

# CASES 909-S-18 & 910-V-18

PRELIMINARY MEMORANDUM

July 5, 2018

**Petitioner:** Fred and Justin Einck, d.b.a. Fred's Plumbing, Heating, Air Conditioning and Electric, Inc.

**Request:** CASE 909-S-18  
Authorize a Contractor's Facility with Outdoor Storage and Outdoor Operations as a Special Use in the AG-1 Agriculture Zoning District, subject to the variance requested in related Case 910-V-18.

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

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

## CASE 910-V-18

**Part A:** Authorize a variance for 0 loading berths in lieu of the minimum required 2 loading berths for commercial and industrial uses in the AG-1 Agriculture Zoning District, per section 7.4.2 D. of the Champaign County Zoning Ordinance, subject to the request for Special Use Permit approval in related Case 909-S-18.

**Part B:** Authorize a variance from the Champaign County Stormwater Management and Erosion Control Ordinance, which requires a Stormwater Drainage Plan and review for more than one acre of impervious area on a lot that is 2 acres in area.

**Location:** A tract that is Lot 1 on the Final Plat of Eichhorst Subdivision approved by the Champaign County Board on March 27, 2018, in the Southwest Quarter of the Southwest Quarter of Section 18 of Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and commonly known as a part of the farm field east of the Illinois Department of Transportation maintenance facility located at 160 East Leverett Road, Champaign.

**Site Area:** 2 acres

**Time Schedule for Development:** As soon as possible

**Prepared by:** **Susan Burgstrom**  
Senior Planner

**John Hall**  
Zoning Administrator

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## BACKGROUND

The petitioner seeks to construct a new building for an existing heating and plumbing business. He is also in the process of acquiring a tank pumping business, and intends to fold that into the business and proposed facility as well. The building will be on a new septic system, and will have a wash bay with floor drains connected to an oil-water separator.

Subdivision Case 199-18 for this 2 acre tract was approved by the County Board on March 27, 2018, and is currently being prepared for signatures and recording.

Section 5.2: Table of Authorized Principal Uses states that Contractors Facilities (with outdoor storage and/or outdoor operations) can be established with a Special Use Permit in the AG-1 Agriculture Zoning District.

Two variances are required for the proposed use:

- Regarding Part A of the variance, for 0 loading berths in lieu of 2 loading berths, the petitioner does not anticipate needing the 2 loading berths required by paragraph 7.4.2 D. of the Zoning Ordinance.
- Regarding Part B of the variance, for not requiring a Storm Water Management Plan or review, the Revised Site Plan received July 3, 2018, shows 1.09 acres of impervious area. The petitioner would like to maximize the outdoor storage and operations area as much as possible.

## EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.

The subject property is located within Somer Township, which does not have a Plan Commission.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Vacant (previously ag land in production)	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture/farmstead	AG-1 Agriculture
West	Agriculture, cell tower, IDOT storage facility	AG-1 Agriculture
South	Agriculture/farmstead	AG-1 Agriculture

## PROPOSED SPECIAL CONDITIONS

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Contractors Facility (with or without Outdoor Storage and Operations) 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.**

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

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

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

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

The above special condition is necessary to ensure the following:

**Conformance with LRMP Policy 4.2.3.**

- D. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Contractors Facility until the petitioner has demonstrated that a Type D screen has been installed inside the south property line to the east of the access drive and along the east property line, to screen the proposed uses from adjacent residential properties, as indicated on the approved Site Plan.**

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.**

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

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

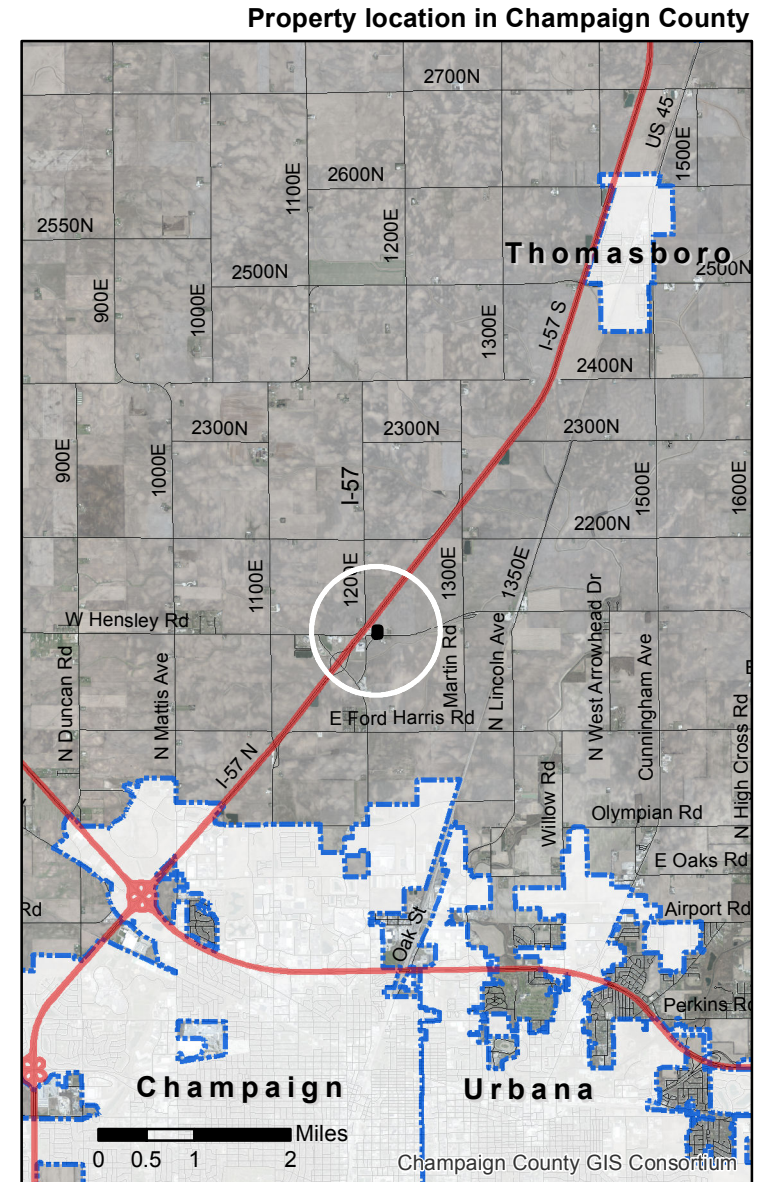
**New buildings shall be in conformance with Public Act 96-704.**

**ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received May 14, 2018
- C Revised Site Plan received June 14, 2018
- D Revised Site Plan received July 3, 2018
- E Site Plan for Case 199-18 approved by the County Board on March 27, 2018
- F Outdoor lighting specification sheets received June 14, 2018
- G Natural Resource Report from Champaign County Soil and Water Conservation District received January 29, 2018 as part of subdivision case 199-18
- H Site Visit Photos taken June 11, 2018
- I Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated July 12, 2018

# Location Map

Cases 909-S-18 and 910-V-18  
July 12, 2018



## Legend

- Subject Property
- Parcels
- Municipal Boundary
- Streets

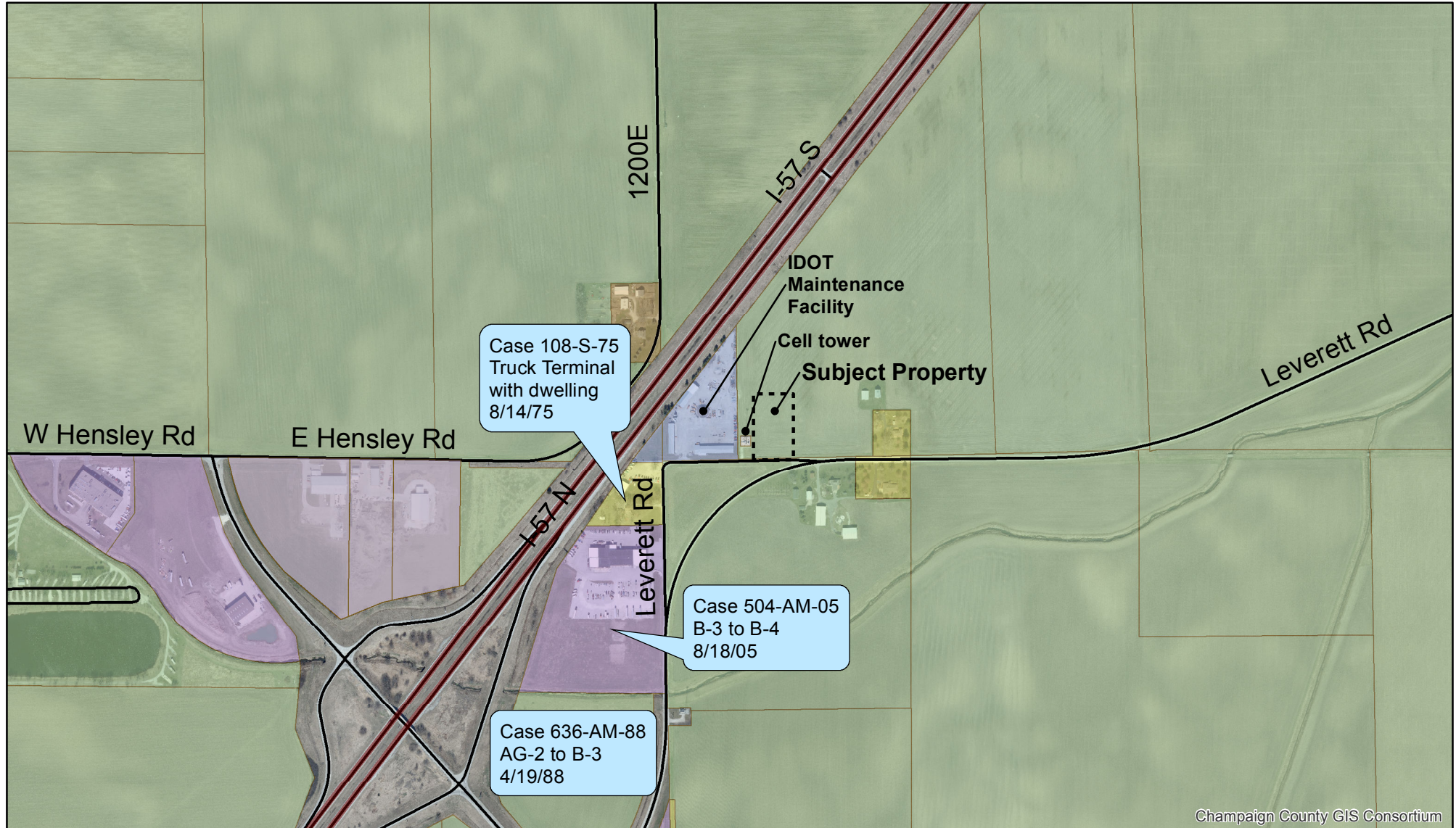


Champaign County  
Department of  
**PLANNING &  
ZONING**








# Land Use Map

Cases 909-S-18 and 910-V-18  
July 12, 2018



## Legend

- |   |  |   |
|---|--|---|
|  IDOT       |  Residential                |  Agriculture |
|  Commercial |  Agriculture with Residence |   |

