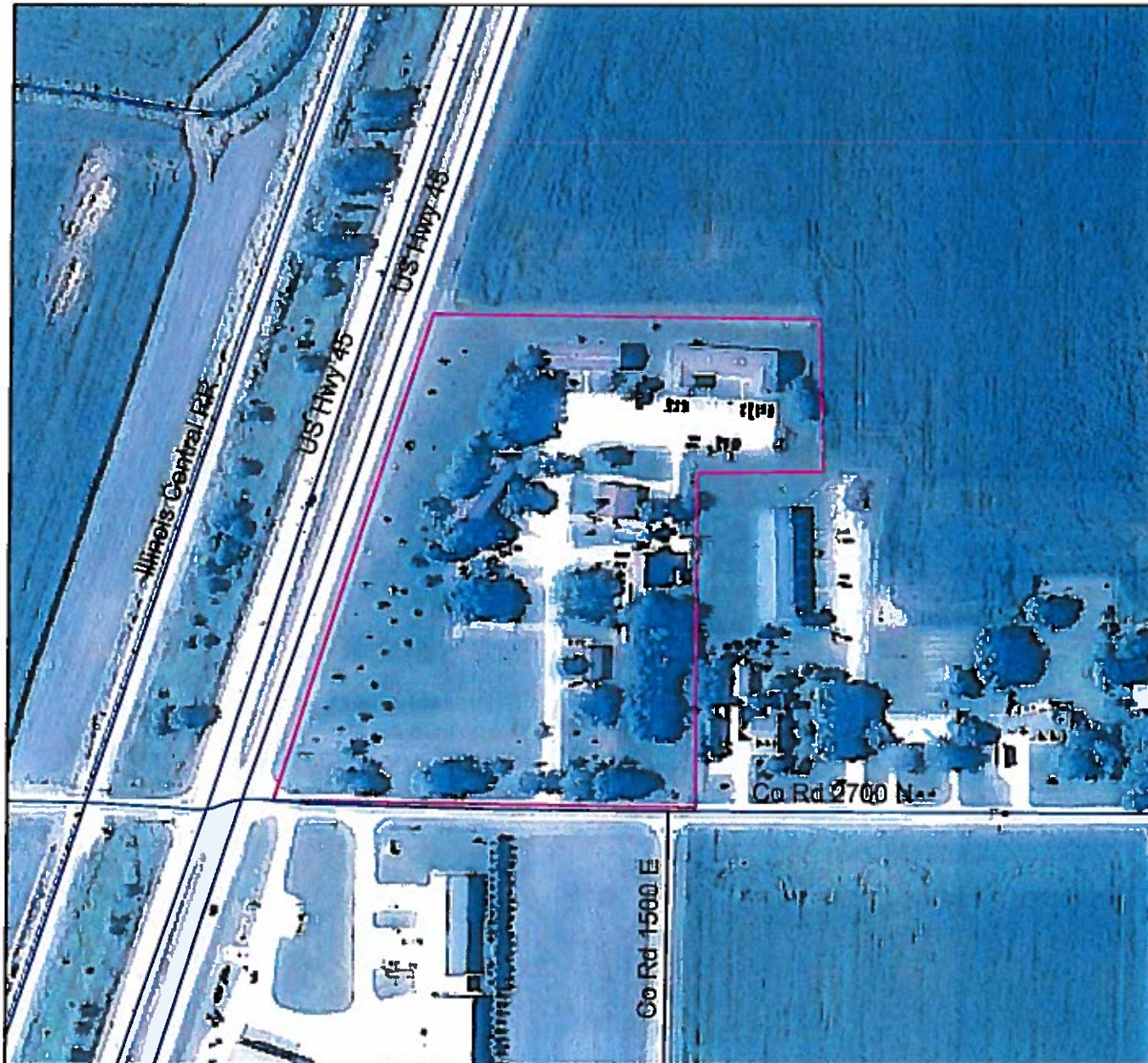
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: Sections, 16 & 15, T21N, R9E

Aerial 2010



### Legend

- Roads
- Case PLUs





# Advantage Trucking LLC

Date: 6/3/2016

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

Legal Description: Sections, 16 & 15, T21N, R9E

Aerial 2006

State and County: IL, Champaign County, Illinois



### Legend

— Roads

□ Case PLUs

naip\_1-1\_2n\_s\_il019\_2006\_1.sid

### RGB

■ Red: Band\_1

■ Green: Band\_2

■ Blue: Band\_3



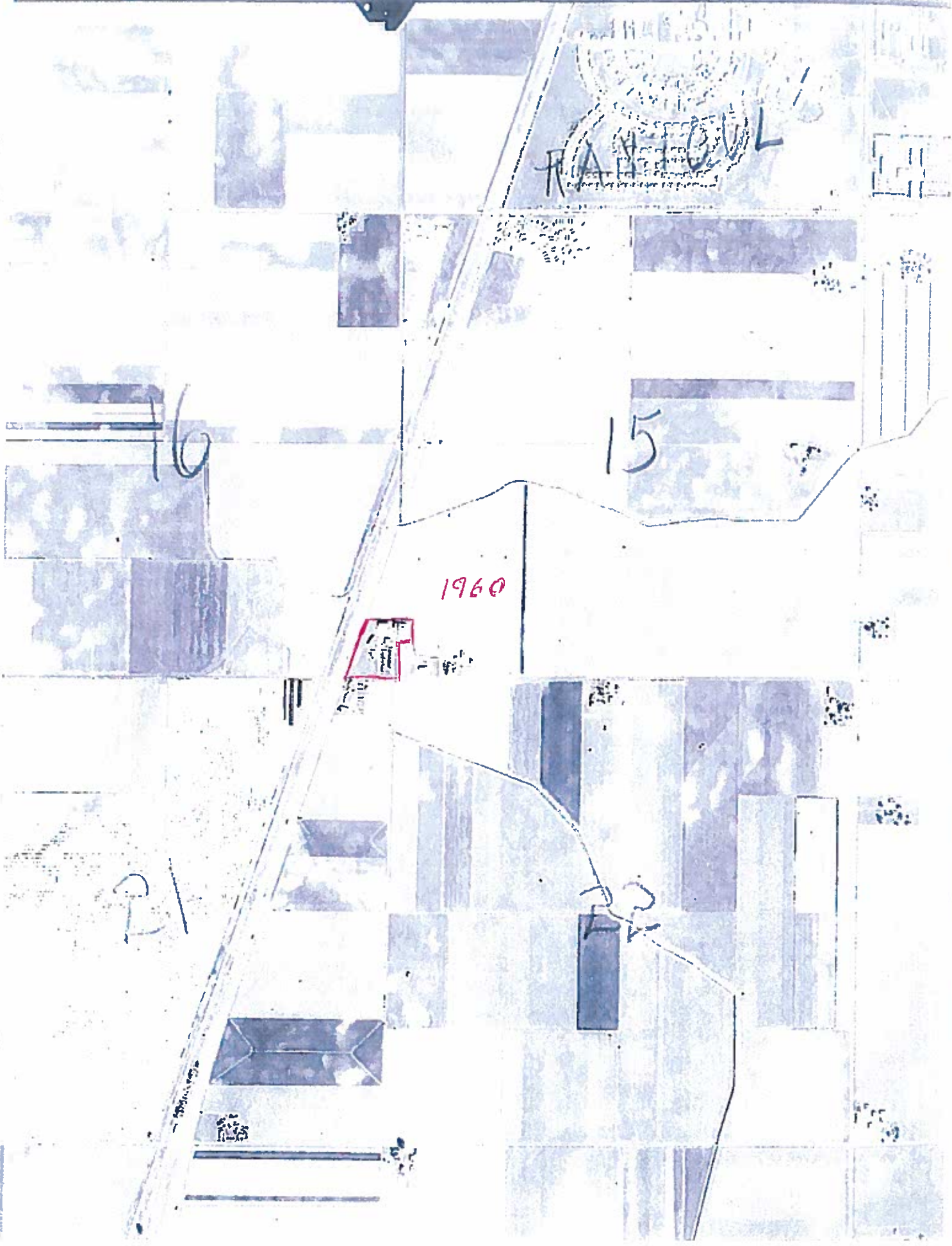


100% in compliance with ZBA 16-10-10

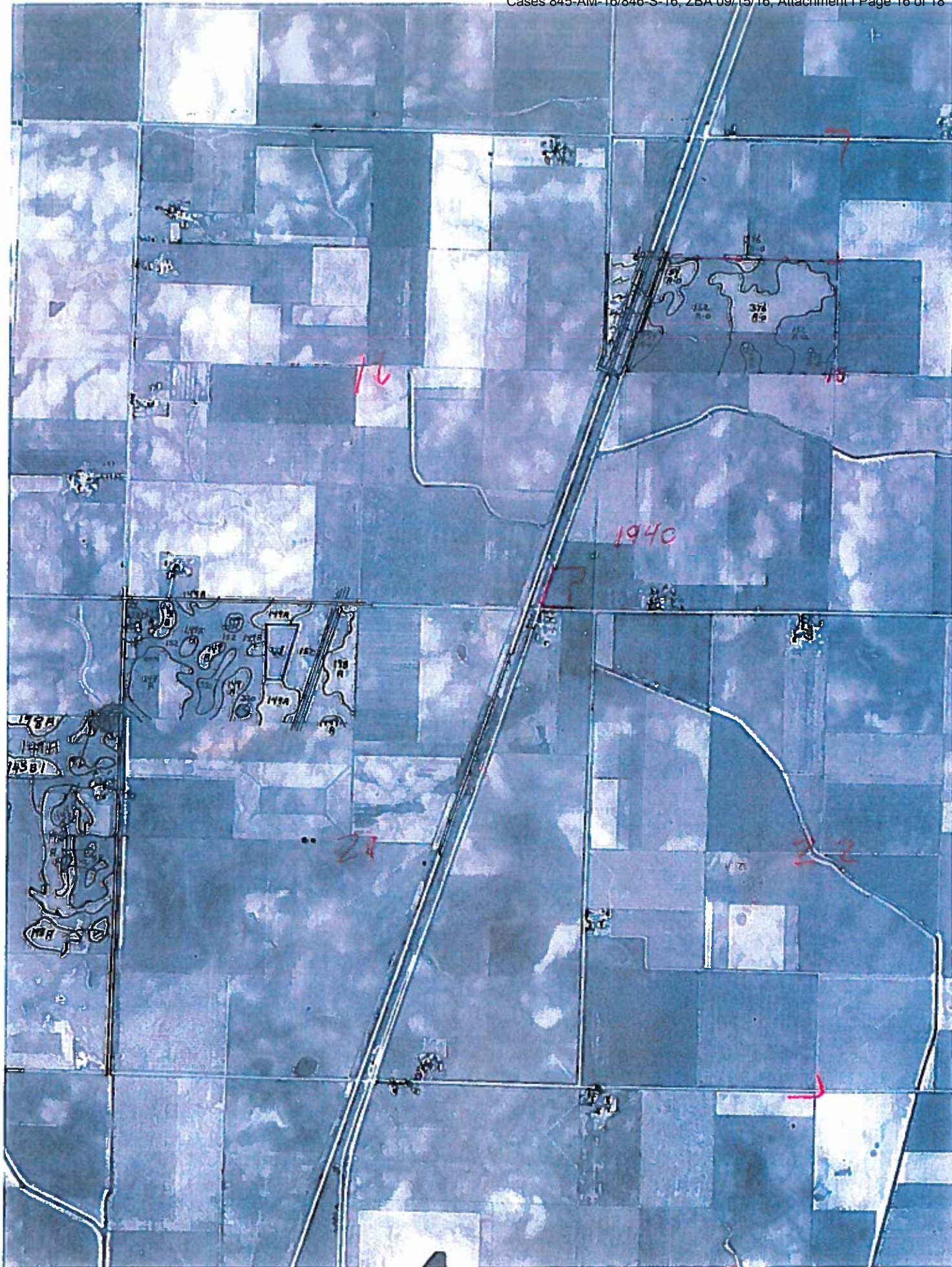
















**Applicant:** Champaign County Soil & Water Conservation District    **IDNR Project Number:** 1611517  
**Contact:** Jonathon Manuel    **Date:** 06/08/2016  
**Address:** 2110 West Park Court  
 Suite C  
 Champaign, IL 61821

**Project:** Advantage Trucking LLC  
**Address:** 2110 West Park Court, Suite C, Champaign

**Description:** re-building on an old site after removal of buildings.

### Natural Resource Review Results

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

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

#### Location

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



**County:** Champaign

**Township, Range, Section:**

- 21N, 9E, 15
- 21N, 9E, 16
- 21N, 9E, 21
- 21N, 9E, 22

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

#### Disclaimer

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

#### Terms of Use

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

*IDNR Project Number: 1611517*

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

#### **Security**

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

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

#### **Privacy**

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

SA WORKSHEET 845-AM-16

8/23/16

1	What size is the subject site?	More than 25 acres	10 points	2
		20.1 to 25 acres	8 points	
		15.1 to 20 acres	6 points	
		10.1 to 15 acres	4 points	
		5.01 to 10 acres	2 points	
		5 acres or less	0 points	

**Factor 1** considers that the size of the subject site has an impact on its long-term viability for agricultural purposes. The factor recognizes that the predominant row crop form of agriculture is generally more efficiently farmed on larger sites.

**Scoring Factor 1:** Determine the area of the subject site based on current Champaign County Assessor Office tax parcel size data or on a legal description of the subject site.

2a	Is the subject site Best Prime Farmland ?	Yes No	30 points 0 points	30
----	---	-----------	-----------------------	----

**Factor 2a** assigns value to a subject site if it is designated as Best Prime Farmland, consistent with the *Champaign County Land Resource Management Plan* goals, objectives and policies.

An estimated 96.6% of the County consists of Prime Farmland soils. "Best Prime Farmland" is a subset of Prime Farmland soils identified by Champaign County in order to differentiate among Prime Farmland soils. The definition of 'Best Prime Farmland' is provided in the *Champaign County Zoning Ordinance*.

**Scoring Factor 2a:** Refer to the LE score of the subject site and to the "Best Prime Farmland" definition in the *Champaign County Zoning Ordinance*.

2b	If the subject site is Best Prime Farmland, which one of the following statements is correct:		10 points	0	
					(1) The subject site is 15% or less of a larger real estate tax parcel (or multiple parcels) that existed on January 1, 2004. (Yes 0 points)
					(2) The subject site is larger than 15% of a larger real estate tax parcel (or multiple parcels) that existed on January 1, 2004. (Yes 10 points)
					(3) The subject site was not part of a larger tax parcel or parcels on January 1, 2004, and is 25 acres or less. (Yes 0 points)
					(4) The subject site was not part of a larger tax parcel or parcels on January 1, 2004, and is larger than 25 acres. (Yes 10 points)

**Factor 2b** assigns value to a subject site if it exceeds the lot size and configuration limits noted. The 15% limit and 25-acre lot size limit featured are arbitrary values selected to represent the general

**Factor 2b (continued)**

concern about the conversion and loss of best prime farmland. The *Champaign County Zoning Ordinance* has included a maximum lot size limit on Best Prime Farmland since July, 2004.

**Scoring Factor 2b:** Review subject site size and configuration based on Champaign County parcel identification tax maps for the year 2004 (also referred to as the 27<sup>th</sup> Edition of the Champaign County tax map atlas).

<b>2c</b>	<p>If the subject site is not Best Prime Farmland and is at least 51% Prime Farmland,                  which one of the following statements is correct:</p> <p>(1) The subject site is larger than 25 acres. (Yes 10 points)</p> <p>(2) All of the following statements are true:</p> <ul style="list-style-type: none"> <li>i. The subject site is part of a larger parcel that existed on April 12, 2011.</li> <li>ii. Since April 12, 2011, a separate portion or portions of that larger parcel have been converted to a non-agricultural use as the result of a rezoning or special use.</li> <li>iii. In total, the area of the subject site and those areas converted to a non-agricultural use (as identified in item ii. above) is larger than 25 acres.</li> </ul> <p>(Yes 10 points)</p> <p><input checked="" type="radio"/> (3) Neither (1) or (2) above apply to the subject site. (Yes 0 points)</p>		0
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**Factor 2c** assigns value to a subject site which is not Best Prime Farmland but which consists of at least 51% Prime Farmland and exceeds a 25-acre lot size and configuration as of April 12, 2011. The 25-acre size threshold is an arbitrary value selected to represent the general concern about the conversion and loss of Prime Farmland.

This factor awards 10 points to a subject site if it would result in conversion of more than 25 acres of Prime Farmland, or if the subject site would cumulatively contribute to the conversion of more than 25 acres of Prime Farmland on a larger parcel existing as of April 12, 2011.

**Scoring Factor 2c:** Assess whether the soils on the subject site are comprised of at least 51% Prime Farmland based on the 'Farmland Classification' column of Table A in Appendix A.

Review the lot size and configuration based on Champaign County parcel identification tax maps and digital orthophotography as of April 12, 2011. (April 12, 2011 is the date of the annual digital orthophotography available for the year 2011.)



<b>3</b>	Is the subject site located within the Contiguous Urban Growth Area? <i>2015 CUGA</i>	no	40 points	<u>40</u>
		yes	0 points	

**Factor 3** is a general measure of development pressures which tend to support the conversion of agricultural sites to urban uses.

The 'Land Use Management Areas Map' of the *Champaign County Land Resource Management Plan* specifies the location of the 'Contiguous Urban Growth Area' (CUGA). CUGA is land designated for non-agricultural land use, and consists of:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near-to mid-term (within approximately five years);
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near-to mid-term (within approximately five years); or
- land surrounded by incorporated land or other urban land within the County.

**Scoring Factor 3:** Review the CUGA boundaries of the current *Champaign County Land Resource Management Plan* "Land Use Management Map".

**If the subject site is located within the CUGA, skip the remaining SA Factor questions and indicate a total SA score for only SA Factors 1, 2 and 3 at the end of the SA Worksheet.**

Continue to answer the following SA Factor questions only if the subject site is located outside the CUGA ...

4	Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture. $715 + 230 = 945$ of $2600$ ft $+ 720 = 1665 = 64\%$	91 to 100% of perimeter	20 points	14
		81 to 90% of perimeter	18 points	
71 to 80% of perimeter	16 points			
<u>61 to 70% of perimeter</u>	14 points			
51 to 60% of perimeter	12 points			
41 to 50% of perimeter	10 points			
31 to 40% of perimeter	8 points			
21 to 30% of perimeter	6 points			
11 to 20% of perimeter	4 points			
1 to 10% of perimeter	2 points			
	none	0 points		
a)	If the subject site is Best Prime Farmland and/or at least 51% Prime Farmland, the amount of the perimeter of the subject site that is adjacent to parcels with a principal use of agriculture that existed on April 12, 2011.			
b)	If the subject site is less than 51% Prime Farmland, the amount of the perimeter of the subject site that is adjacent to parcels with a principal use of agriculture.			

**Factor 4** assesses the amount of the perimeter of the subject site that is adjacent to parcels that have the principal use of agriculture. The assessment is made based on principal use of each parcel that is adjacent to the subject site. The principal use of a parcel (as used in the *Champaign County Zoning Ordinance*) represents the main use for which a lot is intended.

Additionally, for a subject site that is Best Prime Farmland and/or at least 51% Prime Farmland, Factor 4 includes the provision to not recognize any adjacent non-agricultural principal use established after a set date of April 12, 2011. (April 12, 2011 is the date of the annual digital orthophotography available for the year 2011.) This measure is intended to partially address the problem referred to as 'creeping effect' whereby case-by-case land use decisions may lower LESA scores on nearby sites, thereby justifying more land conversion decisions.

More points are assigned to a subject site that is surrounded by parcels with the principal use of agriculture.

**Scoring Factor 4:** Measure the perimeter of the subject site adjacent to parcels with a principal use of agriculture.

Defined terms relevant to the scoring of this factor include:

**AGRICULTURE:** The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for

**Scoring Factor 4 (continued)**

use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of agriculture all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed.

**FARM DWELLING:** A dwelling occupied by a farm owner or operator, tenant farm worker, or hired farm worker. (In Champaign County, it is generally assumed that a dwelling located on a lot that is 35 acres or larger is a farm dwelling, unless information provided as part of the public record to the Zoning Board of Appeals indicates otherwise.)

**PRINCIPAL USE:** As used in the *Champaign County Zoning Ordinance*, the main purpose for which land is designed, arranged, intended, or for which it is or may be occupied or maintained. (The primary purpose of a lot may not necessarily be the largest use on the lot in terms of the area of the lot that is occupied by that use and it may not necessarily be the use that generates the most income for the person who owns or resides on the lot.)

***Guidelines for measuring perimeter of subject site adjacent to parcels with principal use of agriculture:***

Adjacent property is property that touches or that is directly across a street, highway or interstate right-of-way or a rail road right-of-way from a subject site.


Measure the perimeter of the subject site that is adjacent to parcels that have a principal use of agriculture. Parcels with a principal use of agriculture are generally as follows:

- a. Any parcel that is 35 acres or larger whether or not there is a dwelling, with the exceptions noted below.
- b. Parcels that are less than 35 acres in area and that either have a farm dwelling or have no dwelling, with the exceptions noted below.
- c. Exceptions to the above are the following:
  - (1) Any parcel that is inside an incorporated municipality.
  - (2) Any parcel that is zoned Residential, Business, or Industrial on the Champaign County Zoning Map and contains a non-agricultural principal use.
  - (3) Any parcel or portion of a parcel on which a Special Use has been approved by the County except for a Rural Specialty Business or greenhouse.
  - (4) Institutional land that is not specifically used for production agriculture such as land owned by the University of Illinois but not in agricultural production or land owned by the Champaign County Forest Preserve District that is not in agricultural production.
  - (5) Any parcel or portion of a parcel considered as nonconforming use, as defined in the *Champaign County Zoning Ordinance*.

<b>5</b>	Distance from the subject site to the nearest city or village limits.	.4 mi	more than 3 miles 1.51 to 3 miles <u>within 1.5 miles</u> adjacent	15 points 10 points 5 points 0 points	5
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**Factor 5** awards higher points the further a subject site is from a city or village. Factor 5 is based on the general assumption that the further the subject site is from a municipality, the less chance there is of a nearby land use or development that would conflict with the agricultural land use of that subject site.

**Scoring Factor 5:** Measure outward from the property lines of the subject site to the nearest municipal boundary.

6	The highest percentage of the subject site in agricultural production in any of the last 5 years.	80 to 100% 60 to 79% 40 to 59% 20 to 39% less than 20%	15 points 11 points 7 points 3 points 0 points	
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Factor 6 is intended to serve as a general indicator of the agricultural viability of a subject site.

**Scoring Factor 6:** Based on the most recent five years of annual digital orthophotography, estimate the highest percentage of area of the subject site in agricultural production. To obtain accurate information, the scoring of Factor 6 may additionally require a field site inspection, windshield survey of the subject site, or landowner interview.

Defined terms relevant to the scoring of this factor include:

**AGRICULTURAL PRODUCTION:** The growing, harvesting, and storing of crops and the keeping, raising, and feeding of livestock or poultry and the buildings and land used in those activities, including:

- any farm dwelling,
- land taken out of production for purposes of government-sponsored agricultural programs, or
- land being used productively, such as woodlands for which there is a plan for managing the timber.

**FARM DWELLING:** A dwelling occupied by a farm owner or operator, tenant farm worker, or hired farm worker. (In Champaign County, it is generally assumed that a dwelling located on a lot that is 35 acres or larger is a farm dwelling, unless information provided as part of the public record to the Zoning Board of Appeals indicates otherwise.)

***Guidelines for estimating percentage of subject site in agricultural production in any of the last 5 years***

Based on review of digital orthophotography of the subject site for the most recent five years,

- a. If there is no structure on the subject site and the subject site appears to be in crop land, then count the entire subject site as in agricultural production.
- b. If only a street or road improvement is present on the subject site, and no wooded area is present on the subject site, then count the entire subject site as in agricultural production.
- c. Unless information is available to indicate otherwise,
  - (1) If the subject site is 35 acres or larger and has both a dwelling and what appears to be crop land, then count the entire site as agricultural production.
  - (2) If the subject site is less than 35 acres and has both a dwelling and what appears to be crop land, then count all of the subject site-- except for one acre, inclusive of the dwelling -- as in agricultural production. The one acre will be assumed to contain the well, septic, system, and any non-agricultural outbuildings.
- d. A part of the subject site that appears not to be crop land may be counted as in agricultural production only provided the landowner indicates that part of the subject site was or is not in production due to participation in a government-sponsored agricultural program, or due to implementation of a crop management plan.

<b>7</b>	Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation-Recreation within 1 mile of subject site.  <i>of 2010 acres, 1941 is AG or CR = 97%</i>	91 to 100%	10 points	<u>10</u>
		81 to 90%	9 points	
		71 to 80%	8 points	
		61 to 70%	7 points	
		51 to 60%	6 points	
		41 to 50%	5 points	
		31 to 40%	4 points	
		21 to 30%	3 points	
		11 to 20%	2 points	
		1 to 10%	1 points	
		none	0 points	

**Factor 7** measures the amount of land in the one-mile area surrounding the subject site zoned AG-1 Agriculture, AG-2 Agriculture, or CR Conservation-Recreation. These are the rural zoning districts within the County.

More points are assigned to a higher percentage of land zoned AG-1, AG-2, or CR within one mile of the subject site because:

- rural zoning districts are intended for agricultural land uses, and
- land within these districts is subject to use restrictions and limits on the density and location of non-agricultural land uses.

**Scoring Factor 7:** Measure the area zoned AG-1, AG-2, and CR outward one mile from the property lines of the subject site.



8	Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture.  a) If the subject site is Best Prime Farmland and/or at least 51% Prime Farmland,  the percentage of area within one mile of the subject site which consists of parcels with a principal use of agriculture that existed on April 12, 2011.  b) If the subject site is less than 51% Prime Farmland,  the percentage of area within one mile of the subject site which consists of parcels with a principal use of agriculture.	91 to 100%	20 points	<hr/> 18
		<del>81 to 90%	18 points	
71 to 80%	16 points			
61 to 70%	14 points			
51 to 60%	12 points			
41 to 50%	10 points			
31 to 40%	8 points			
21 to 30%	6 points			
11 to 20%	4 points			
1 to 10%	2 points			
none	0 points			

**Factor 8** is a major indicator of the agricultural character of the general area, based on the assumption that areas in the County dominated by agriculture are generally more viable for farm purposes. The assessment is made based on the principal use of parcels located within one mile of the subject site. The principal use of a parcel (as used in the *Champaign County Zoning Ordinance*) represents the main use for which a lot is intended.

Additionally, for a subject site that is Best Prime Farmland and/or at least 51% Prime Farmland, Factor 8 includes the provision to not recognize any non-agricultural principal use established after a set date of April 12, 2011 within one mile of the subject site except for development that has been annexed by a municipality. (April 12, 2011 is the date of the annual digital orthophotography available for the year 2011.) This measure is intended to partially address the problem referred to as 'creeping effect' whereby case-by-case land use decisions may lower LESA scores on nearby sites, thereby justifying more land conversion decisions.

More points are assigned to a subject site with a greater percentage of area within one mile consisting of parcels with the principal use of agriculture.

**Scoring Factor 8:** Estimate the area of land within a one-mile distance outward from the property lines of the subject site that consists of parcels with the principal use of agriculture.

The defined terms shown below generally form the basis on which this factor is scored:

**AGRICULTURE:** The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of agriculture all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed.