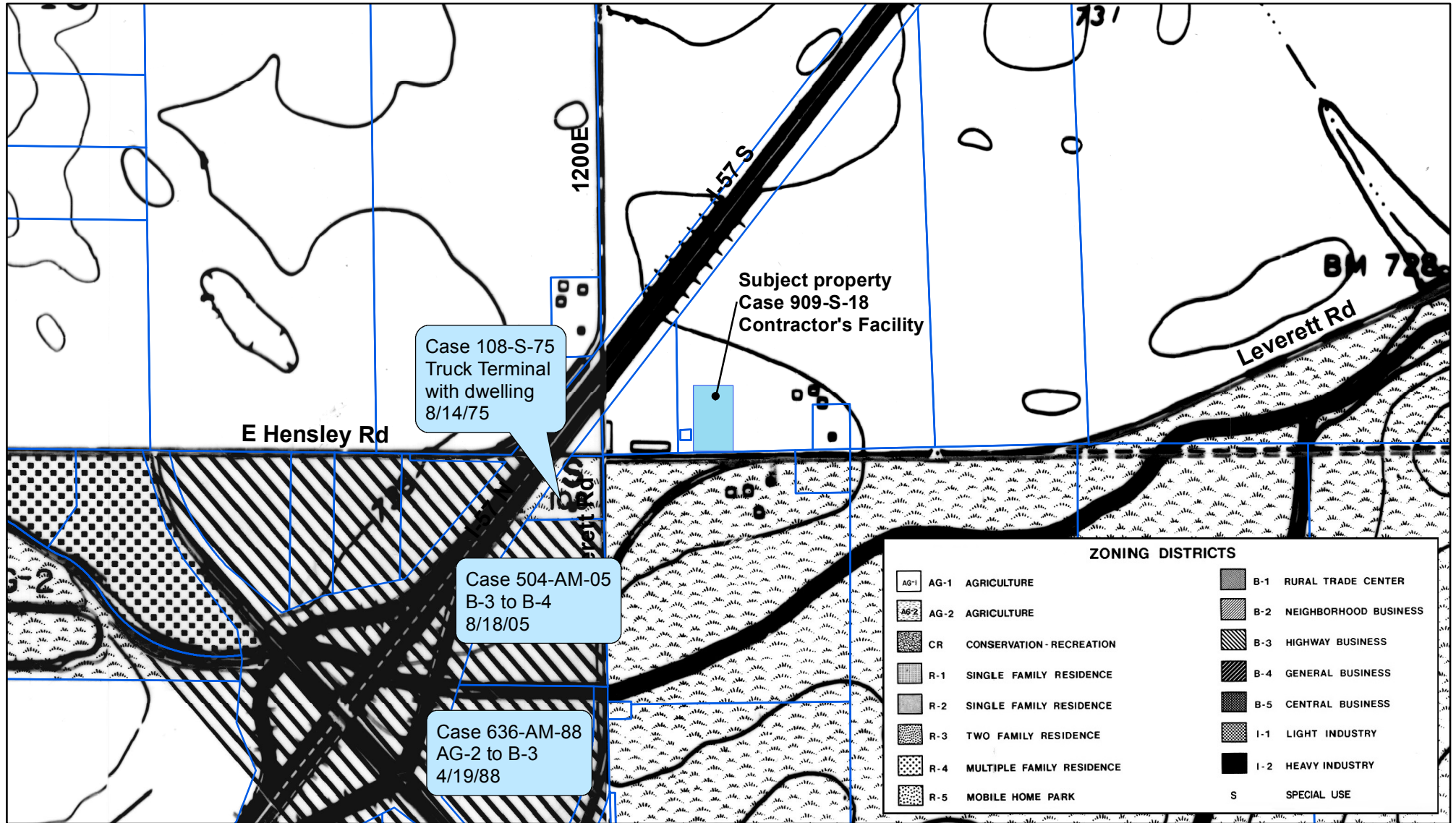
0 200 400 800 Feet



Champaign County  
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# Zoning Map