**Scoring Factor 8 (continued)**

**FARM DWELLING:** A dwelling occupied by a farm owner or operator, tenant farm worker, or hired farm worker. (In Champaign County, it is generally assumed that a dwelling located on a lot that is 35 acres or larger is a farm dwelling, unless information provided as part of the public record to the Zoning Board of Appeals indicates otherwise.)

**PRINCIPAL USE:** As used in the *Champaign County Zoning Ordinance*, the main purpose for which land is designed, arranged, intended, or for which it is or may be occupied or maintained. (The primary purpose of a lot may not necessarily be the largest use on the lot in terms of the area of the lot that is occupied by that use and it may not necessarily be the use that generates the most income for the person who owns or resides on the lot.)

***Guidelines for estimating area within one mile of subject site consisting of parcels with principal use of agriculture:***

Generally identify parcels with a principal use of agriculture as follows:

- a. Any parcel that is 35 acres or larger whether or not there is a dwelling, with the exceptions noted below.
- b. Parcels that are less than 35 acres in area and that either have a farm dwelling or have no dwelling, with the exceptions noted below.
- c. Exceptions to the above are the following:
  - (1) Any parcel that is inside an incorporated municipality.
  - (2) Any parcel that is zoned Residential, Business, or Industrial on the Champaign County Zoning Map and contains a non-agricultural principal use.
  - (3) Any parcel or portion of a parcel on which a Special Use has been approved by the County, except for a Rural Specialty Business or greenhouse.
  - (4) Institutional land that is not specifically used for production agriculture such as land owned by the University of Illinois but not in agricultural production, or land owned by the Champaign County Forest Preserve District that is not in agricultural production.
  - (5) Any parcel or portion of a parcel considered as nonconforming use, as defined in the *Champaign County Zoning Ordinance*.

<b>9</b>	What is the distance from the subject site to the nearest 10 non-farm dwellings?  <i>.73 mi</i>	more than 1 mile	20 points	<u>16</u>
		0.76 to 1 mile	18 points	
		<u>0.51 to 0.75 mile</u>	16 points	
		0.26 to 0.50 mile	14 points	
		0.01 to 0.25 mile	12 points	
		adjacent	0 points	

**Factor 9** considers the proximity of the nearest 10 non-farm dwellings as a general indicator of an existing land use incompatibility with production agriculture and an incompatibility with livestock facilities vis-a-vis the *Illinois Livestock Management Facilities Act (510 ILCS 77/ et seq.)*

In Champaign County, it is generally assumed that a dwelling located on a lot less than 35 acres is a non-farm dwelling, unless information provided as part of the public record to the Zoning Board of Appeals indicates that a dwelling is part of on-site agricultural operations or otherwise qualifying as a farm dwelling.

The defined term for Non-Farm Dwelling is shown below:

**NON-FARM DWELLING:** A dwelling that is not occupied by a farm owner or operator, tenant farm worker, or hired farm worker.

**Scoring Factor 9:** Measure the linear distance outward from the closest point on the property line of the subject site to the façade of the tenth nearest non-farm dwelling.

<b>10</b>	<p>a) How close is the subject site to a known livestock management facility of 400 or more animal units?  <i>1.72 mi</i>                  Answer Parts b or c) <u>only</u> if the subject site is more than 1 mile from a known livestock management facility of 400 or more animal units.</p>	<p>adjacent to 0.25 mile 10 points                  0.26 to 0.5 mile 9 points                  0.51 to 0.75 mile 8 points                  0.76 to 1 mile 7 points  <u>more than 1 mile</u> n/a</p>	<u>NA</u>
	<p>b) How close is the subject site to a known livestock management facility of 200 - 399 animal units?                  Answer Part c) <u>only</u> if the subject site is more than 1 mile from a known livestock management facility of 200-399 animal units.</p>	<p>adjacent to 0.25 mile 7 points                  0.26 to 0.5 mile 6 points                  0.51 to 0.75 mile 5 points                  0.76 to 1 mile 4 points                  more than 1 mile n/a</p>	
	<p>c) How close is the subject site to a known livestock management facility of 50 – 199 animal units?</p>	<p>adjacent to 0.25 mile 4 points                  0.26 to 0.5 mile 3 points                  0.51 to 0.75 mile 2 points                  0.76 to 1 mile 1 point                  more than 1 mile 0 points</p>	

**Factor 10** is a measure of the compatibility of the subject site for continued agricultural use based on its proximity to an existing nearby livestock management facility. More points are assigned to a subject site in closer proximity to a known livestock management facility.

**Scoring Factor 10:** A response may be based on data available from the Livestock Management Facilities Program, Illinois Department of Agriculture, actual site inspection, and/or landowner interview.

The maximum points possible for this factor is 10 points.

This is a 3-part factor. Part a) measures proximity of a subject site to a livestock management facility of 400 or more animal units. If the subject site is located more than one mile from such facility, then respond to Part b). Part b) measures proximity of a subject site to a livestock management facility of 200-399 animal units. If the subject site is located more than one mile from such facility, then respond to Part c).

<b>SA Total Score</b>	<u>135</u>
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**CALCULATING THE TOTAL LESA SCORE**

The total LESA score is the sum of the LE points and SA points for a particular site or parcel. The maximum total LESA score possible for a site is 300 points.\*

LE Total	<u>100</u>
SA Total	<u>135</u>
Total LESA Score	<u>235</u>

The higher the total LESA score, the more highly rated the subject site or parcel is to be protected for continued agricultural use. The total LESA score of a site signifies a rating for protection of the subject site or parcel as follows:

251 – 300	very high rating for protection
226 – 250	high rating for protection
151 – 225	moderate rating for protection
150 or below	low rating for protection

- \* The maximum LE score possible for a site is 100 points.  
The maximum SA score possible for a site is 200 points.

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**Susan Chavarria**

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**From:** Kevin <kevin@midilconcrete.com>  
**Sent:** Wednesday, August 24, 2016 11:17 AM  
**To:** Susan Chavarria  
**Subject:** RE: Zoning Case for Advantage Trucking LLC

Susan,

Our trucking business is a gravel and dirt hauling business. We haul aggregates (sand, rock, gravel) and dirt for construction local construction projects and almost exclusively for Mid Illinois Concrete & Exc. Our geographic location is an approx.. radius of 75 – 100 miles centered around Champaign-Urbana.

We chose this site for a couple of reasons...access to a major highway in close proximity to Champaign-Urbana, the price was right, and we were able to take a site in need of redevelopment and improve it.

We do not see an issue with accessibility and plan to address specific requirement in the final design phase.

Please let me know if you need any additional information.

Thank you,

Kevin Modglin, P.E.  
President



[www.midilconcrete.com](http://www.midilconcrete.com)

PO Box 926

Champaign, IL 61824

Phone: 217.366.3444

Fax: 217.965.1601

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AUG 24 2016

CHAMPAIGN CO. P & Z DEPARTMENT

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**From:** Susan Chavarria [<mailto:schavarr@co.champaign.il.us>]

**Sent:** Wednesday, August 24, 2016 9:53 AM

**To:** 'Kevin' <kevin@midilconcrete.com>

**Subject:** RE: Zoning Case for Advantage Trucking LLC

Hi Kevin,

I have a few questions that will help form the evidence for your zoning cases:

Could you please tell me about your geographic market area for the trucking business (i.e. general service area, is it more urban, more rural, or both)?

Is there a reason you chose this site over one in a municipality?

Have you looked into accessibility for the proposed uses in terms of handicap parking, accessible restrooms, etc?

Thanks for your time,  
Susan

**Susan Chavarria**

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**From:** Kevin <kevin@midilconcrete.com>  
**Sent:** Wednesday, August 31, 2016 9:35 AM  
**To:** Susan Chavarria  
**Subject:** RE: Zoning Case for Advantage Trucking LLC

Susan,

We have not crushed the concrete yet. We will do that late this fall or early spring, depending on the availability of the crusher. We do not intend to crush concrete at this location in the future. This would be a one time deal.

Thanks,

Kevin Modglin, P.E.  
President



[www.midilconcrete.com](http://www.midilconcrete.com)

PO Box 926

Champaign, IL 61824

Phone: 217.366.3444

Fax: 217.965.1601

**From:** Susan Chavarria [<mailto:schavarr@co.champaign.il.us>]  
**Sent:** Wednesday, August 31, 2016 8:54 AM  
**To:** 'Kevin' <kevin@midilconcrete.com>  
**Subject:** RE: Zoning Case for Advantage Trucking LLC

Hi Kevin,

One of our staff members recalls that you were going to bring a concrete crusher on to the property temporarily to get rid of the pile of broken concrete. Could you please clarify if that has already happened, or if you still intend to bring it in? And if you do plan to bring it in, can you confirm that it will be used temporarily and not become part of regular operations?

Thanks,  
Susan

**Susan Chavarria**, AICP, PCED  
Senior Planner  
Champaign County Planning and Zoning  
1776 East Washington Street  
Urbana, IL 61802  
217-819-4086  
[www.co.champaign.il.us](http://www.co.champaign.il.us)

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AUG 31 2016

**CHAMPAIGN CO. P & Z DEPARTMENT**



**845-AM-16/846-S-16 Images**



**Subject property, at entrance on CR 2700 N facing north**



**Proposed Self-Storage Warehouse area on west side of access drive**



**845-AM-16/846-S-16 Images**



**Proposed Truck Terminal shop space, from north end of property facing southeast**



**Materials storage piles on northeast corner of property**



**845-AM-16/846-S-16 Images**



**Materials storage piles on northwest corner of property**



**Natural screen between property and closest residence to southeast**



**845-AM-16/846-S-16 Images**



**Outlot A on Plat of Survey – main subject property lot to left, closest residence to right**



**Closest residence, from CR 2700 N facing northeast**



**845-AM-16/846-S-16 Images**



**Farmland south of subject property**



**Border Magic and warehouses for rent, from CR2700N facing south (SE corner of US45)**



**845-AM-16/846-S-16 Images**



**Border Magic, from CR2700N facing south (SE corner of US45)**



**CR2700N from entrance to subject property, facing west toward US45**

**PRELIMINARY DRAFT**

**845-AM-16**

**FINDING OF FACT  
AND FINAL DETERMINATION**

**of  
Champaign County Zoning Board of Appeals**

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

Date: ***{September 15, 2016}***

Petitioners: **Kevin Modglin, Jeff Swan, and Jeff Dazey, d.b.a. Advantage Trucking, LLC**

Request: **Amend the Zoning Map to change the zoning district designation from the R-4 Multiple Family Residence Zoning District to the B-4 General Business Zoning District in order to establish and operate the proposed Special Use in related Zoning Case 846-S-16.**

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**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 15, 2016**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 846-S-16)

- \*1. Petitioners Kevin Modglin, 425 Glenwood Drive, Rantoul; Jeff Swan, 900 Jack Street, Paxton; and Jeff Dazey, 11833 East 1725 North, Oakwood, d.b.a. Advantage Trucking, LLC, own the subject property.
- \*2. The subject property is a 7.97 acre tract in Rantoul Township that is part of the Southwest Quarter of the Southwest Quarter of Section 15 and a part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 21 North, Range 9 East of the Third Principal Meridian in Rantoul Township and formerly known as the Cherry Orchard Apartments property with an address of 1512 CR2700N, Rantoul.
- \*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - \*A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Rantoul, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.
  - \*B. The subject property is located within Rantoul Township, which has a Plan Commission. Townships with Plan Commissions have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Rantoul Township Plan Commission. No comments have been received.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: “N/A.”
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following: **“Future zoning for Village of Rantoul designates this area as a commercial zoning.”**

***GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY***

- \*6. Land use and zoning on the subject property and in the vicinity are as follows:
  - \*A. The subject property is a 7.97 acre tract and is currently zoned R-4 Multi Family Residential. The site is currently vacant after demolition of the Cherry Orchard Apartments in 2016.
  - \*B. Land to the north of the subject property is zoned AG-1 Agriculture and is in agricultural production.
  - \*C. Land to the southwest of the subject property is zoned B-4 General Business and is in commercial use. Land to the southeast is zoned AG-1 and is in agricultural production.



**PRELIMINARY DRAFT****Cases 845-AM-16****Page 3 of 28**

- \*D. Land to the east of the subject property is zoned AG-1 Agriculture and is in use as agricultural production to the northeast, vacant property to the east, and single family residential to the southeast.
- \*E. Land to the west is zoned AG-1 Agriculture and is in agricultural production.
- \*7. Regarding the site plan and proposed operations of the subject property:
  - \*A. The site plan received June 14, 2016, indicates the following proposed improvements to the vacant lot:
    - \* (1) One 18,200 square feet “shop space” building;
    - \* (2) Four self-storage buildings with a total of 144 units that are 10 feet by 12 feet each:
      - \*a. A 150 feet by 24 feet building with 30 units;
      - \*b. A 170 feet by 24 feet building with 34 units;
      - \*c. A 190 feet by 24 feet building with 38 units; and
      - \*d. A 210 feet by 24 feet building with 42 units.
    - \* (3) A dry basin detention area (green space) north of the proposed buildings;
    - \* (4) An earth berm on the north, west, and south sides of the property;
    - \* (5) A gravel area surrounding the storage units and shop space; and
    - \* (6) Use of an existing asphalt drive with access to CR2700N.
  - \*B. In a letter accompanying the zoning case applications received June 14, 2016, co-petitioner Kevin Modglin indicated the following:
    - \* (1) “Advantage Trucking, LLC desires to use the property for a truck terminal and also for self-storage units per the attached site Jay-out plan. Our development intentions are very preliminary at this stage. It was our intention upon purchase of this property to remove the blighted buildings and seek a change in the zoning for our desired use. The cost to remove the blighted buildings required a large cash outlay up front from our company and we will need twelve to twenty-four months to build sufficient cash reserves to begin putting together the engineering and architectural plans required for the development of the property. If approved, we intend to develop the property over the course of two to five years.”
    - \* (2) “The truck terminal would be used for the storage, maintenance and repair of Advantage Trucking, LLC’s vehicles. We currently have four dump trucks and one semi-tractor with two different trailers. Our trucks haul gravel, sand and dirt locally... Major repairs for our trucks and trailers are done at qualified repair facilities, so permanent employees would not be working out of the shop building full time.”

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- \* (3) “The southern part of the shop building would be used for storage of personal and recreational vehicles of the shareholders of Advantage Trucking, LLC. The shop building would be heated and have water and electricity. There would be one restroom with a new private septic system for waste disposal.”
  - \* (4) “The self-storage units would be constructed with a typical unit size of 10' x 20'. The units would not be heated or air conditioned. Electricity would not be available to the individual units. Lighting would be achieved by wall units mounted to the buildings with a low wattage as not to affect traffic or neighboring properties. We intend to develop and build the storage unit buildings one at a time as the units fill to capacity in each building.”
  - \* (5) “At this time, we do not intend to have a perimeter fence around the storage units or the property. Access would be controlled by a gate at the main entrance.”
- \*C. In an email received August 24, 2016, co-petitioner Kevin Modglin indicated the following:
- \* (1) “Our trucking business is a gravel and dirt hauling business. We haul aggregates (sand, rock, gravel) and dirt for construction local construction projects and almost exclusively for Mid Illinois Concrete & Exc. Our geographic location is an approximate radius of 75 – 100 miles centered around Champaign-Urbana”.
- \*D. In an email received August 26, 2016, co-petitioner Kevin Modglin submitted a revised site plan, which indicated the following new information:
- \* (1) Approximate yard and setback distances for all proposed buildings;
  - \* (2) Outdoor storage areas for aggregate and other materials;
  - \* (3) Proposed septic field location east of the shop space; and
  - \* (4) Proposed screening on the east side of the subject property, which is adjacent to a single family residence.
  - \* (5) “Equipment stored inside would be our trucks. We currently have 3 Tandems and 1 Semi. Equipment stored outside would consist of 3 semi dump trailers, a bulldozer, a farm tractor with disc and a front end loader.”
- \*E. In an email received August 31, 2016, co-petitioner Kevin Modglin stated that they will bring in a concrete crusher in late 2016 or early 2017, depending on the availability of the crusher. They do not intend to crush concrete at the subject property in the future; it would be a one-time event.
- \*F. Previous Zoning Use Permits on the subject property are as follows:
- \* (1) ZUPA# 32-16-02 was approved on March 8, 2016, for Advantage Trucking to demolish 7 buildings, remove septic tanks and wells.
- \*G. Previous Zoning Cases on the subject property are as follows:

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- \*H. Previous Zoning Cases in the immediate area of the subject property are as follows:
  - \*(1) Case 467-AM-83 was approved on May 17, 1983 to rezone the subject property from AG-1 Agriculture to R-4 Multi Family Residential.
  - \*(1) Case 562-AM-86 was approved on May 29, 1986 to rezone the property on the southwest corner of CR2700N and US45 North from AG-1 to B-4 zoning in order to establish self-storage units.
  - \*(2) Case 941-AM-94 approved October 25, 1994 was to rezone a subdivision from AG-1 to AG-2 to create 6 residential lots east of the subject property.
  - \*(3) Case 057-V-96 approved November 7, 1996 was a variance for average lot width and for a lot area of less than one acre on a residential property east of the subject property.
  - \*(4) Case 146-AM-98 approved July 23, 1998 was to rezone a lot from a mixed B-4/R-5 zoning to all B-4, just south of the subject property.
  - \*(5) Case 290-S-01 was approved on May 31, 2001 for a new Rantoul Township maintenance facility on the southwest corner of CR2700N and US45 North.
  - \*(6) Case 469-S-04 was approved on November 23, 2004 for a multiple use Special Use Permit for a light assembly business and Mobile Home sales office on the property from Case 146-AM-08.

**GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS**

- \*8. Regarding the existing and proposed zoning districts:
  - \*A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
    - \*(1) The R-4, Multiple Family Residence DISTRICT is intended to provide areas for SINGLE FAMILY, TWO FAMILY, and MULTIPLE FAMILY DWELLINGS set in a medium density housing environment.
    - \*(2) The B-4, General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.
  - B. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
    - (1) There are 21 types of uses authorized by right in the R-4 District and there are 117 types of uses authorized by right in the B-4 District:
      - a. There are 10 uses authorized by right in the R-4 District that are also authorized by right in the B-4 District:
        - (a) SUBDIVISIONS totaling three lots or less;
        - (b) SUBDIVISIONS totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS;

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- (c) Agriculture, including customary accessory uses;
  - (d) Institution of an Educational, Philanthropic or Eleemosynary Nature;
  - (e) Church, Temple, or church related TEMPORARY USES on church PROPERTY;
  - (f) Municipal or GOVERNMENT BUILDING;
  - (g) Police station or fire station;
  - (h) Library, museum or gallery;
  - (i) Public park or recreational facility; and
  - (j) Lodge or private club.
- b. The following 102 uses are authorized by right in the B-4 District and not at all in the R-4 District:
- (a) HOTEL – no more than 15 LODGING UNITS;
  - (b) HOTEL – over 15 LODGING UNITS;
  - (c) Minor RURAL SPECIALTY BUSINESS;
  - (d) Major RURAL SPECIALTY BUSINESS;
  - (e) Commercial greenhouse;
  - (f) Greenhouse (not exceeding 1,000 square feet);
  - (g) Garden Shop;
  - (h) Plant Nursery;
  - (i) PARKING GARAGE or PARKING LOT;
  - (j) Radio or Television Station;
  - (k) Telegraph Office;
  - (l) Railway Station;
  - (m) MOTOR BUS Station;
  - (n) **Truck Terminal;**
  - (o) Barber shop;
  - (p) Beauty shop;
  - (q) Reducing salon;
  - (r) Dressmaking shop;
  - (s) Drycleaning ESTABLISHMENT;
  - (t) Laundry and/or dry-cleaning pick-up;
  - (u) Millinery shop;
  - (v) Self-service laundry;
  - (w) Shoe repair shop;
  - (x) Tailor and pressing shop;
  - (y) Diaper service ESTABLISHMENT;
  - (z) Clothing repair and storage;
  - (aa) Medical and dental clinic;
  - (bb) Roadside produce sales stand;
  - (cc) Farm Equipment Sales & Service;
  - (dd) Feed and Grain (sales only);
  - (ee) Artist studio;
  - (ff) Banks, Savings and Loan Associations;
  - (gg) Insurance and Real Estate Offices;
  - (hh) Business Office;
  - (ii) Professional Office;



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- (jj) Vocational, Trade, or Business SCHOOL;
- (kk) Meat and Fish Market;
- (ll) Restaurant (indoor service only);
- (mm) Supermarket or Grocery Store;
- (nn) Drive-in Restaurant;
- (oo) Tavern or Night Club;
- (pp) Bakery (less than 2,500 SF);
- (qq) Dairy store;
- (rr) Delicatessen;
- (ss) Confectionery store;
- (tt) Retail liquor store;
- (uu) Locker, cold storage for individual use;
- (vv) AUTOMOBILE, Truck Trailer and Boat Sales room (all indoors);
- (ww) AUTOMOBILE or Trailer Sales area (open lot);
- (xx) Major AUTOMOBILE Repair (all indoors);
- (yy) Minor AUTOMOBILE Repair (all indoors);
- (zz) Gasoline Service Station;
- (aaa) AUTOMOBILE washing facility;
- (bbb) Automotive Accessories (new);
- (ccc) Building material sales (excluding concrete or asphalt mixing);
- (ddd) Hardware Store;
- (eee) Electrical or gas appliance sales and service;
- (fff) Department Store;
- (ggg) Apparel shop;
- (hhh) Shoe store;
- (iii) Jewelry store;
- (jjj) Stationery-gift shop-art supplies;
- (kkk) Florist;
- (lll) Newsstand-bookstore;
- (mmm) Tobacconist;
- (nnn) Variety-dry goods store;
- (ooo) Music store;
- (ppp) Drugstore;
- (qqq) Photographic studio and equipment sales and service;
- (rrr) Furniture Store – Office Equipment sales;
- (sss) Antique sales and service;
- (ttt) Used Furniture Sales and Service;
- (uuu) Pet store;
- (vvv) Bicycle sales and service;
- (www) Fuel Oil, ice, coal, wood (sales only);
- (xxx) Monument Sales (excludes stone cutting);
- (yyy) Pawn Shop;
- (zzz) Sporting good sales and service;
- (aaaa) Heating, ventilating, air conditioning sales and service;
- (bbbb) Lawnmower sales and service;
- (cccc) Bait sales;
- (dddd) Billiard room;

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- (eeee) Bowling Alley;
  - (ffff) Dancing Academy or hall;
  - (gggg) Outdoor commercial recreational enterprise (except amusement park);
  - (hhhh) THEATER, indoor;
  - (iiii) Commercial Fishing Lake;
  - (jjjj) VETERINARY HOSPITAL;
  - (kkkk) Wholesale business;
  - (llll) Warehouse;
  - (mmmm) Self-storage warehouses, providing heat and utilities to individual units
  - (nnnn) **Self-storage warehouses, not providing heat and utilities to individual units**
  - (oooo) Auction house (non-animal);
  - (pppp) Christmas Tree Sales Lot;
  - (qqqq) OFF-PREMISES SIGN;
  - (rrrr) SEXUALLY ORIENTED BUSINESSES.
  - (ssss) TEMPORARY USES;
  - (tttt) Contractors facilities with no outdoor STORAGE nor outdoor OPERATIONS;
  - (uuuu) **Contractors facilities with outdoor STORAGE and/or outdoor OPERATIONS;**
  - (vvvv) AGRICULTURAL DRAINAGE CONTRACTOR facility with no outdoor STORAGE and/or outdoor OPERATIONS;
  - (wwww) AGRICULTURAL DRAINAGE CONTRACTOR facility with outdoor STORAGE and/or outdoor OPERATIONS; and
  - (xxxx) SMALL SCALE METAL FABRICATING SHOP.
- c. There are no uses are authorized by right in the R-4 District that require a Special Use Permit in the B-4 District:
- d. The following 11 uses are authorized by right in the R-4 District but not at all in the B-4 District:
- (a) BOARDING HOUSE;
  - (b) SINGLE FAMILY DWELLING;
  - (c) TWO-FAMILY DWELLING;
  - (d) MULTI-FAMILY DWELLING;
  - (e) Fraternity, Sorority, or Student Cooperative;
  - (f) Dormitory;
  - (g) Home for the aged;
  - (h) NURSING HOME;
  - (i) Elementary SCHOOL, Jr. High SCHOOL, or High SCHOOL;
  - (j) Country club or golf course; and
  - (k) Country club clubhouse.
- e. The following 5 uses are authorized by right in the B-4 District but require a Special Use Permit in the R-4 District:

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- (a) Township Highway Maintenance Garage;
  - (b) Telephone Exchange;
  - (c) Mortuary or Funeral Home;
  - (d) Private Kindergarten or Day Care Facility; and
  - (e) Private Indoor Recreational Development.
- (2) There are 10 types of uses authorized by Special Use Permit (SUP) in the R-4 District (including the 5 uses authorized by right in the B-4 District, see above) and 12 types of uses authorized by SUP in the B-4 District:
- a. The following 3 uses may be authorized by SUP in the both the R-4 District and B-4 District:
    - (a) Adaptive reuse of government buildings for any use permitted by right in B-1, B-2, B-3, B-4, B-5 and I-1;
    - (b) Electrical substation; and
    - (c) HOSPITAL.
  - b. The following 2 uses may be authorized by Special Use Permit in the R-4 District and not at all in the B-4 District:
    - (a) Residential PLANNED UNIT DEVELOPMENT; and
    - (b) Artificial lake of 1 or more acres.
  - c. The following 9 uses may be authorized by SUP in the B-4 District and not at all in the R-4 District:
    - (a) Private or commercial transmission and receiving towers (including antennas) over 100 feet in height;
    - (b) HELIPORT-RESTRICTED LANDING AREAS;
    - (c) Bakery (more than 2,500 SF);
    - (d) Amusement Park;
    - (e) KENNEL;
    - (f) Recycling of non-hazardous materials (all storage and processing indoors);
    - (g) **Contractors facilities with outdoor STORAGE and/or outdoor OPERATIONS;**
    - (h) AGRICULTURAL DRAINAGE CONTRACTOR facility with outdoor STORAGE and/or outdoor OPERATIONS; and
    - (i) LIGHT ASSEMBLY.

**GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES**

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

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

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to

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encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows...”

- B. The LRMP defines Goals, Objectives, and Policies as follows:
- (1) Goal: an ideal future condition to which the community aspires
  - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
  - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

**REGARDING RELEVANT LRMP GOALS & POLICIES**

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

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

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

Goal 1 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but the proposed rezoning will **NOT IMPEDE** the achievement of Goal 1.

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

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

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

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

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

Goal 3 has three objectives and no policies. The proposed amendment **WILL HELP ACHIEVE** Goal 3 for the following reasons:

- A. The three objectives are:



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- (1) Objective 3.1 is entitled “Business Climate” and states: Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.
- (2) Objective 3.2 is entitled “Efficient County Administration” and states: “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”
- (3) Objective 3.3 is entitled “County Economic Development Policy” and states: “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.”

B. Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of these objectives, the proposed rezoning will allow the Petitioners to establish a mix of business uses that could benefit Champaign County’s business climate; therefore, the proposed rezoning can be said to **HELP ACHIEVE** Goal 3.