Cases 909-S-18 and 910-V-18  
July 12, 2018



## Legend

Parcels

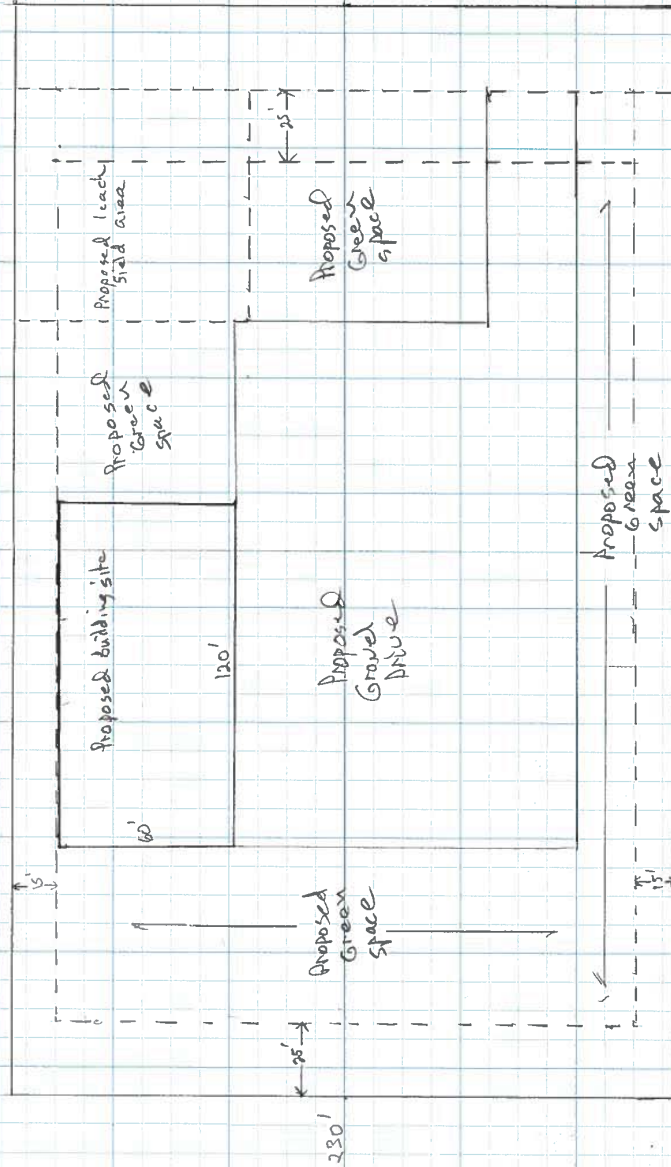
0 200 400 800 Feet





NORTH

FRED'S PLUMBING & HEATING  
CONTRACTING FACILITY



RECEIVED

MAY 14 2018

CHAMPAIGN CO. P & Z DEPARTMENT

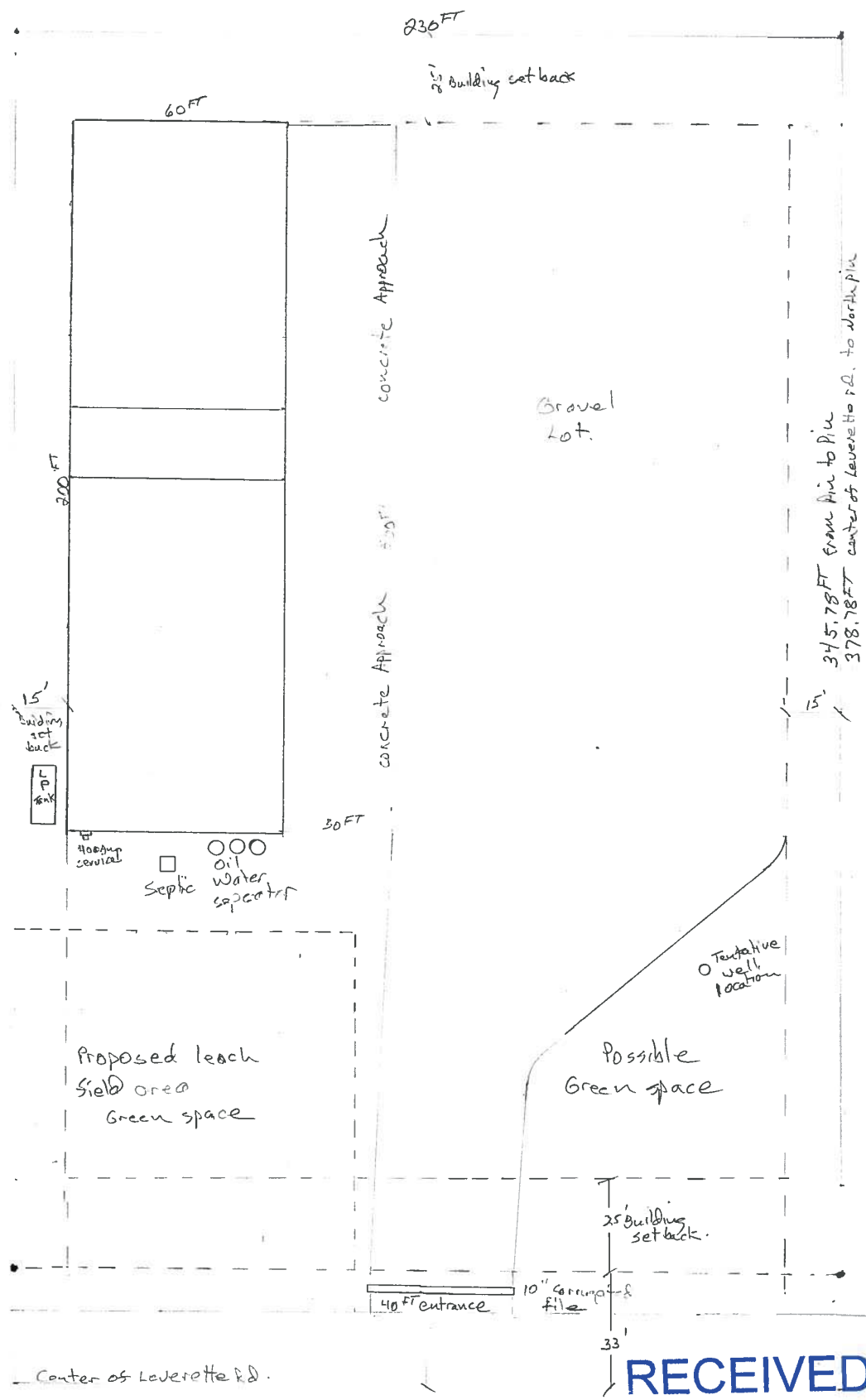
3/32" equals 3,75 FT





N

W



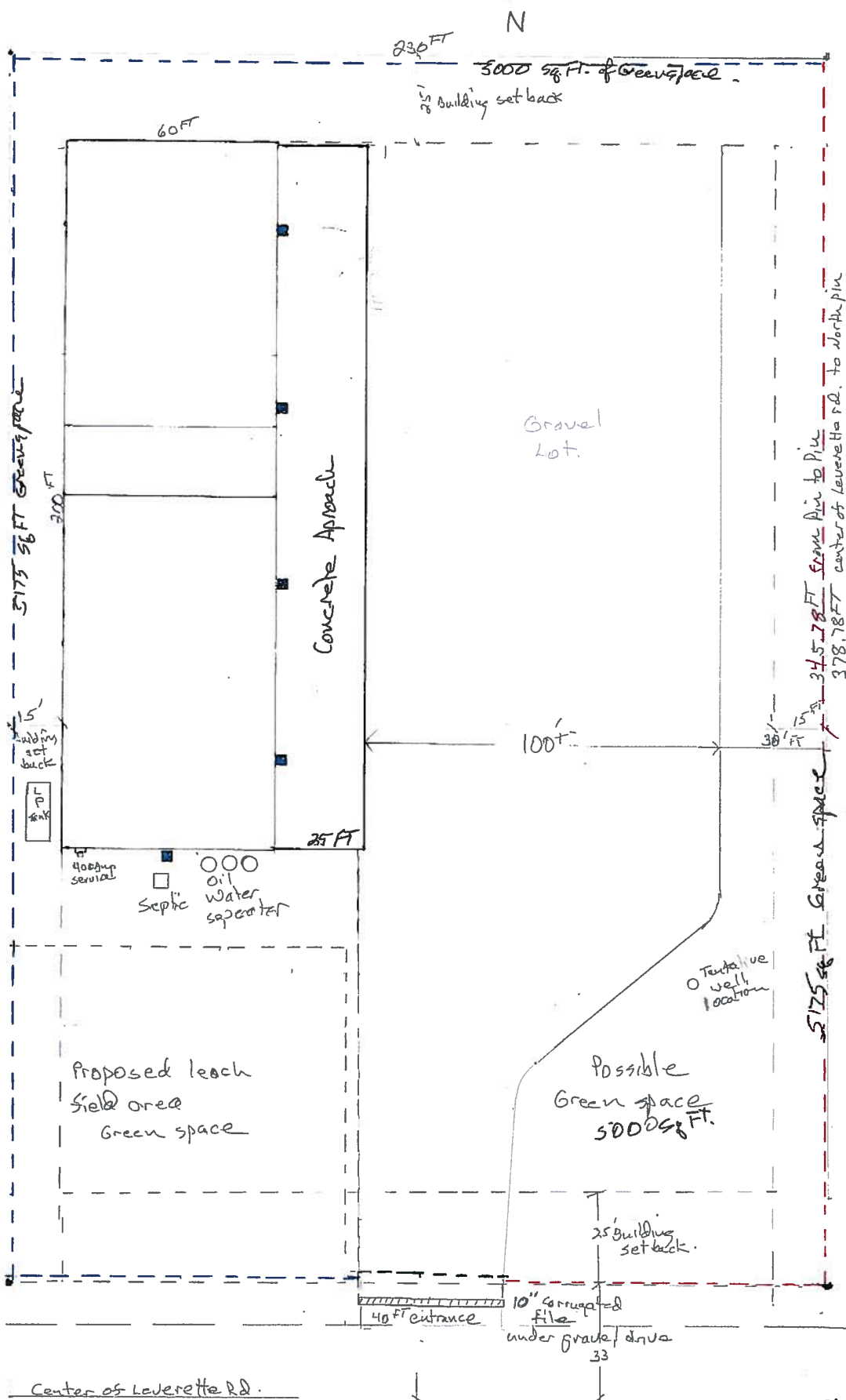
FRED'S Plumbing site Plan  
 Contractors Facility  
 3/4" equals 20'

**RECEIVED**

JUN 14 2018

CHAMPAIGN CO. P & Z DEPARTMENT

15



N

236 FT  
5000 sq. ft. of Green space  
25' building setback

60 FT

5175 sq. ft. Green space

300 FT

Concrete Approach

Gravel Lot

345.78 FT from Pin to Pin  
378.78 FT center of Levereite Rd. to North pin

100'

36'

40 FT

400gpm sump  
Septic  
oil water separator

35 FT

Proposed leach field area  
Green space

Possible Green space  
5000 sq. ft.

Tentative well location

5175 sq. ft. Green space

25' building setback

40 ft entrance  
10" corrugated pipe  
under gravel drive

Center of Levereite Rd.

RECEIVED

JUL 03 2018

CHAMPAIGN CO. P & Z DEPARTMENT

FRED'S Plumbing site Plan  
Contractors Facility  
3/4" equals 20'

- - - - - 8' chainlink fence
- - - - - 8' chainlink/split fence
- - - - - 8' security gate
- Exterior lights

PRESENTED FOR RECORDING BY:  
 RETURN ORIGINAL TO:  
 MSA Professional Services  
 201 West Chicago Avenue, Suite 400  
 Chicago, IL 60610

**RECEIVED**  
 FEB 06 2018  
 CHAMPAIGN COUNTY DEPARTMENT

**MINOR PLAT**  
**FINAL PLAT EICHHORST SUBDIVISION NO. 1**  
 PART OF THE SOUTHWEST QUARTER OF SECTION 18,  
 TOWNSHIP 20 NORTH, RANGE 9 EAST  
 OF THE THIRD PRINCIPAL MERIDIAN,  
 CHAMPAIGN COUNTY, ILLINOIS

**OWNER/SUBSCRIBER**  
 Leif E. Achary, Fred's Plumbing Heating A/C Electric  
 50 East Leveitt Road  
 Champaign, IL 61822-8443

**SURVEYOR/ENGINEER**  
 David E. Achary, Professional Engineer No. 4727  
 201 West Chicago Avenue, Suite 400  
 Champaign, IL 61820

**FLOOD ZONE CLASSIFICATION**  
 The surveyed tract is located in Zone "X", areas determined to be outside the 1% Annual Flood Probability Flood Hazard Zone. The Flood Insurance Rate Map (FIRM) is based on the Flood Insurance Rate Map Number 17016C 02020, dated October 2, 2013.

**ZONING CLASSIFICATION**  
 The surveyed tract is zoned AG-1 (Agriculture) by Champaign County, Illinois. Restrictions and requirements for this zoning classification are:

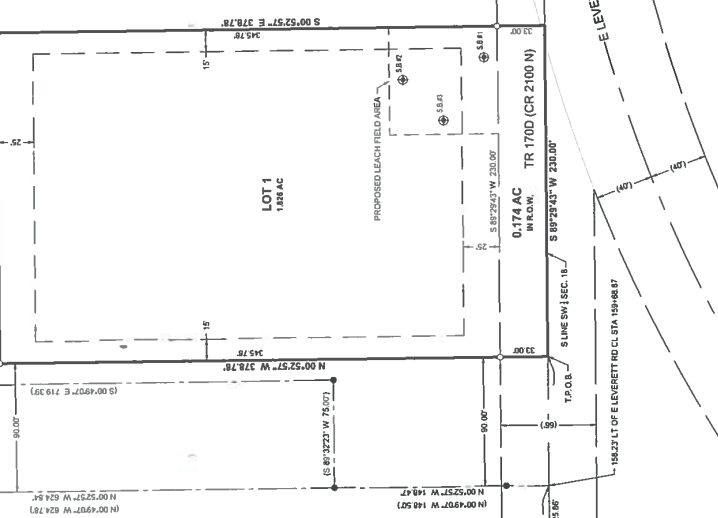
**SURVEYOR'S NOTES**

1. Field work for this plat of survey was completed on December 11, 2017.
2. All dimensions are horizontal distances and are between adjacent monuments unless otherwise noted.
3. Monument 1 is a 4" x 4" x 4" iron rod with a brass plug on top.
4. All lot corners are marked as shown. All set (to) corners are set with 1/2" x 20" long iron rod monuments.
5. The locations of utilities as shown herein are based on above ground information and are not shown on this plat.
6. The property subdivided lies within the Beaver Lake Drainage District.
7. No portion of the property subdivided lies within 500 feet of a point on a water course which drains over 640 acres.
8. This professional service conforms to the current Illinois minimum standards for a boundary survey.