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

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

Goal 4 has 9 objectives and 22 policies. The proposed amendment will **HELP ACHIEVE** Goal 4 for the following reasons:

A. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states: “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed rezoning will **HELP ACHIEVE** Objective 4.3 because of the following:

- (1) Objective 4.3 includes 5 subsidiary policies. Policy 4.3.1 does not appear to be relevant to the proposed rezoning.
- (2) **Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of 149A Benton silt loam and 152A Drummer silty clay loam, and has an average Land Evaluation (LE) of 100.
- b. The subject property was converted out of agricultural production to create multi-family housing prior go 1973, and has an existing paved access drive suitable to the purposes of proposed operations, making the subject property well-suited overall.

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- c. Agricultural drainage should not be affected.
- d. The site is currently vacant after demolition of the Cherry Orchard Apartment Complex in 2016.
- e. The proposed site plan received June 14, 2016, indicates proposed dry basin detention areas.
- f. The proposed development will include a new septic system.
- g. There is a mix of residential, commercial, and agricultural uses surrounding the subject property.
- h. The B-4 General Business District is intended to accommodate a range of commercial uses and is intended for application only adjacent to the urbanized areas of the county.
- i. The subject property is located along the east side of US Route 45 North, approximately 0.4 miles south of the Village of Rantoul and 0.7 miles north of the Village of Thomasboro.

- (3) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.3 for the following reasons:

- a. The subject property is located approximately 2.2 miles from the Thomasboro Fire Protection District station. A notice of these related zoning cases was sent to the Thomasboro Fire Protection District but no comments have been received.

- (4) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.4 for the following reasons:

- a. No roadway improvements are necessary for the proposed project.
- b. No connection to public water or sewer is planned; the petitioners plan to install a new septic system and utilize existing wells.

- (5) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**

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- a) **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
- b) **The use is otherwise appropriate in a rural area and the site is very well suited to it.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.3.5 for the following reasons:

- a. The proposed use in related Case 846-S-16 **DOES NOT** serve surrounding agricultural land uses or an important public need.
- b. The subject property is 0.4 miles from the Village of Rantoul and the Village’s most recent Comprehensive Plan Map from 2006 shows the subject property to be in the Mixed Use future land use area.
- c. Truck Terminals and Self-Storage Warehouses are by-right USES in the B-4 DISTRICT.
- d. Contractor’s Facilities with Outdoor Storage and/or Outdoor Operations are allowed by-right in the B-4 DISTRICT if all outdoor storage is located in the REAR YARD and is completely screened by a Type D Screen meeting the provisions of Section 7.6.3. Otherwise, they are authorized only by Special Use Permit in the B-4 DISTRICT.
- e. The proposed development in related Case 846-S-16 **IS** otherwise appropriate in a rural area based on the following:
  - (a) In item 13.B.(2)a.(a) of this Finding of Fact, the Zoning Board of Appeals has recommended that the existing and proposed use of the subject property **DOES NOT** negatively affect agricultural activities.
  - (b) In item 13.B.(2)a.(b) of this Finding of Fact, the Zoning Board of Appeals has recommended that the existing and proposed use of the subject property **IS NOT** negatively affected by surrounding agricultural activities; and
  - (c) In items 13.B.(2)a.(c), and (d) of this Finding of Fact the Zoning Board of Appeals has recommended that the existing and proposed use of the subject property **WILL NOT** damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.
- f. Regarding whether the site is very well suited to the proposed land use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.

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- B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed rezoning will **HELP ACHIEVE** Objective 4.2 because of the following:

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

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 for the following reasons:

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
  - b. On the basis of the proposed development in related Case 846-S-16 that was **{GRANTED / DENIED}** by the Zoning Board of Appeals, the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 based on the following:
    - (a) The proposed development in related Case 846-S-16 **DOES NOT** support agriculture.
    - (b) The subject property was converted out of agricultural production to create multi-family housing prior go 1973 and has an existing paved access drive suitable to the purposes of proposed operations, making the subject property well-suited overall.
    - (c) In an email received August 24, 2016, Kevin Modglin stated, “Our geographic location is an approximate radius of 75 – 100 miles centered around Champaign-Urbana. We chose this site for a couple of reasons...access to a major highway in close proximity to Champaign-Urbana, the price was right, and we were able to take a site in need of redevelopment and improve it.”
- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
- a) **is a type that does not negatively affect agricultural activities; or**
  - b) **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
  - c) **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**



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The proposed rezoning will **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

- a. On the basis of the proposed development in related Case 846-S-16, the proposed rezoning that was {**GRANTED / DENIED**} by the Zoning Board of Appeals, will **HELP ACHIEVE** Policy 4.2.2 based on the following:
  - (a) The traffic generated by the proposed rezoning is likely only to occur on rural roads between the subject property and US45 North, which is an area with no agricultural activities.
  - (b) The existing and proposed use of the subject property **IS NOT** negatively affected by surrounding agricultural activities.
  - (c) The existing and proposed use of the subject property **WILL NOT** interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems based on the following:
    - i.* Agricultural drainage should not be affected.
    - ii.* The Site Plan received June 14, 2016, indicates an earth berm that will surround the proposed uses and serve as a buffer to the farmland located on the north side of the subject property.
  - (d) The existing and proposed use of the subject property **WILL NOT** interfere with agricultural activities or damage or negatively affect *rural* roads based on the following:
    - i.* The traffic generated by the proposed rezoning is likely only to occur on rural roads between the subject property and US45 North, which is an area with no agricultural activities.
    - ii.* The existing and proposed use of the subject property **WILL NOT** damage or negatively affect other agriculture-related infrastructure.
- (3) **Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.3 for the following reason:

- a. A special condition has been added to the map amendment regarding Champaign County’s Right to Farm Resolution.
- (4) **Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

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The proposed rezoning will **HELP ACHIEVE** Policy 4.2.4 for the following reasons:

- a. The proposed use on the subject property **WILL NOT** create nuisance conditions or inhibit adjacent agricultural activities. A buffer between the use and nearby agriculture is not warranted.
  - b. Nonetheless, the petitioners propose an earth berm on the north, west and south sides of the subject property, which will create a buffer between the proposed uses and the adjacent farmland to the north.
- C. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states: “Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”

The proposed rezoning will **HELP ACHIEVE** Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, and 4.1.9 do not appear to be relevant to the proposed rezoning.
- (2) Policy 4.1.1 states, “**Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.**”

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.1 because the Site Plan received October 2, 2015 will remove no additional land from agricultural production.

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

**PRELIMINARY DRAFT****Cases 845-AM-16**  
Page 17 of 28**c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.1.6 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of 149A Benton silt loam and 152A Drummer silty clay loam, and has an average Land Evaluation (LE) of 100.
- b. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning will *HELP ACHIEVE* Policy 4.3.2 regarding site suitability on best prime farmland and will *HELP ACHIEVE* Policy 4.3.5.”
- c. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning will *HELP ACHIEVE* Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
- d. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning will *HELP ACHIEVE* Policies 4.2.1, 4.2.2, 4.2.3, and 4.2.4.
- e. Regarding compliance with policies having to do with minimizing the conversion of best prime farmland, the ZBA has recommended that the proposed rezoning will *HELP ACHIEVE* Policy 4.1.7.
- f. Regarding compliance with policies having to do with minimizing the disturbance of natural areas, there are no natural areas on the subject property and the proposed amendment *WILL NOT IMPEDE* the achievement of Goal 8.

**(4) Policy 4.1.8 states, “The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.1.8 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of 149A Benton silt loam and 152A Drummer silty clay loam, and has an average Land Evaluation (LE) of 100.
- b. The Site Assessment (SA) portion of the LESA analysis scored 135 out of 200 points.
- c. The total LESA Score of 235 receives the second highest protection rating in LESA which is “high rating for protection.” Even though the LESA score indicates a “high rating for protection”, this property has been out of

**PRELIMINARY DRAFT**

agricultural production and in use as multi-family housing for many years, and the LESA score should not guide the County Board in this instance.

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

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

Goal 5 has 3 objectives and 15 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 5 for the following reasons:

- A. The Land Resource Management Plan defines “urban land use” as generally any land use that is connected and served by a public sanitary system and “urban development” is defined as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary system.
- B. The subject property is not serviced by sanitary sewer or a public water supply.
- C. The uses proposed in related Case 846-S-16 do not need access to a sanitary sewer or a public water supply and should not be considered to be “urban development”.

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

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

Goal 6 has 4 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 6.

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

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

The proposed amendment will **NOT IMPEDE** the achievement of Goal 7.

17. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

**Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.**

The proposed amendment will **NOT IMPEDE** the achievement of Goal 8.

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

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

The proposed amendment will **NOT IMPEDE** the achievement of Goal 9.



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

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

The proposed amendment will **NOT IMPEDE** the achievement of Goal 10.

**GENERALLY REGARDING THE LASALLE FACTORS**

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

A. **LaSalle factor: The existing uses and zoning of nearby property.** Table 1 summarizes the land uses and zoning of the subject property and nearby properties.

**Table 1. Land Use and Zoning Summary**

Direction	Land Use	Zoning
Onsite	vacant	R-4 Multiple Family Residential (Proposed rezoning to B-4)
North	Agriculture	AG-1 Agriculture
East	Vacant and Residential	R-4 Multiple Family Residential and AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Commercial and Agriculture	B-4 General Business and R-5 Mobile Home Park

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

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) This area has a mix of land uses and the subject property had been multi-family residences for years prior to its demolition in 2016.
- (3) In regards to the value of nearby residential properties, it is not clear if the requested map amendment would have any effect.

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

- (1) There has been no evidence submitted regarding property values.

**PRELIMINARY DRAFT**

- (2) This area has a mix of land uses and the subject property had been multi-family residences for years prior to its demolition in 2016.
  - (3) There are concerns that the proposed truck terminal will increase noise levels for adjacent residents.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) The gain to the public of the proposed rezoning is positive because it will develop a vacant property, which will be more desirable than the previous dilapidated multi-family housing and the existing vacant lot.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.** Regarding whether the site is well suited to the proposed land use, the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
- (1) The former Cherry Orchard Apartment Complex buildings have been vacant since 2011 and were demolished by the petitioners in 2016.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use **IS** a service better provided in a rural area.
  - (2) In the review of Policy 4.3.5 the ZBA has recommended the following:
    - a. The proposed use **DOES NOT** serve surrounding agricultural land uses or an important public need.
    - b. The proposed development **IS** otherwise appropriate in a rural area.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
- (1) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
  - (2) The subject property is 0.4 miles from the Village of Rantoul and the Village's most recent Comprehensive Plan Map from 2006 shows the subject property to be in the Mixed Use future land use area.
- I. Overall, the proposed map amendment **IS CONSISTENT** with the LaSalle and Sinclair factors.

**PRELIMINARY DRAFT****Cases 845-AM-16**  
**Page 21 of 28****REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

21. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

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

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance; with the exception of the 200 feet minimum separation distance requirement (Part B Waiver for this Case), the proposed site plan appears to be in compliance with those requirements.

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

It is not clear whether or not the proposed rezoning 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.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The ZBA has recommended that the proposed rezoning will **NOT IMPEDE** Goal 7 Transportation regarding coordination with existing plans and policies, but no Traffic Impact Assessment has been made.

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

The proposed rezoning will not trigger the need for stormwater management; however, creation of additional impervious area due to the construction of the proposed buildings in related Special Use Case 846-S-16 will trigger the need for stormwater management; this will be a part of the construction permit approval process. No Stormwater Management Plan has been submitted.

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

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

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

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

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

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

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

- H. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- I. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- (1) The proposed Special Use in related Case 846-S-16 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.



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(2) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan, although the proposed Special Use Permit is not urban in use.

J. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

K. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed Special Use in related Case 846-S-16 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

L. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed use will not take any land out of production.

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

The proposed rezoning and proposed Special Use will not hinder the development of renewable energy sources.

**REGARDING SPECIAL CONDITIONS OF APPROVAL**

22. Proposed Special Conditions of Approval:

A. LRMP Policy 4.2.3 requires discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following condition is intended to provide for that:

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

The above special condition is necessary to ensure the following:

**Conformance with Land Resource Management Plan Policy 4.2.3.**

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**DOCUMENTS OF RECORD**

1. Application for Map Amendment received May 27, 2016
2. Application for Special Use Permit received June 14, 2016, with attachments:
  - A Site layout plan dated May 26, 2016 and received June 14, 2016
  - B Plat of Survey by Theodore P. Hartke, dated April 22, 2016 and received June 14, 2016
  - C Letter from petitioners received June 14, 2016
3. Case file from ZUPA #32-16-02 approved March 8, 2016
4. Natural Resources Report from Champaign County Soil and Water Conservation District dated June 8, 2016 and received June 10, 2016
5. LESA Site Assessment worksheet completed by staff on August 23, 2016
6. Email from Kevin Modglin received August 24, 2016
7. Email from Kevin Modglin received August 26, 2016, with attachment:
  - A Revised site plan received August 26, 2016
8. Email from Kevin Modglin received August 31, 2016
9. Preliminary Memorandum dated September 8, 2016 for Cases 845-AM-16 and 846-S-16, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site layout plan dated May 26, 2016 and received June 14, 2016
  - C Email from Kevin Modglin received August 26, 2016, with attachment:
    - Revised site plan received August 26, 2016
  - D Plat of Survey by Theodore P. Hartke, dated April 22, 2016 and received June 14, 2016
  - E Letter received June 14, 2016, as an attachment to the Rezoning/Special Use applications
  - F LRMP Land Use Goals, Objectives, and Policies
  - G LRMP Appendix of Defined Terms
  - H Copy of Right to Farm Resolution 3425
  - I Natural Resources Report from Champaign County Soil and Water Conservation District dated June 8, 2016 and received June 10, 2016
  - J LESA Site Assessment worksheet completed by staff on August 23, 2016
  - K Email from Kevin Modglin received August 24, 2016
  - L Email from Kevin Modglin received August 31, 2016
  - M Site Images packet
  - N Summary of Evidence, Finding of Fact, and Final Determination for Case 845-AM-16
  - O Summary of Evidence, Finding of Fact, and Final Determination for Case 846-S-16

**PRELIMINARY DRAFT****Cases 845-AM-16**  
**Page 25 of 28****SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 15, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
  - A. Regarding Goal 3:
    - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioners to establish a mixed use business that could benefit Champaign County's economic base.
    - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment **WILL HELP ACHIEVE** Goal 3 Prosperity.
  - B. Regarding Goal 4:
    - (1) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because of the following:
      - a. Policy 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 13.C.(2)).
      - b. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.C.(3)).
      - c. Policy 4.1.8 requiring that the County consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development (see Item 13.C.(4)).
    - (2) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because of the following:
      - a. Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 13.B.(1)).
      - b. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(2)).