**SEPTIC DISPOSAL SYSTEM STATEMENT**  
 David E. Achary, Professional Engineer No. 4727  
 Licensed Professional Engineer No. 4727  
 Licensed Expires November 30, 2018

**DRAINAGE STATEMENT**  
 David E. Achary, Professional Engineer No. 4727  
 Licensed Professional Engineer No. 4727  
 Licensed Expires November 30, 2018

**APPROVALS**  
 Leif E. Achary, Owner  
 David E. Achary, Professional Engineer No. 4727  
 Licensed Expires November 30, 2018



**EAST LEVERETT ROAD CENTERLINE DATA**

STATION	BEARING	DISTANCE
1+00.00	S 89°25'43" E	230.00'
1+10.00	S 89°25'43" E	230.00'
1+20.00	S 89°25'43" E	230.00'
1+30.00	S 89°25'43" E	230.00'
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22+70.00	S 89°25'43" E	230.00'
22+80.00	S 89°25'43" E	230.00'
22+90.00	S 89°25'43" E	230.00'
23+00.00	S 89°25'43" E	230.00'
23+10.00	S 89°25'43" E	230.00'





**SLIMFC62****RAB**

37, 57 and 62 Watt SLIM Wallpacks are designed to cover the footprint of most traditional wallpacks. They are suitable for mounting heights from 20' to 30', and replace HID Wattages from 200W MH to 320W MH. These ultra-high efficiency fixtures are available in cutoff or full cutoff models.

Color: Bronze

Weight: 13.0 lbs

**Project:****Type:****Prepared By:****Date:****Driver Info**

Type: Constant Current  
 120V: 0.52A  
 208V: 0.33A  
 240V: 0.29A  
 277V: 0.25A  
 Input Watts: 58W  
 Efficiency: N/A

**LED Info**

Watts: 62W  
 Color Temp: 5000K  
 Color Accuracy: 73 CRI  
 L70 Lifespan: 100000  
 Lumens: 6034  
 Efficacy: 105 LPW

**Technical Specifications****Listings****UL Listing:**

Suitable for wet locations. Wall Mount only.

**DLC Listed:**

This product is on the Design Lights Consortium (DLC) Qualified Products List and is eligible for rebates from DLC Member Utilities.

DLC Product Code: P86PT939

**Dark Sky Approved:**

The International Dark Sky Association has approved this product as a full cutoff, fully shielded luminaire

**IESNA LM-79 & LM-80 Testing:**

RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

**Construction****Footprint:**

Designed to replace RAB HID WP3/4 wallpacks, both in size and footprint template, so upgrading to LED is easy and seamless

**IP Rating:**

Ingress Protection rating of IP65 for dust and water

**Cold Weather Starting:**

Minimum starting temperature is -40°C (-40°F)

**Maximum Ambient Temperature:**

Suitable for use in 40°C (104°F) ambient temperatures

**Housing:**

Precision die-cast aluminum housing and door frame

**Mounting:**

Die-cast back box with four (4) conduit entry points and knockout pattern for junction box or direct wall mounting. Hinged housing and bubble level for easy installation.

**Full Cutoff:**

Full cutoff meets dark-sky requirements

**Recommended Mounting Height:**

Up to 30 ft

**Lens:**

Microprismatic diffusion glass lens reduces glare and has smooth and even light distribution

**Reflector:**

Specular thermoplastic

**Gaskets:**

The unique design of the tight-lock gasket ensures no water or environmental elements will ever get inside the SLIM

**Finish:**

Formulated for high-durability and long lasting color

**Green Technology:**

Mercury and UV-free. RoHS compliant components. Polyester powder coat finish formulated without the use of VOCs or toxic heavy metals.

**LED Characteristics****LED:**

Long-life, high-efficiency, micro-power, surface mount LEDs; binned and mixed for uniform light output and color

**Lifespan:**

100,000-hour LED lifespan based on IES LM-80 results and TM-21 calculations

**Correlated Color Temp. (Nominal CCT):**

5000K

**Color Stability:**

LED color temperature is warranted to shift no more than 200K in CCT over a 5 year period

**Color Consistency:**

7-step MacAdam Ellipse binning to achieve consistent fixture-to-fixture color

**Electrical****Driver:**

Two Drivers, Constant Current, 100-277V, 50/60Hz, 700mA, 100-277VAC 0.6A, 4kV Surge Protection, Power Factor 99.5%

**Other****Accessories:**

Available accessories include polycarbonate and wire guard. Click to see all accessories.

**Patents:**

The design of the SLIM™ is protected by patents pending in US, Canada, China, Taiwan and Mexico

**HID Replacement Range:**

Replaces 320W Metal Halide

**RECEIVED****JUN 14 2018****IMPACT & Z DEPARTMENT**

# SLIMFC62



## Technical Specifications (continued)

### Other

#### Buy American Act Compliance:

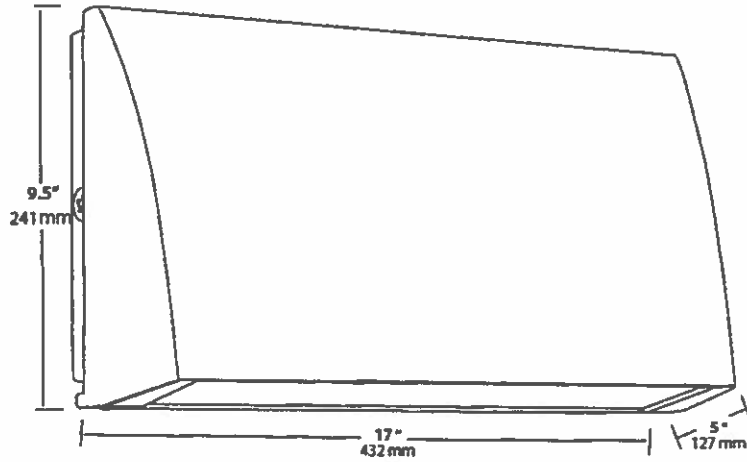
RAB values USA manufacturing! Upon request, RAB may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.

### Optical

#### BUG Rating:

B1 U0 G0

### Dimensions



### Features

- Covers footprint of most traditional wallpacks
- Easy installation with hinged access, bubble level and multiple conduit entries
- Tight-lock gasket keeps elements out
- 100,000-hour LED lifespan
- 5-Year, No-Compromise Warranty

### Ordering Matrix

Family	Cutoff	Wattage	Color Temp	Finish	Driver Options	Options
SLIM	FC	62				
	Blank = Cutoff (10°) FC = Full Cutoff (0°)	62 = 62W 57 = 57W 37 = 37W	Blank = 5000K (Cool) N = 4000K (Neutral) Y = 3000K (Warm)	Blank = Bronze W = White	Blank = Standard (120-277V) /BL = Bi-Level /D10 = Dimmable /480 = 480V	Blank = No Option /PC = 120V Button Photocell /PC2 = 277V Button Photocell /PCS = 120V Swivel Photocell /PCS2 = 277V Swivel Photocell /PCS4 = 480V Swivel Photocell

# RECEIVED

JUN 14 2018

CHAMPAIGN CO. P & Z DEPARTMENT





# Champaign County

Soil and Water Conservation District  
2110 West Park Court Suite C Champaign, IL 61821  
(217) 352-3536 Extension 3 --- [www.ccswed.com](http://www.ccswed.com)

## NATURAL RESOURCE REPORT

**Development Name:** Eichhorst Subdivision No. 1

**RECEIVED**

**Date Reviewed:** January, 12<sup>th</sup>, 2018

**JAN 29 2018**

**Requested By:** MSA

**CHAMPAIGN CO. P & Z DEPARTMENT**

**Address:** 201 West Springfield Ave  
Champaign, IL 61820

**Location of Property:** part of the SW  $\frac{1}{4}$  of sec.18 in T. 20 N., R.9 E., of the 3<sup>rd</sup>. P.M.



The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on January 12th, 2018.

January 12, 2018



# Champaign County

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

## SITE SPECIFIC CONCERNS

1. The area that is and to be developed has 3 soil types (Drummer Silty Clay Loam 152A, Harpster Silty Clay Loam 67A, Elburn Silt Loam 198A) that are severe wetness and ponding for dwellings without a basement.

## SOIL RESOURCE

### a) Prime Farmland:

This tract is considered best prime farmland for Champaign County by the LE calculation.

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

### b) Soil Characteristics:

There are three (3) 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 ponding in shallow excavations. A development plan will have to take the soil characteristics into consideration.

Map Symbol	Name	Slope	Shallow Excavations	Basements	Roads	Septic Fields	Steel Corrosion	Concrete Corrosion
152A	Drummer Silty Clay Loam	0-2%	Severe: ponding	Severe: ponding	Severe: ponding	Severe: ponding	high	moderate
67A	Harpster Silty Clay Loam	0-2%	Severe: ponding	Severe: ponding	Severe: low strength	Severe: ponding	high	low
198A	Elburn Silt Loam	0-2%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness	high	moderate

### c) Erosion:

This area to be developed, 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 has a slight slope to the West which could allow erosion during construction and heavy rainfall events. Erosion control measures must be installed before construction starts.



# Champaign County

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

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## **d) Sedimentation:**

A complete erosion and sedimentation control plan should be developed and implemented on this site prior to and during major construction activity. This plan should also have information for the land owner to continue Sedimentation control after.

Example: When will inlets for storm drains need to be cleaned out or how often? All sediment-laden runoff should be routed through sediment basins before discharge. Silt fences should be used in flow areas with drainage areas that do not exceeding 0.5 acres. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control. The website is: <http://www.aiswcd.org/IUM/>

This link has a resource to help develop a SWPPP for small lots:

<http://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>

## **WATER RESOURCE**

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

The site is relatively flat. The developed areas seems to have good drainage. The water from the site will leave by way of the road drainage ditch.

Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much as possible should be considered for any future development.

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

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

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





# Champaign County

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

A new small lots plan can be found at this website location:

<http://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>

## d) Low impact development:

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



# Champaign County

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

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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. The soil types will support trees such as Bur Oak, Norway Spruce, Black Oak, and Silky Dogwood. For areas to be restored to a more natural area several groups in the area may be able to help with seed.

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

Signed by \_\_\_\_\_ Prepared by \_\_\_\_\_  
Joe Rothermel Jonathon Manuel  
Board Chairman Resource Conservationist



# Eichhorst Subdivision No 1

Field Office: CHAMPAIGN SERVICE CENTER

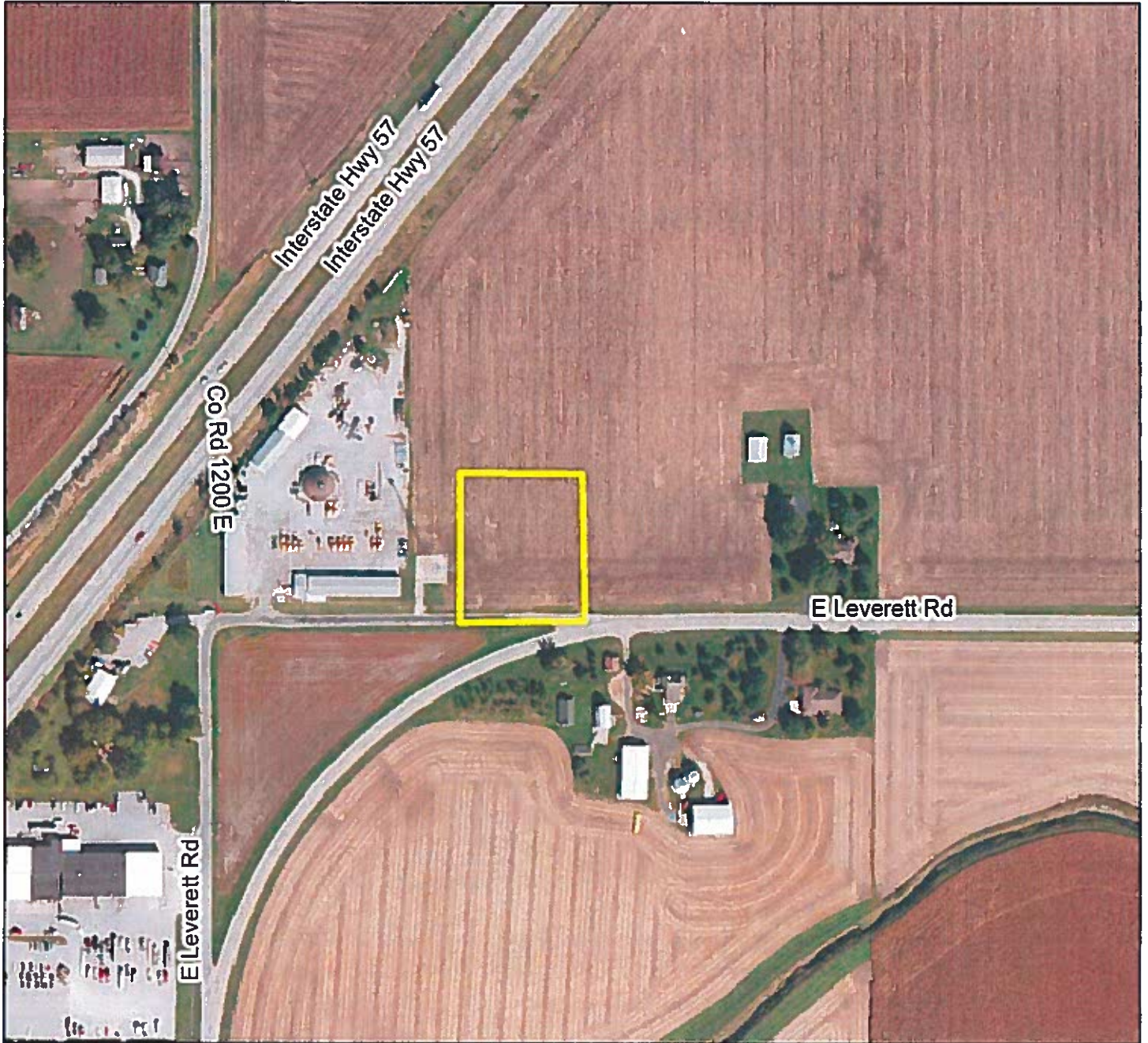
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois


Legal Description: SW 1/4 of Section 18, T20N, R9E

Aerial 2015



Prepared with assistance from USDA-Natural Resources Conservation Service

## Legend

-  Eichhorst Subdivision No 1  
fe\_2007\_17019\_edges





## LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
152A	Drummer	2	100	1	100.0
67A	Harpster	4	91	0.8	72.8
198A	Elburn	1	100	0.1	10.0
					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= 182.8**

**Acreage= 1.9**

**Land Evaluation Factor For Site=**

<b>96</b>
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Note: A Soil Classifier could be hired for additional accuracy if desired

Data Source: Champaign County Digital Soil Survey

# Eichhorst Subdivision No 1

Field Office: CHAMPAIGN SERVICE CENTER

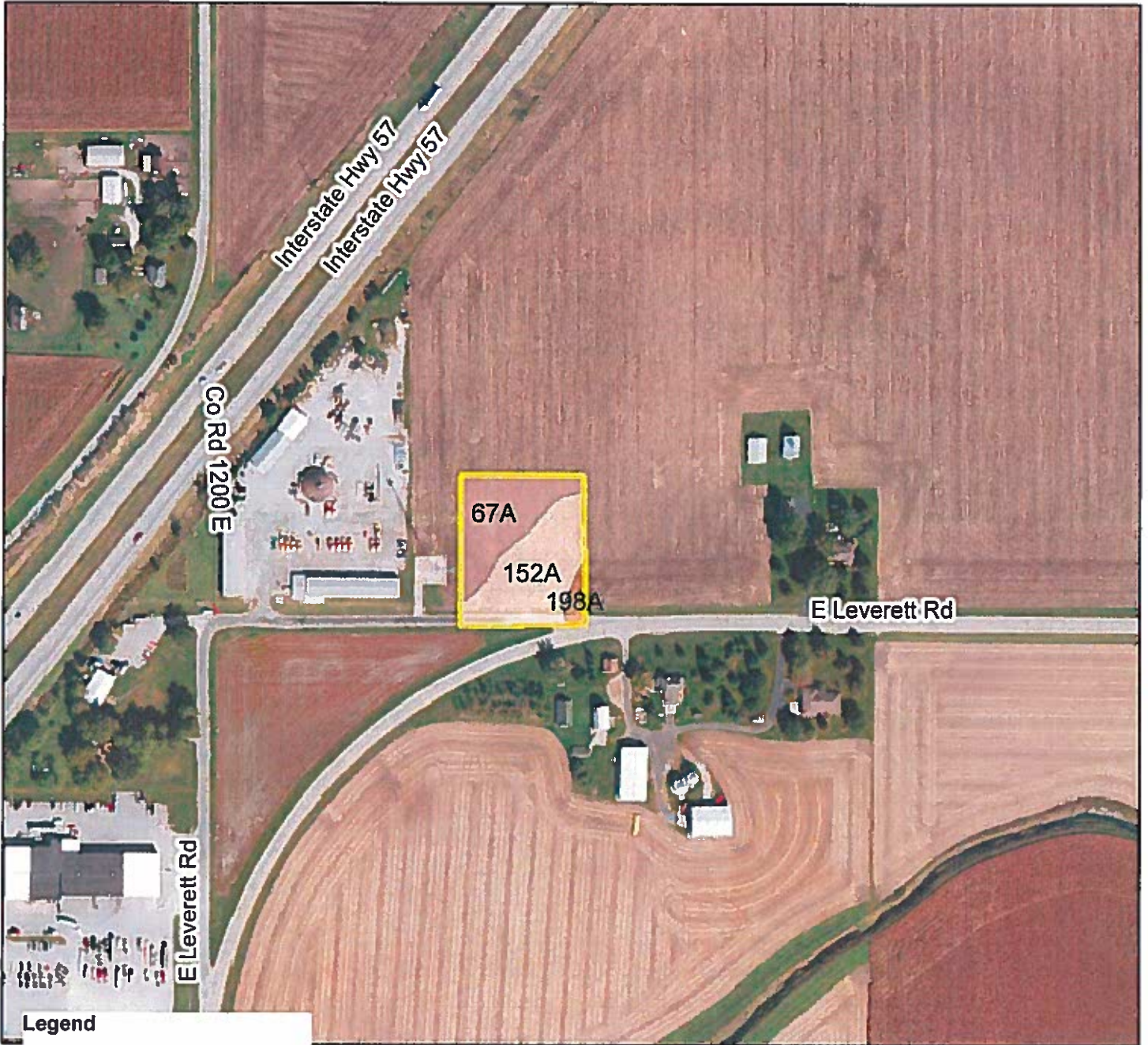
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: SW 1/4 of Section 18, T20N, R9E

Aerial 2015



### Legend

### Soils Map

### MUSYM

152A

198A

67A

Eichhorst Subdivision No 1

fe\_2007\_17019\_edges



Prepared with assistance from USDA-Natural Resources Conservation Service



**Applicant:** Champaign County Soil & Water Conservation District    **IDNR Project Number:** 1805943  
**Contact:** Jonathon Manuel    **Date:** 01/12/2018  
**Address:** 2110 West Park Court  
Suite C  
Champaign, IL 61821