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- c. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.B.(3)).
  - d. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.B.(4)).
- (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because of the following:
- a. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.A.(2)).
  - b. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.A.(3)).
  - c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.A.(4)).
  - d. Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture or is appropriate in a rural area (see Item 13.A.(5)).
- (4) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
- D. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
- Goal 1 Planning and Public Involvement
  - Goal 2 Governmental Coordination
  - Goal 5 Urban Land Use
  - Goal 6 Public Health and Public Safety
  - Goal 7 Transportation
  - Goal 8 Natural Resources
  - Goal 9 Energy Conservation
  - Goal 10 Cultural Amenities
- E. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:
- A. This area has a mix of commercial, warehouse, and single family residential uses. The subject property was multi-family residential until its demolition by the petitioners in 2016.



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- B. It is impossible to establish property values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
  - C. The gain to the public of the proposed rezoning is positive because it will develop a vacant property, which will be more desirable than the previous dilapidated multi-family housing and the existing vacant lot.
  - D. The former Cherry Orchard Apartment Complex buildings have been vacant since 2011 and were demolished by the petitioners in 2016.
  - E. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use is a service better provided in a rural area.
  - F. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. Establishing the B-4 District at this location **WILL** help classify, regulate, and restrict the location of the uses authorized in the B-4 District (Purpose 2.0 (i), see Item 21.G.).
  - B. Establishing the AG-2 District in this location **WILL** help protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses (Purpose 2.0 (n) Item 21.I).
  - C. The proposed rezoning and proposed Special Use **WILL NOT** hinder the development of renewable energy sources (Purpose 2.0(r), see Item 21.M).
4. The proposed Zoning Ordinance map amendment is subject to the following special condition:
- A. LRMP Policy 4.2.3 requires discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following condition is intended to provide for that:

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

The above special condition is necessary to ensure the following:

**Conformance with Land Resource Management Plan Policy 4.2.3.**

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**FINAL DETERMINATION**

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

The Zoning Ordinance Amendment requested in **Case 845-AM-16** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board ***SUBJECT TO THE FOLLOWING SPECIAL CONDITION:***

- A.** LRMP Policy 4.2.3 requires discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following condition is intended to provide for that:

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

The above special condition is necessary to ensure the following:

**Conformance with Land Resource Management Plan Policy 4.2.3.**

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

SIGNED:

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

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**846-S-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: *{September 15, 2016}*

Petitioners: **Kevin Modglin, Jeff Swan, and Jeff Dazey, d.b.a. Advantage Trucking, LLC**

Request: **Part A: Authorize multiple principal uses and buildings on the same lot consisting of a Truck Terminal, Contractor’s Facility with Outdoor Storage and/or Operations, and 144 Self-Storage Warehouse Units without heat and utilities to individual units, as a Special Use on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current R-4 Multiple Family Residence Zoning District in related zoning case 845-AM-16 on the subject property described below.**

**Part B: Authorize the following waiver to the standard conditions of the “Truck Terminal” special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 55 feet in lieu of the minimum required 200 feet between any Truck Terminal and any adjacent residential district or residential use on the subject property described below.**

**Part C: Authorize the following waiver to the standard conditions of the “Truck Terminal” special use as per Section 6.1.3 of the Zoning Ordinance: No wire mesh fence surrounding the Truck Terminal in lieu of the minimum required 6 feet tall wire mesh fence on the subject property described below.**

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**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 15, 2016**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 845-AM-16)

- \*1. Petitioners Kevin Modglin, 425 Glenwood Drive, Rantoul; Jeff Swan, 900 Jack Street, Paxton; and Jeff Dazey, 11833 East 1725 North, Oakwood, d.b.a. Advantage Trucking, LLC, own the subject property.
- \*2. The subject property is a 7.97 acre tract in Rantoul Township that is part of the Southwest Quarter of the Southwest Quarter of Section 15 and a part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 21 North, Range 9 East of the Third Principal Meridian in Rantoul Township and formerly known as the Cherry Orchard Apartments property with an address of 1512 CR2700N, Rantoul.
- \*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - \*A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Rantoul, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.
  - \*B. The subject property is located within Rantoul Township, which has a Plan Commission. Townships with Plan Commissions have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Rantoul Township Plan Commission.

***GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY***

- \*4. Land use and zoning on the subject property and in the vicinity are as follows:
  - \*A. The subject property is a 7.97 acre tract and is currently zoned R-4 Multi Family Residential. The site is currently vacant after demolition of the Cherry Orchard Apartments in 2016.
  - \*B. Land to the north of the subject property is zoned AG-1 Agriculture and is in agricultural production.
  - \*C. Land to the southwest of the subject property is zoned B-4 General Business and is in commercial use. Land to the southeast is zoned AG-1 and is in agricultural production.
  - \*D. Land to the east of the subject property is zoned AG-1 Agriculture and is in use as agricultural production to the northeast, vacant property to the east, and single family residential to the southeast.
  - \*E. Land to the west is zoned AG-1 Agriculture and is in agricultural production.

***GENERALLY REGARDING THE PROPOSED SPECIAL USE***

- 5. Regarding the site plan and operations of the proposed Special Use:

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- \*A. The site plan received June 14, 2016, indicates the following proposed improvements to the vacant lot:
- \* (1) One 18,200 square feet “shop space” building;
  - \* (2) Four self-storage buildings with a total of 144 units that are 10 feet by 12 feet each:
    - \* a. A 150 feet by 24 feet building with 30 units;
    - \* b. A 170 feet by 24 feet building with 34 units;
    - \* c. A 190 feet by 24 feet building with 38 units; and
    - \* d. A 210 feet by 24 feet building with 42 units.
  - \* (3) A dry basin detention area (green space) north of the proposed buildings;
  - \* (4) An earth berm on the north, west, and south sides of the property;
  - \* (5) A gravel area surrounding the storage units and shop space; and
  - \* (6) An existing asphalt drive with access to CR2700N.
- \*B. In a letter accompanying the zoning case applications received June 14, 2016, co-petitioner Kevin Modglin indicated the following:
- \* (1) “Advantage Trucking, LLC desires to use the property for a truck terminal and also for self-storage units per the attached site Jay-out plan. Our development intentions are very preliminary at this stage. It was our intention upon purchase of this property to remove the blighted buildings and seek a change in the zoning for our desired use. The cost to remove the blighted buildings required a large cash outlay up front from our company and we will need twelve to twenty-four months to build sufficient cash reserves to begin putting together the engineering and architectural plans required for the development of the property. If approved, we intend to develop the property over the course of two to five years.”
  - \* (2) “The truck terminal would be used for the storage, maintenance and repair of Advantage Trucking, LLC’s vehicles. We currently have four dump trucks and one semi-tractor with two different trailers. Our trucks haul gravel, sand and dirt locally... Major repairs for our trucks and trailers are done at qualified repair facilities, so permanent employees would not be working out of the shop building full time.”
  - \* (3) “The southern part of the shop building would be used for storage of personal and recreational vehicles of the shareholders of Advantage Trucking, LLC. The shop building would be heated and have water and electricity. There would be one restroom with a new private septic system for waste disposal.”
  - \* (4) “The self-storage units would be constructed with a typical unit size of 10' x 20'. The units would not be heated or air conditioned. Electricity would not be available



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to the individual units. Lighting would be achieved by wall units mounted to the buildings with a low wattage as not to affect traffic or neighboring properties. We intend to develop and build the storage unit buildings one at a time as the units fill to capacity in each building.”

- \*C. In an email received August 24, 2016, co-petitioner Kevin Modglin indicated the following:
  - \*C.(1) “Our trucking business is a gravel and dirt hauling business. We haul aggregates (sand, rock, gravel) and dirt for construction local construction projects and almost exclusively for Mid Illinois Concrete & Exc. Our geographic location is an approximate radius of 75 – 100 miles centered around Champaign-Urbana”.
- \*D. In an email received August 26, 2016, co-petitioner Kevin Modglin submitted a revised site plan, which indicated the following new information:
  - \*D.(1) Approximate yard and setback distances for all proposed buildings;
  - \*D.(2) Outdoor storage areas for aggregate and other materials;
  - \*D.(3) Proposed septic field location east of the shop space; and
  - \*D.(4) Proposed screening on the east side of the subject property, which is adjacent to a single family residence.
  - \*D.(5) “Equipment stored inside would be our trucks. We currently have 3 Tandems and 1 Semi. Equipment stored outside would consist of 3 semi dump trailers, a bulldozer, a farm tractor with disc and a front end loader.”
- \*E. In an email received August 31, 2016, co-petitioner Kevin Modglin stated that they will bring in a concrete crusher in late 2016 or early 2017, depending on the availability of the crusher. They do not intend to crush concrete at the subject property in the future; it would be a one-time event.
- \*F. Previous Zoning Use Permits on the subject property are as follows:
  - \*F.(1) ZUPA# 32-16-02 was approved on March 8, 2016, for Advantage Trucking to demolish 7 buildings, remove septic tanks and wells.
- \*G. Previous Zoning Cases on the subject property are as follows:
  - \*G.(1) Case 467-AM-83 was approved on May 17, 1983 to rezone the subject property from AG-1 Agriculture to R-4 Multi Family Residential.
- \*H. Previous Zoning Cases in the immediate area of the subject property are as follows:
  - \*H.(1) Case 562-AM-86 was approved on May 29, 1986 to rezone the property on the southwest corner of CR2700N and US45 North from AG-1 to B-4 zoning in order to establish self-storage units.

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- \* (2) Case 941-AM-94 approved October 25, 1994 was to rezone a subdivision from AG-1 to AG-2 to create 6 residential lots east of the subject property.
- \* (3) Case 057-V-96 approved November 7, 1996 was a variance for average lot width and for a lot area of less than one acre on a residential property east of the subject property.
- \* (4) Case 146-AM-98 approved July 23, 1998 was to rezone a lot from a mixed B-4/R-5 zoning to all B-4, just south of the subject property.
- \* (5) Case 290-S-01 was approved on May 31, 2001 for a new Rantoul Township maintenance facility on the southwest corner of CR2700N and US45 North.
- \* (6) Case 469-S-04 was approved on November 23, 2004 for a multiple use Special Use Permit for a light assembly business and Mobile Home sales office on the property from Case 146-AM-08.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for a “Truck Terminal” and “Self-Storage Warehouses not providing heat and utilities to individual units” in the B-4 General Business Zoning DISTRICT 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) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
    - (3) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
    - (4) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of

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AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

- (5) “AREA, BUILDING” is the total area taken on a horizontal plane at the largest floor level of the MAIN or PRINCIPAL BUILDING and all ACCESSORY BUILDINGS on the same LOT exclusive of uncovered porches, terraces, steps, or awnings, marquees, and non-permanent CANOPIES and planters.
- (6) “AREA, LOT” is the total area within the LOT LINES.
- (7) “BERTH, LOADING” is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
- (8) “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.
- (9) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (10) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
- (11) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (12) “COVERAGE” is the percentage of the LOT AREA covered by the BUILDING AREA.
- (13) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY

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review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations

- (14) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (15) “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.
- (16) “LOT, CORNER” is a LOT located:
  - (a) at the junction of and abutting two or more intersecting STREETS; or
  - (b) at the junction of and abutting a STREET and the nearest shoreline or high water line of a storm of floodwater runoff channel or basin; or
  - (c) at and abutting the point of abrupt change of a single STREET where the interior angle is less than 135 degrees and the radius of the STREET is less than 100 feet.
- (17) “OPERATIONS” are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
- (18) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (19) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (20) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (21) “STORAGE” is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
- (22) “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.
- (23) “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

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

- (24) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (25) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
  - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
  - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
  - d. Necessary infrastructure is in place or provided by the proposed development; and
  - e. Available public services are adequate to support the proposed development effectively and safely.
- (26) “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.
- (27) 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.
- B. Section 4.2.1.F. states that more than one main or principal structure or building per lot is authorized by Special Use Permit in the R-4 Multiple Family Residence, B-1 Rural Trade Center, B-2 Neighborhood Business, B-3 Highway Business, B-4 General Business, B-5 Central Business, I-1 Light Industry, and I-2 Heavy Industry Zoning Districts.
1. Subsection 4.2.1.F.2 identifies the criteria that must be met:
    - a. The requirements of Section 9.1.11, SPECIAL USES, shall be met.
    - b. The USES are permitted either by right or as a SPECIAL USE in the DISTRICT in which the LOT or parcel of land is located.
    - c. The regulations and standards for the DISTRICT in which the LOT is located shall be met.