**Project:** Eichhorst Subdivision No 1  
**Address:** 2110 West park Court, Champaign

**Description:** New building

### 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:**

20N, 9E, 18

20N, 9E, 19



#### **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.



# Eichhorst Subdivision No 1

Field Office: CHAMPAIGN SERVICE CENTER

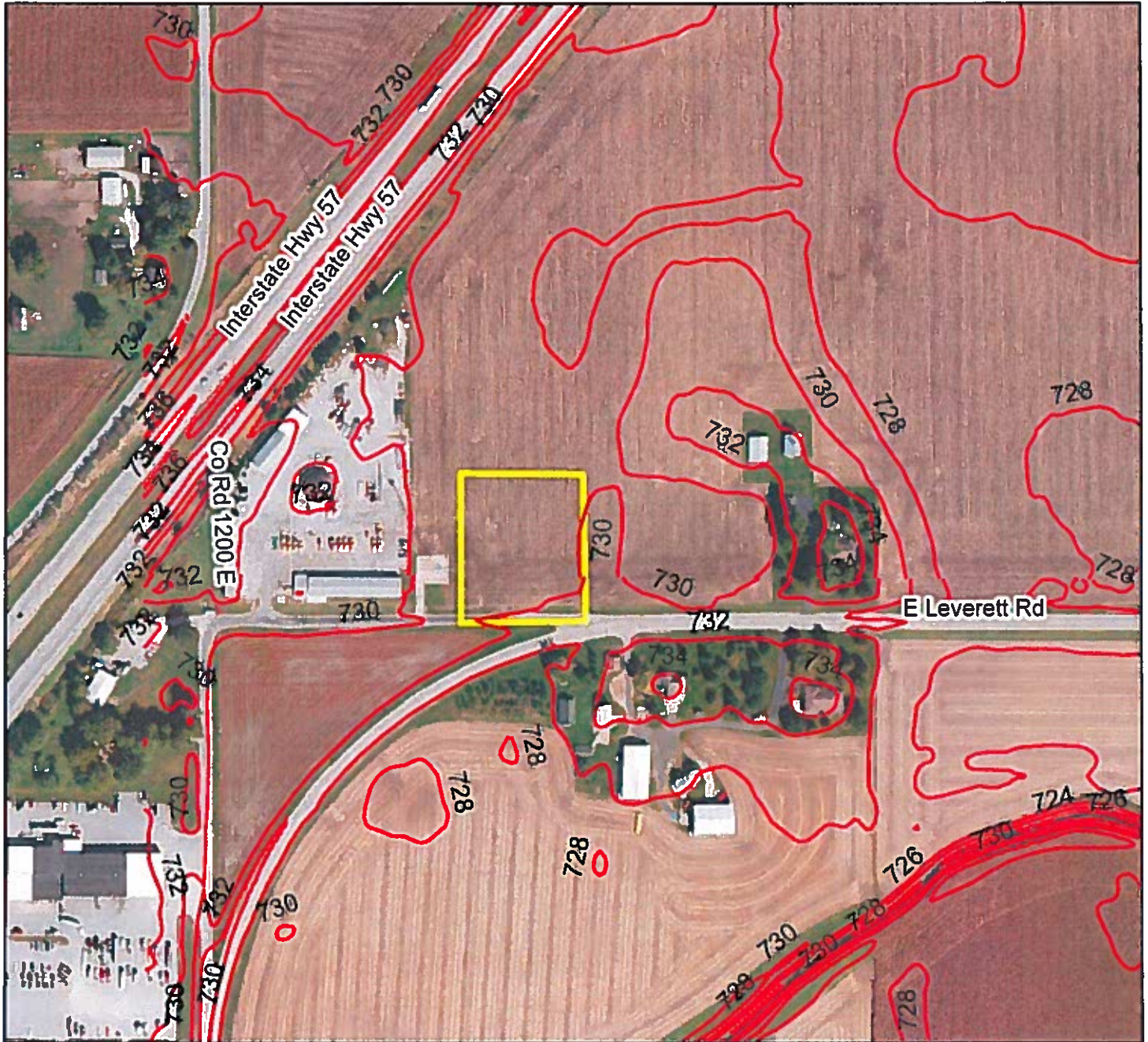
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: SW 1/4 of Section 18, T20N, R9E

Aerial 2015



Prepared with assistance from USDA-Natural Resources Conservation Service

### Legend

- 3\_T20N\_R09E\_SEC19
- 3\_T20N\_R09E\_SEC18
- Eichhorst Subdivision No 1
- fe\_2007\_17019\_edges





# Eichhorst Subdivision No 1

Field Office: CHAMPAIGN SERVICE CENTER

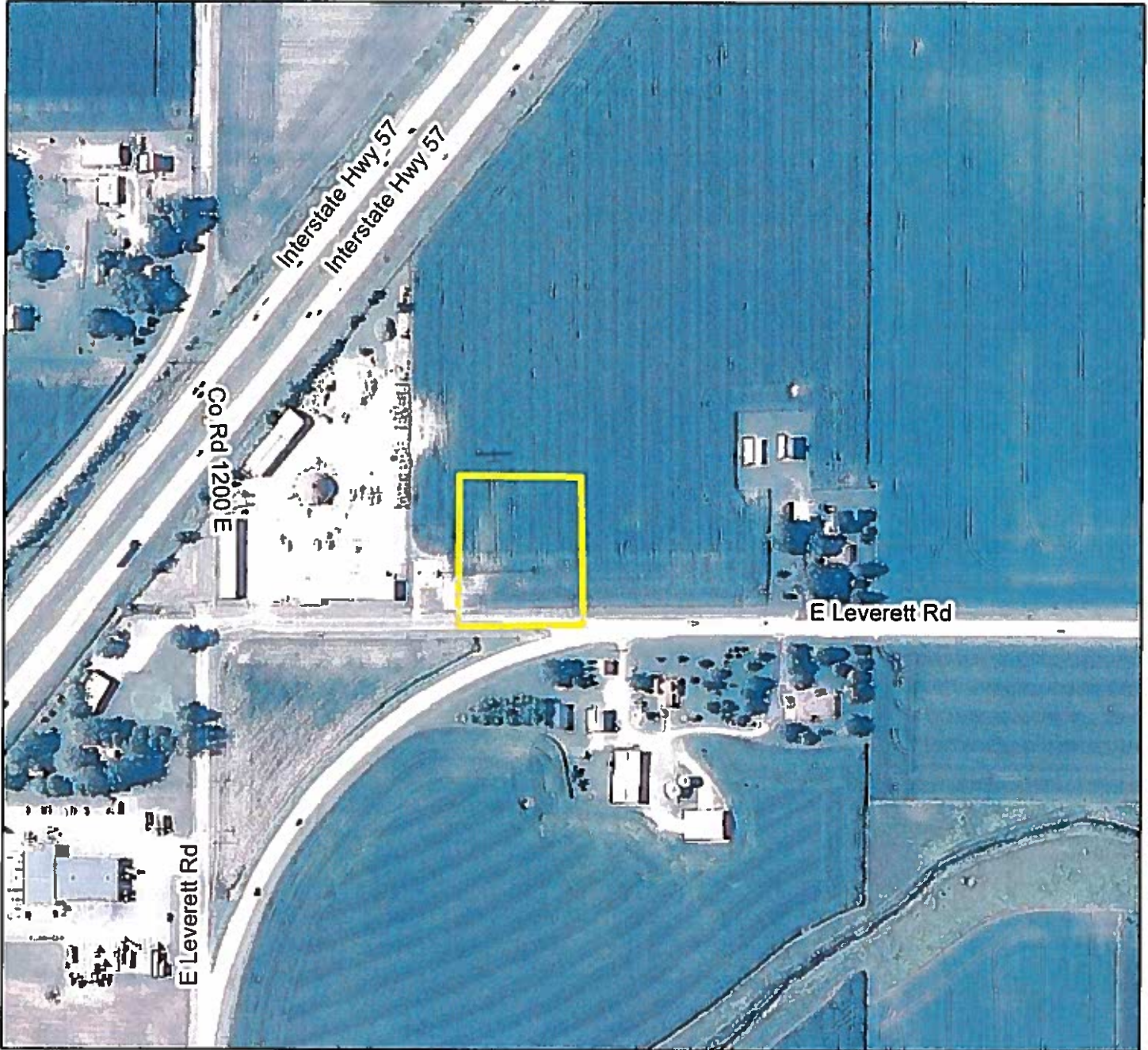
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois