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- d. A LOT may be occupied by two or more MAIN or PRINCIPAL STRUCTURES or BUILDINGS as authorized by a SPECIAL USE under this section, when adequate OPEN SPACE is provided between all STRUCTURES and BUILDINGS in accordance with the following standards:
- i. For STRUCTURES in the Business or Industrial DISTRICTS the required minimum depth of such OPEN SPACE shall be determined by doubling the required SIDE YARD in the DISTRICT in which the LOT or parcel is located.
  - ii. The minimum depth of such OPEN SPACE, for the purpose of these standards, shall be measured at the closest point between BUILDINGS including any projecting eave, balcony, canopy, awning, or other similar projection.
  - iii. Single Family, Two-Family, Multiple Family or institutional BUILDINGS shall be located on the LOT in conformance to the provisions of Section 4.2.2C.
- C. Section 4.3.3 H. defines screening types:
- (1) Type A: Decorative opaque fence, shrubs or other vegetative material or a landscaped berm planted and maintained with a minimum HEIGHT of four feet as measured from the highest adjacent grade.
  - (2) Type B: An opaque fence or wall with a minimum HEIGHT of four feet as measured from the highest adjacent grade.
  - (3) Type C: A landscape berm or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of six feet as measured from the highest adjacent grade.
  - (4) Type D: A landscaped berm, or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of eight feet as measured from the highest adjacent grade.
- D. Section 4.3.10 states the following:
- (1) Any USE or CONSTRUCTION for which a Zoning Use Permit is required shall also comply with the relevant requirements of the Champaign County Stormwater Management and Erosion Control Ordinance.
  - (2) The limits on maximum LOT COVERAGE contained in Section 5.3 notwithstanding, no more than 16 percent of the surface of any LOT or LOTS in common ownership on January 1, 1998 shall consist of impervious area, including paving consisting of gravel and rock and including any specific impervious area addition to adjacent public STREETS that is required to accommodate the USE or CONSTRUCTION, unless the LOT is exempt pursuant to, or complies with, the Storm Water Management and Erosion Control Ordinance.

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- E. Section 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
    - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
    - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
    - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
    - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
    - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
  - (2) Subsection 6.1.3 establishes the following standard conditions for Truck Terminals:
    - a. A minimum 6 feet tall wire mesh fence, with the specific location and area to be enclosed by required fencing shall be determined by the BOARD.
    - b. A separation distance of 200 feet between any R DISTRICT or residential USE.
- F. 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.1. states, "Parking spaces for heavy motor trucks, motor buses or other vehicles shall be of dimensions specified for off-street loading berths.
  - (3) 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."
  - (4) Section 7.4.1 C.3.e. states, "Any other establishments than specified will provide one parking space for every 200 square feet of floor area."

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- (5) Section 7.4.1 C.4. states, “Required parking SCREENS for commercial ESTABLISHMENTS shall be provided as follows:
- a. Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.
  - b. Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.”
- (6) Section 7.4.2 refers to off-street LOADING BERTHS:
- a. All LOADING BERTHS shall have vertical clearance of at least 14 feet.
  - b. All LOADING BERTHS shall be designed with appropriate means of vehicular access to a STREET or ALLEY in a manner which will least interfere with traffic movement.
  - c. No VEHICLE repair or service work shall be performed on any LOADING BERTH.
  - d. No LOADING BERTH shall be located less than 10 feet from any FRONT LOT LINE and less than five feet from any side or REAR LOT LINE.
  - e. Section 7.4.2 C. states, “Off-street LOADING BERTHS for commercial ESTABLISHMENTS shall be provided as follows:
    - (a) All LOADING BERTHS shall be located on the same LOT or tract of land as the ESTABLISHMENT served except when serving adjacent ESTABLISHMENTS when the LOADING BERTH requirement is sufficient to serve both ESTABLISHMENTS.
    - (b) No such BERTH shall be located within any YARD abutting a residential DISTRICT or located less than 100 feet from the BUILDING RESTRICTION LINE of any LOT in the R DISTRICT or any LOT containing a DWELLING conforming as to USE unless such BERTH is screened from public view by a Type C SCREEN. If the berth is located adjacent to an elevated loading dock, however, a Type D SCREEN shall be used to screen both the loading berth and the loading dock.

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- (c) No LOADING BERTH shall be located within 50 feet of the nearest point of intersection of two STREETS.
  - (d) All LOADING BERTHS shall be improved with a compacted base at least six inches thick and shall be surfaced with at least two inches of some all-weather dustless material.
  - (e) Schedule of off-street LOADING BERTHS is provided under Section 7.4.2 C.5. on page 7-23 of the Zoning Ordinance.
- G. Section 7.6 establishes the following conditions for Outdoor Storage and/or Outdoor Operations:
- (1) Part 7.6.1 states that “Outdoor STORAGE and/or OPERATIONS shall be allowed in all DISTRICTS only as ACCESSORY USES unless permitted as a principal USE in Section 5.2 and shall be allowed in any YARD in all DISTRICTS subject to the provisions of Section 7.2 without a permit provided that outdoor STORAGE and/or outdoor OPERATIONS shall not be located in any required off-street PARKING SPACES or LOADING BERTHS.
  - (2) Part 7.6.2 states that “a Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE and/or outdoor OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
    - a. Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or
    - b. Any designated urban arterial street or MAJOR STREET.”
  - (3) Part 7.6.3 A. states that “The screen shall meet the requirements of Sections 4.3.3 E, F and G.”
  - (4) Part 7.6.3 B. states that “when the HEIGHT of items to be stored is taller than eight feet, trees of a minimum three inch caliper shall be planted at a spacing sufficient to ensure that once the trees achieve maturity the taller items will be screened in addition to screening required by Section 7.6.2.
- H. 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;

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- (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.
- I. 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.



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- 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.
- J. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioners testified on the application, **“Direct access to Route 45 ensures convenience for the public to the self-storage warehouses and minimum to no disturbance of the public with trucks coming into or leaving the truck terminal.”**
  - B. The subject property is adjacent to US45 North and is located about 4 miles south of the I-57 interchange at Rantoul.
  - C. In an email received August 24, 2016, Kevin Modglin stated, “Our geographic location is an approximate radius of 75 – 100 miles centered around Champaign-Urbana. We chose this site for a couple of reasons...access to a major highway in close proximity to Champaign-Urbana, the price was right, and we were able to take a site in need of redevelopment and improve it.”

**GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE**

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

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 Petitioners have testified on the application, **“This property is located directly on a major US Highway (Route 45) and serves as an excellent location for truck transportation for work done in northern part of the county. Future Rantoul zoning for this area is mixed use.”**
  - B. Regarding surface drainage:
    - (1) The Natural Resource Report by the Champaign County Soil and Water Conservation District received June 10, 2016, indicates the following:
      - a. “The site does not currently have large elevation changes.”

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- b. “It is likely that this site contains agricultural tile; if any tile is found, care should be taken to maintain the tile in working order. Severe wetness may be a limitation associated with the soil on the site.”
- (2) Agricultural drainage should not be affected.
- (3) In a phone call received September 2, 2016, Jeff Tock, Attorney for the Triple Fork Drainage District, expressed concern about increased impervious area and drainage from the proposed development and where it will flow.
- C. Regarding impacts on traffic:
- (1) The subject property fronts the north side of CR2700N and is on the east side of US Route 45 North. The property only has access on CR2700N. Regarding the general traffic conditions on CR2700N at this location and the level of existing traffic and the likely change from the proposed Special Use:
- a. 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). CR2700N had an ADT of 250 near the subject property in 2011. US45 North had an ADT of 7,350 near the subject property in 2015.
- b. The Illinois Department of Transportation’s *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. There is 2 feet of gravel shoulder on both sides of the 20 foot wide road.
- c. The pavement surface of CR2700N in the vicinity of the subject property is oil and chip. The pavement width is about 20 feet, which would equate to a maximum recommended traffic volume of no more than 400 ADT.
- d. Information on the traffic generated by the proposed Special Use was not submitted. In an email received August 26, 2016, co-petitioner Kevin Modglin stated that they have 3 Tandems and 1 Semi that will that will be used regularly.
- e. The subject property is adjacent to US Route 45 North and is located about 4 miles south of the I-57 interchange at Rantoul.
- D. Regarding fire protection on the subject property, the subject property is located approximately 2.2 miles from the Thomasboro Fire Protection District station. A notice of these related zoning cases was sent to the Thomasboro Fire Protection District but no comments have been received.
- E. No part of the subject property is located within a mapped floodplain.

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- F. The Natural Resources Report completed by the Champaign County Soil and Water Conservation District received June 10, 2016, states that the soil on the subject property is best prime farmland, consists of 149A Benton silt loam and 152A Drummer silty clay loam, and has an average Land Evaluation (LE) of 100.
- G. Regarding outdoor lighting on the subject property:
- (1) No outdoor lighting was indicated on the Site Plan received June 14, 2016.
  - (2) In a letter accompanying the zoning case applications received June 14, 2016, co-competitor Kevin Modglin stated that “lighting would be achieved by wall units mounted to the buildings with a low wattage as not to affect traffic or neighboring properties”.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) The petitioners propose to install a new septic system.
- I. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
    - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
    - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
    - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
    - d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
    - e. Compliance with the Office of the State Fire Marshal’s code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
    - f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the

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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. On August 26, 2016, staff received a phone call from a resident who was concerned about the potential noise the proposed facility might create. The resident also stated that mud was being tracked out onto CR2700N and US Route 45 North from the subject property.
- K. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“There is a commercial property across the county road (Border Magic & Boulder Magic), and Rantoul’s Comprehensive Zoning Plan designates this area for commercial use.”**
  - B. Regarding compliance with the *Zoning Ordinance*:

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- (1) A Truck Terminal is authorized by-right in the B-4 General Business Zoning District.
- (2) Self-storage Warehouses are authorized by-right in the B-4 General Business Zoning District.
- (3) More than one main or principal structure or building per lot is authorized by Special Use Permit in the B-4 General Business Zoning District.
- (4) Regarding the requirement that a Truck Terminal be separated by 200 feet from the nearest residential DISTRICT or residential USE: the Special Use Permit area of the property is approximately 55 feet from the neighboring residences to the east, which is the reason for requesting the waiver in Part B of the Special Use.
- (5) Regarding parking on the subject property for the proposed Truck Terminal, Contractor's Facility with outdoor storage and/or operations, and Self-Storage Warehouses:
  - a. A Truck Terminal, for the purpose of establishing minimum Zoning Ordinance requirements, can be considered a commercial use.
  - b. Commercial uses not specifically listed in the Zoning Ordinance must provide 1 space per every 200 square feet of floor area or portion thereof.
  - c. Other than 3 handicap accessible spaces, no parking was indicated on the site plan received August 26, 2016.
  - d. The "shop space" on the subject property will be the determining square footage for the truck terminal/contractor's facility. The shop space has 18,200 square feet; this floor area would require 91 parking spaces at least 9 feet by 20 feet in dimension.
    - (a) The shop space would be used only by the stakeholders in the company and employees; no clients are expected to visit the site.
    - (b) In a recent zoning case for a contractor's facility (Case 822-S-15), where no clients were expected on-site, the ZBA approved a reduced number of required parking spaces, which included sufficient parking for all owners, employees, one visitor, and one handicap accessible space.
  - e. In addition, as interpreted by the Zoning Administrator, self-storage warehouses require 1 space per 3 storage units and must provide handicap accessible spaces. The proposed self-storage facility has 144 units, which would thus require at least 48 parking spaces.
  - f. The proposed building footprint (shop space and self-storage buildings) totals approximately 35,480 square feet. Paragraph 7.4.2 C.5. requires two loading berths of minimum 12 feet by 70 feet dimensions for commercial and industrial establishments of 25,000 to 39,999 square feet of floor area.



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- g. Section 7.4.1 C.4. of the Zoning Ordinance requires parking screens for commercial establishments.
- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*:
- (1) The proposed Special Use must comply with the Champaign County *Stormwater Management and Erosion Control Ordinance* because the amount of impervious area on the subject property has increased by more than the 16% Maximum Exempt Impervious Area allowed as per Section 4.2 of the *Stormwater Management and Erosion Control Ordinance*.
  - (2) The Ordinance states that stormwater detention is required if there is one acre or more of impervious surface area; the proposed Special Use has approximately 2.75 acres of impervious area.
  - (3) No Stormwater Management Plan has been submitted.
  - (4) The Site Plan received June 14, 2016, shows a dry basin detention area (green space) and earth berms on the subject property.
  - (5) Compliance with the SWMEC Ordinance will be a requirement of the construction permit approval process.
  - (6) In a phone call received September 2, 2016, Jeff Tock, Attorney for the Triple Fork Drainage District, expressed concern about increased impervious area and drainage from the proposed development and where it will flow.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the B-4 General Business Zoning District:
- (1) Truck Terminals and Self-Storage Warehouses are by-right USES in the B-4 DISTRICT.
  - (2) Contractor's Facilities with Outdoor STORAGE and/or OPERATIONS are allowed by-right in the B-4 DISTRICT if all outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN meeting the provisions of Sections 7.6.2. and 7.6.3. Otherwise, they are authorized only by Special Use Permit in the B-4 DISTRICT.
- G. Currently, the subject property is zoned R-4 Multi Family Residential and the Petitioner has requested to rezone the property to B-4 General Business in related Case 845-AM-16. Regarding whether or not the proposed Special Use will preserve the essential character of the District in which it will be located:

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- (1) All three proposed uses are allowed by-right in the B-4 District; the proposed Special Use Permit is to allow multiple uses and buildings.
  - (2) The subject property is located on CR2700N. Land use and zoning in the immediate area of the subject property are discussed under Item 4 of this Summary of Evidence.
- H. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.
- (1) The Revised Site Plan received August 26, 2016 provided no indication that the proposed Special Use complies with the Illinois Accessibility Code.

**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. Regarding the proposed Special Uses:
    - (1) Truck Terminals and Self-Storage Warehouses are by-right USES in the B-4 DISTRICT.
    - (2) Contractor's Facilities with Outdoor STORAGE and/or OPERATIONS are allowed by-right in the B-4 DISTRICT if all outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN meeting the provisions of Section 7.6.3. Otherwise, they are authorized only by Special Use Permit in the B-4 DISTRICT.
    - (3) More than one main or principal structure or building per lot is authorized by Special Use Permit in the B-4 General Business Zoning District.
  - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
    - (1) Subsection 5.1.12 of the Ordinance states the general intent of the B-4 District and states as follows (capitalized words are defined in the Ordinance):
 

The B-4, General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.
    - (2) The types of uses authorized in the B-4 District are in fact the types of uses that have been determined to be acceptable in the B-4 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

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C. The proposed Special Use Permit *IS* in harmony with the general purpose of the Zoning Ordinance, as follows:

- (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; with the exception of the 200 feet minimum separation distance requirement (Part B Waiver for this Case), the proposed site plan appears to be in compliance with those requirements.