Legal Description: SW 1/4 of Section 18, T20N, R9E

Aerial 2010



Prepared with assistance from USDA-Natural Resources Conservation Service

## Legend

-  Eichhorst Subdivision No 1  
fe\_2007\_17019\_edges



IDNR Project Number: 1805943

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**

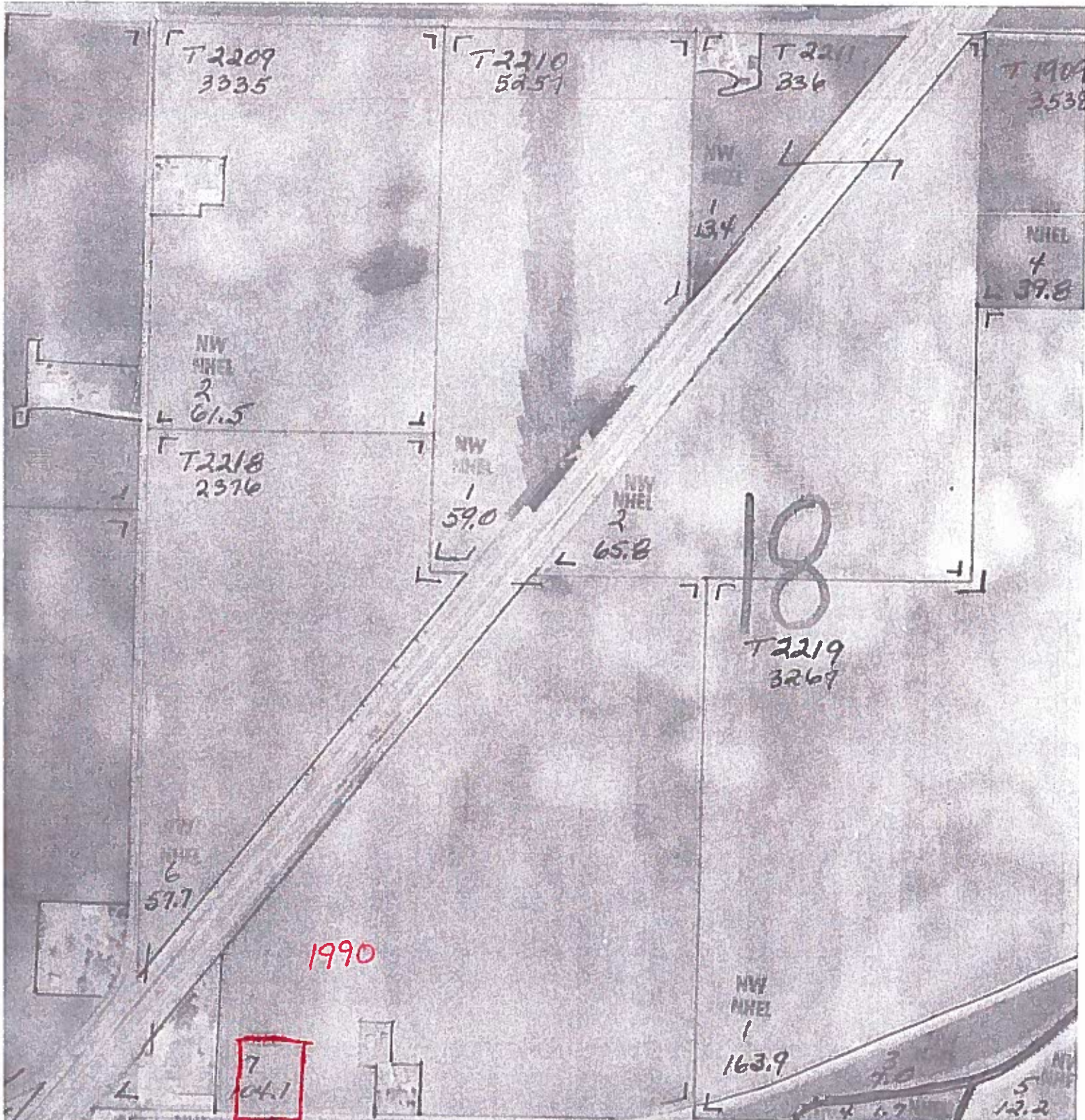
EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server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

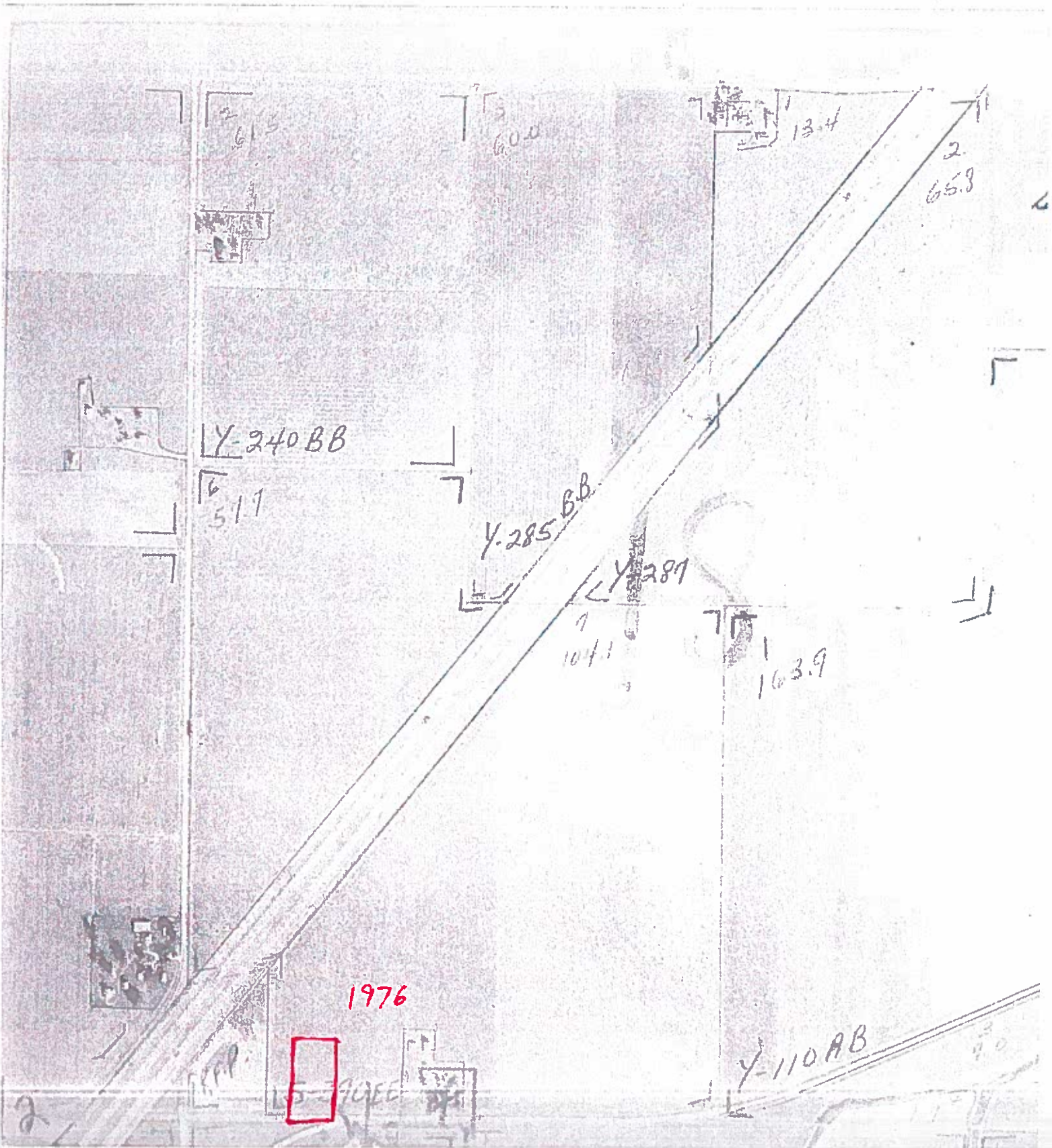
### **Privacy**

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.