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

It is not clear whether or not the proposed rezoning 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.

- (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.

Information on the traffic generated by the proposed Special Use was not submitted. In an email received August 26, 2016, co-petitioner Kevin Modglin stated that they have 3 Tandems and 1 Semi that will be used regularly.

- (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.

The creation of additional impervious area due to the construction of the proposed buildings will trigger the need for stormwater management; this will be a part of the construction permit approval process.

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

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- c. On August 26, 2016, staff received a phone call from a resident who was concerned about the potential noise the proposed facility might create. The resident also stated that mud was being tracked out onto CR2700N and US Route 45 North from the subject property.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

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

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

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

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- (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.
- a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
  - b. In related Case 845-AM-16, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan, although the proposed Special Use Permit is not urban in use.
- (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 subject property does not contain any natural features.

- (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 Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- (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 proposed Special Use will not take any land out of production.

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

The proposed Special 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:



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- A. The Petitioners testified on the application: “N/A.”
- B. The existing use on the property is a nonconforming use – the Cherry Orchard Apartment Complex was built prior to the adoption of the Zoning Ordinance on October 10, 1973.
- C. The redevelopment of the site will readily make the vacant site more compatible with its surroundings. There is an existing mixed use warehouse and landscaping border contractor business directly to the south of the subject property.

**GENERALLY REGARDING OTHER CONSIDERATIONS RELATED TO THE WAIVERS OF STANDARD CONDITIONS**

- 12. Regarding the necessary waivers of standard conditions:
  - A. Waive the standard condition of Section 6.1.3 of the Zoning Ordinance that requires a separation distance of 55 feet in lieu of the required 200 feet between any Truck Terminal and any adjacent residential structure and/or use:
    - (1) The closest residential structure is approximately 35 feet from the east property line and approximately 110 feet from the nearest proposed structure.
    - (2) The 55 feet separation distance was calculated as the width of the eastern lot that is now part of the subject property, prior to receipt of the revised Site Plan received August 26, 2016.
      - a. Separation distance is calculated as the outermost boundary of the Special Use area to the closest shared property line. In this Case, staff determined that the east side of the proposed shop space is the outermost boundary of the proposed Special Use area.
      - b. The revised Site Plan received August 26, 2016 shows the east side of the proposed shop space as 75 feet from the shared property line with the residence.
  - B. Waive the standard condition of Section 6.1.3 of the Zoning Ordinance that requires a 6 feet tall wire mesh fence surrounding the Truck Terminal:
    - \* (1) In a letter accompanying the zoning case applications received June 14, 2016, co-competitor Kevin Modglin indicated the following:
      - a. “At this time, we do not intend to have a perimeter fence around the storage units or the property. Access would be controlled by a gate at the main entrance.”

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

- 13. Regarding proposed special conditions of approval:
  - A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 845-AM-16 by the County Board.**

The above special condition is required to ensure the following:

**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**

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- B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Truck Terminal, Contractor's Facility with Outdoor Storage and/or Operations, and 144 Self-Storage Warehouse Units without heat and utilities to individual units, until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- C. Certification from the County Health Department that the septic system on the subject property has sufficient capacity for the proposed uses is a requirement for approval of the Zoning Use Permit.**

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

**That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.**

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

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

**That the proposed uses are in compliance with the Zoning Ordinance.**

- E. The Zoning Administrator shall not authorize a Zoning Compliance Certificate for the proposed development until the petitioner has demonstrated that a 6 feet tall wire mesh fence has been installed around the outdoor storage and operations area for the Truck Terminal.**

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

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

- F. The petitioners must plant evergreen screening along the east lot line to screen the proposed uses from adjacent residential properties, as indicated on the approved Site Plan. As per standard Department practice, a Norway Spruce vegetative screen must be four to six feet high at the time of planting and will be planted in staggered rows and must be planted within one year of the approval of Zoning Case 845-AM-16.**

The above special condition is required to ensure the following:

**To promote public health, safety, and general welfare that is a purpose of the Zoning Ordinance.**

- G. Two loading berths meeting Zoning Ordinance requirements will be constructed on the property prior to the Zoning Administrator authorizing a Zoning Compliance Certificate.**

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

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

- H. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the 2006 or later edition of the International Building Code; (B) the 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.**

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

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

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

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

**That the drainage improvements conform to the requirements of the Stormwater Management and Erosion Control Ordinance.**

- J. The Special Use is subject to the approval of Case 845-AM-16.**

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

**That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.**

- K. Outdoor operations may involve nothing louder than loading and unloading earth, sand, rock, and gravel, and any noise must comply with the Champaign County Nuisance Ordinance.**

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

**That operations promote the public health, safety, and general welfare.**

- L. Fugitive dust from the subject property is prohibited during loading and unloading, and also while earth it is being stored.**

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

**That operations promote the public health, safety, and general welfare.**

- M. No business operations in the self-storage area can include anything other than simple storage.**

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

**That no additional uses are established on the subject property.**

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1. Application for Map Amendment received May 27, 2016
2. Application for Special Use Permit received June 14, 2016, with attachments:
  - A Site layout plan dated May 26, 2016 and received June 14, 2016
  - B Plat of Survey by Theodore P. Hartke, dated April 22, 2016 and received June 14, 2016
  - C Letter from petitioners received June 14, 2016
3. Case file from ZUPA #32-16-02 approved March 8, 2016
4. Natural Resources Report from Champaign County Soil and Water Conservation District dated June 8, 2016 and received June 10, 2016
5. LESA Site Assessment worksheet completed by staff on August 23, 2016
6. Email from Kevin Modglin received August 24, 2016
7. Email from Kevin Modglin received August 26, 2016, with attachment:
  - A Revised site plan received August 26, 2016
8. Email from Kevin Modglin received August 31, 2016
9. Preliminary Memorandum dated September 8, 2016 for Cases 845-AM-16 and 846-S-16, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site layout plan dated May 26, 2016 and received June 14, 2016
  - C Email from Kevin Modglin received August 26, 2016, with attachment:
    - Revised site plan received August 26, 2016
  - D Plat of Survey by Theodore P. Hartke, dated April 22, 2016 and received June 14, 2016
  - E Letter received June 14, 2016, as an attachment to the Rezoning/Special Use applications
  - F LRMP Land Use Goals, Objectives, and Policies
  - G LRMP Appendix of Defined Terms
  - H Copy of Right to Farm Resolution 3425
  - I Natural Resources Report from Champaign County Soil and Water Conservation District dated June 8, 2016 and received June 10, 2016
  - J LESA Site Assessment worksheet completed by staff on August 23, 2016
  - K Email from Kevin Modglin received August 24, 2016
  - L Email from Kevin Modglin received August 31, 2016
  - M Site Images packet
  - N Summary of Evidence, Finding of Fact, and Final Determination for Case 845-AM-16
  - O Summary of Evidence, Finding of Fact, and Final Determination for Case 846-S-16

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**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **846-S-16** held on **September 15, 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\*}*: \_\_\_\_\_
  - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because\*}*: \_\_\_\_\_
  - h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because\*}*: \_\_\_\_\_
  - i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because\*}*: \_\_\_\_\_

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

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

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



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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* an existing nonconforming use.
6. ***SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:***
- A. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning Ordinance: that requires a **separation distance of 55 feet in lieu of the required 200 feet between any Truck Terminal and any adjacent residential district or use:**
    - (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because \_\_\_\_\_
    - (2) 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 \_\_\_\_\_
    - (3) 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 \_\_\_\_\_
    - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because \_\_\_\_\_
    - (5) The requested waiver ***SUBJECT TO THE PROPOSED SPECIAL CONDITIONS {IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure because \_\_\_\_\_
  - B. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning Ordinance: that requires a **6 feet tall wire mesh fence surrounding the Truck Terminal:**
    - (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because \_\_\_\_\_
    - (2) 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 \_\_\_\_\_
    - (3) 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 \_\_\_\_\_
    - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because \_\_\_\_\_

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- (5) The requested waiver ***SUBJECT TO THE PROPOSED SPECIAL CONDITIONS {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:***

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 845-AM-16 by the County Board.**

The above special condition is required to ensure the following:

**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**

- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Truck Terminal, Contractor’s Facility with Outdoor Storage and/or Operations, and 144 Self-Storage Warehouse Units without heat and utilities to individual units, until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- C. **Certification from the County Health Department that the septic system on the subject property has sufficient capacity for the proposed uses is a requirement for approval of the Zoning Use Permit.**

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

**That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.**

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

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

**That the proposed uses are in compliance with the Zoning Ordinance.**

- E. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate for the proposed development until the petitioner has demonstrated that a 6 feet tall wire mesh fence has been installed around the outdoor storage and operations area for the Truck Terminal.**

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

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

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- F. The petitioners must plant evergreen screening along the east lot line to screen the proposed uses from adjacent residential properties, as indicated on the approved Site Plan. As per standard Department practice, a Norway Spruce vegetative screen must be four to six feet high at the time of planting and will be planted in staggered rows and must be planted within one year of the approval of Zoning Case 845-AM-16.**

The above special condition is required to ensure the following:

**To promote public health, safety, and general welfare that is a purpose of the Zoning Ordinance.**

- G. Two loading berths meeting Zoning Ordinance requirements will be constructed on the property prior to the Zoning Administrator authorizing a Zoning Compliance Certificate.**

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

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

- H. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the 2006 or later edition of the International Building Code; (B) the 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.**

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

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

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

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

**That the drainage improvements conform to the requirements of the Stormwater Management and Erosion Control Ordinance.**

- J. The Special Use is subject to the approval of Case 845-AM-16.**

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

**That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.**

- K. Outdoor operations may involve nothing louder than loading and unloading earth, sand, rock, and gravel, and any noise must comply with the Champaign County Nuisance Ordinance.**

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

**That operations promote the public health, safety, and general welfare.**

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- L. Fugitive dust from the subject property is prohibited during loading and unloading, and also while earth it is being stored.**

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

**That operations promote the public health, safety, and general welfare.**

- M. No business operations in the self-storage area can include anything other than simple storage.**

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

**That no additional uses are established on the subject property.**

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**FINAL DETERMINATION**

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **846-S-16** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants **Kevin Modglin, Jeff Swan, and Jeff Dazey, d.b.a. Advantage Trucking, LLC**, to authorize the following as a Special Use on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current R-4 Multi Family Residential Zoning District in related Zoning Case 845-AM-16:

**Part A: Authorize multiple principal uses and buildings on the same lot consisting of a Truck Terminal, Contractor’s Facility with Outdoor Storage and/or Operations, and 144 Self-Storage Warehouse Units without heat and utilities to individual units, as a Special Use on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current R-4 Multiple Family Residence Zoning District in related zoning case 845-AM-16 on the subject property described below.**

***SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS:***

**Part B: Authorize the following waiver to the standard conditions of the “Truck Terminal” special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 55 feet in lieu of the minimum required 200 feet between any Truck Terminal and any adjacent residential district or residential use on the subject property described below.**

**Part C: Authorize the following waiver to the standard conditions of the “Truck Terminal” special use as per Section 6.1.3 of the Zoning Ordinance: No wire mesh fence surrounding the Truck Terminal in lieu of the minimum required 6 feet tall wire mesh fence on the subject property described below.**

***{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }***

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 845-AM-16 by the County Board.**

The above special condition is required to ensure the following:

**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**

- B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Truck Terminal, Contractor’s Facility with Outdoor Storage and/or Operations, and 144 Self-Storage Warehouse Units without heat and utilities to individual units, until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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



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

- C. Certification from the County Health Department that the septic system on the subject property has sufficient capacity for the proposed uses is a requirement for approval of the Zoning Use Permit.**

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

**That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.**

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

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

**That the proposed uses are in compliance with the Zoning Ordinance.**

- E. The Zoning Administrator shall not authorize a Zoning Compliance Certificate for the proposed development until the petitioner has demonstrated that a 6 feet tall wire mesh fence has been installed around the outdoor storage and operations area for the Truck Terminal.**

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

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

- F. The petitioners must plant evergreen screening along the east lot line to screen the proposed uses from adjacent residential properties, as indicated on the approved Site Plan. As per standard Department practice, a Norway Spruce vegetative screen must be four to six feet high at the time of planting and will be planted in staggered rows and must be planted within one year of the approval of Zoning Case 845-AM-16.**

The above special condition is required to ensure the following:

**To promote public health, safety, and general welfare that is a purpose of the Zoning Ordinance.**

- G. Two loading berths meeting Zoning Ordinance requirements will be constructed on the property prior to the Zoning Administrator authorizing a Zoning Compliance Certificate.**

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

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

- H. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the 2006 or later edition of the International Building Code; (B) the 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.**

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

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

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

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

**That the drainage improvements conform to the requirements of the Stormwater Management and Erosion Control Ordinance.**

- J. The Special Use is subject to the approval of Case 845-AM-16.**

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

**That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.**

- K. Outdoor operations may involve nothing louder than loading and unloading earth, sand, rock, and gravel, and any noise must comply with the Champaign County Nuisance Ordinance.**

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

**That operations promote the public health, safety, and general welfare.**

- L. Fugitive dust from the subject property is prohibited during loading and unloading, and also while earth it is being stored.**

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

**That operations promote the public health, safety, and general welfare.**

- M. No business operations in the self-storage area can include anything other than simple storage.**

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

**That no additional uses are established on the subject property.**

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