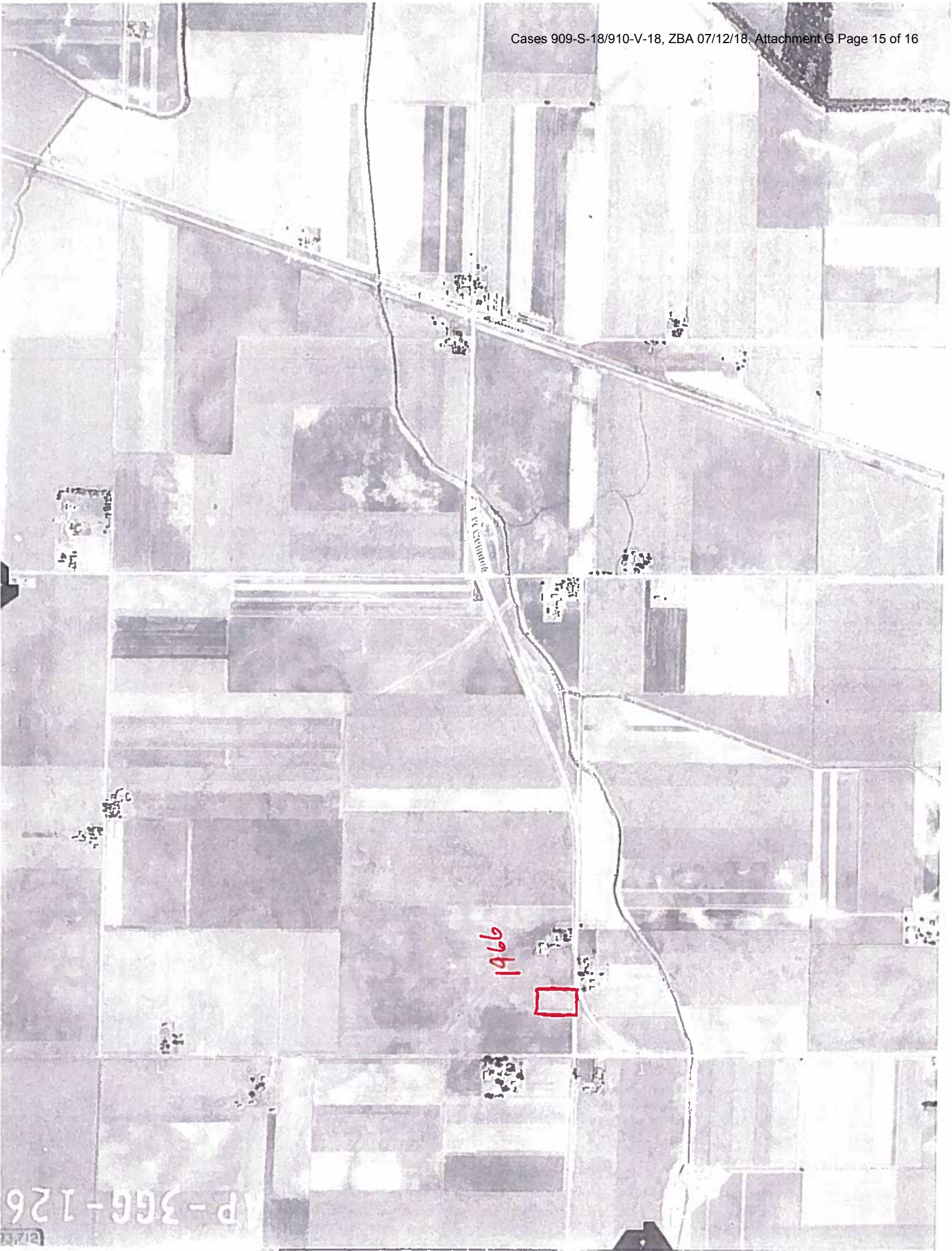










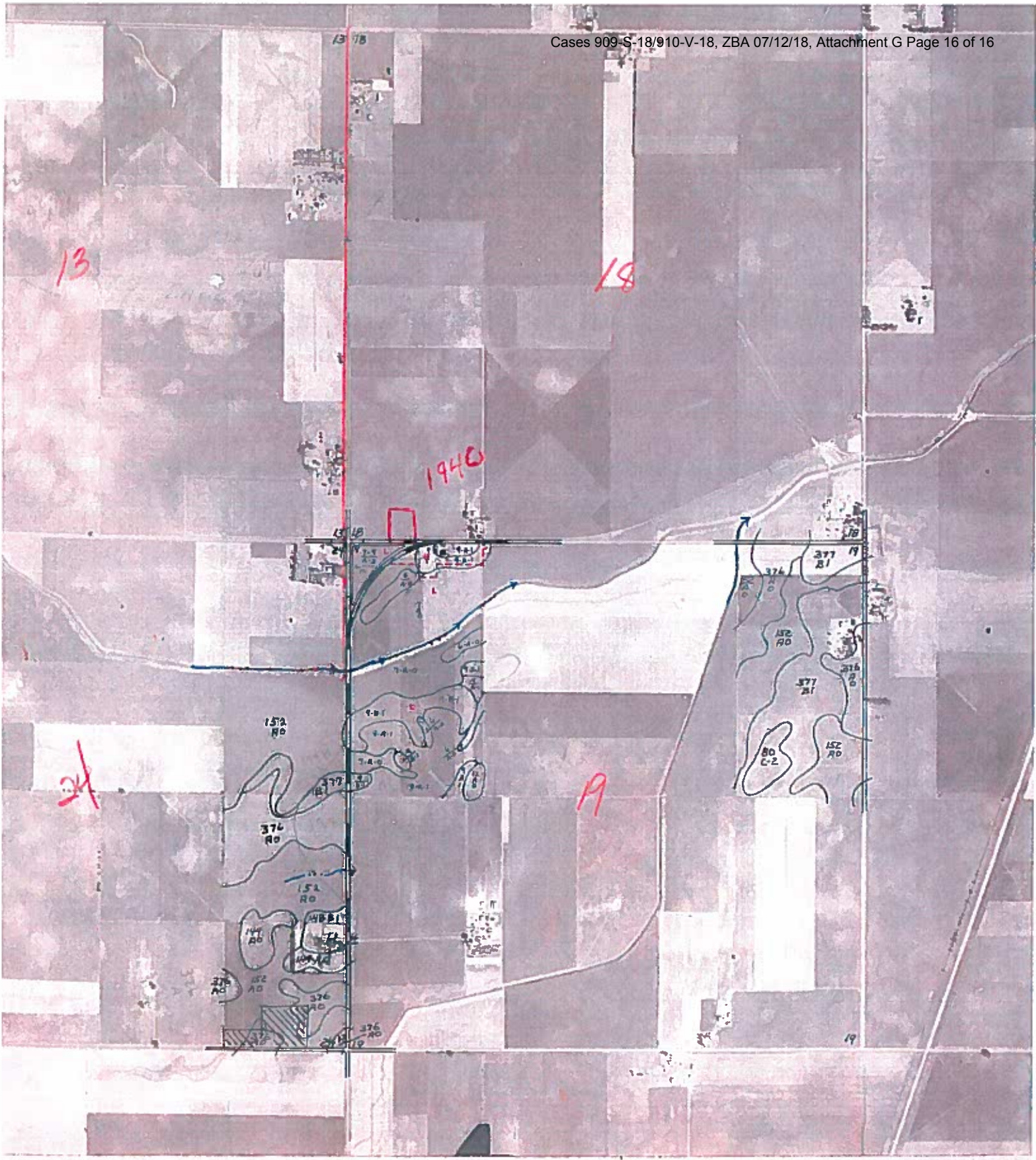


1966



P-366-126







**909-S-18 and 910-V-18 Images**



**From Leverett Rd (west of curve) facing east – subject property is on left**



**From Leverett Rd (west of curve) facing north – subject property is straight ahead**

**909-S-18 and 910-V-18 Images**



**From Leverett Rd (west of curve) facing north – subject property is to right of cell tower**



**From Leverett Rd (west of curve) facing east –  
subject property is on left side of road past the cell tower**



**909-S-18 and 910-V-18 Images**



**From Leverett Road west of IDOT storage facility, facing ENE**



**From Leverett Road (west of curve) facing ESE  
to farmstead across the road from subject property**

**909-S-18 and 910-V-18 Images**



**From Leverett Road (east of curve) at adjacent house, facing west**



**From Leverett Road (east of curve) facing west – subject property is on the right**

**PRELIMINARY DRAFT**

**909-S-18 and 910-V-18**

**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: *{July 12, 2018}*

Petitioners: **Fred and Justin Einck, d.b.a. Fred's Plumbing, Heating, Air Conditioning and Electric, Inc.**

Request: **CASE 909-S-18  
Authorize a Contractor’s Facility with Outdoor Storage and Outdoor Operations as a Special Use in the AG-1 Agriculture Zoning District, subject to the variance requested in related Case 910-V-18.**

**CASE 910-V-18**

**Part A: Authorize a variance for 0 loading berths in lieu of the minimum required 2 loading berths for commercial and industrial uses in the AG-1 Agriculture Zoning District, per section 7.4.2 D. of the Champaign County Zoning Ordinance, subject to the request for Special Use Permit approval in related Case 909-S-18.**

**Part B: Authorize a variance from the Champaign County Stormwater Management and Erosion Control Ordinance, which requires a Stormwater Drainage Plan and review for more than one acre of impervious area on a lot that is 2 acres in area.**

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**Specific Ordinance Requirements ..... 4 - 10**

**Special Use Evidence .....11 - 23**

**Documents of Record ..... 24**

**Cases 909-S-18 and 910-V-18 Finding of Fact .....25 - 27**

**Cases 909-S-18 and 910-V-18 Final Determination.....28 - 29**

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 12, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Fred and Justin Einck, d.b.a. Fred's Plumbing, Heating, Air Conditioning and Electric, Inc., own the subject property.
2. The subject property is a 2 acre tract that is Lot 1 on the Final Plat of Eichhorst Subdivision in the Southwest Quarter of the Southwest Quarter of Section 18 of Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and commonly known as a part of the farm field east of the Illinois Department of Transportation maintenance facility located at 160 East Leverett Road, Champaign.
  - A. Subdivision Case 199-18 for this 2 acre tract was approved by the County Board on March 27, 2018, and is currently being prepared for recording.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
  - B. The subject property is located within Somer Township, which does not have a 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 adjacent to the subject property are as follows:
  - A. The subject property is zoned AG-1 Agriculture and has been left fallow.
  - B. Land surrounding the subject property is zoned AG-1 Agriculture and is in agricultural production.
  - C. There is an existing cell phone tower 15 feet west of the subject property.
  - D. There is an IDOT storage facility with outdoor storage and operations approximately 90 feet west of the subject property.
  - E. There is a farmstead approximately 450 feet east of the subject property.
  - F. There is a farmstead approximately 140 feet southeast of the subject property. The nearest residential structure is approximately 250 feet southeast the subject property.

**GENERALLY REGARDING THE PROPOSED SPECIAL USE**

5. Regarding the site plan and operations of the proposed Special Use:
  - A. The Site Plan received May 14, 2018, indicates the following proposed features:
    - (1) A 60 feet by 120 feet (7,200 s.f.) proposed building on the east side of the property;
    - (2) A gravel area, approximately 184 feet by 120 feet (0.51 acre), not including the 30 feet by 80 feet driveway;



**PRELIMINARY DRAFT****Cases 909-S-18 & 910-V-18**

Page 3 of 29

- (3) A leach field/green space in the southeast corner of the property, approximately 56 feet by 67.5 feet; and
  - (4) Green space surrounding the building and gravel area.
- B. The Revised Site Plan received June 14, 2018, indicates the following:
- (1) A 60 feet by 200 feet (12,000 s.f.) proposed building on the west side of the property;
  - (2) A 30 feet by 200 feet concrete approach on the east side of the building;
  - (3) A gravel area, approximately 0.7 acres, including the access driveway;
  - (4) A leach field/green space, approximately 80 feet by 95 feet, in the southwest corner of the subject property; and
  - (5) Green space surrounding the building and gravel area.
- C. The Revised Site Plan received July 3, 2018, indicates the following:
- (1) A 60 feet by 200 feet (12,000 s.f.) proposed building on the west side of the property;
  - (2) A 25 feet by 200 feet concrete approach on the east side of the building;
  - (3) A gravel area, approximately 0.7 acres, including the access driveway;
  - (4) A leach field/green space, approximately 95 feet by 95 feet, in the southwest corner of the subject property;
  - (5) Green space surrounding the building and gravel area;
  - (6) Proposed exterior lighting locations; and
  - (7) An 8 feet tall chain-link fence surrounding the entire 2 acres, with slats installed on the southeastern and eastern property lines to serve as a screen for nearby residences. The entrance to the property would also have an 8 feet tall security gate.
- D. Regarding operations, the petitioner has indicated the following:
- (1) The petitioner has indicated that they are in the process of purchasing the Berg Tanks business, which they would integrate into Fred's Plumbing. According to the company website, Berg Tanks does cleaning and inspecting septic units, grease trap service for restaurants, liquid waste removal, liquid spill cleanup and commercial pumping services. It is not clear if the petitioner will continue providing each of those services.
  - (2) In a phone call to Susan Burgstrom received June 12, 2018, Mr. Einck said that he has 3 employees, and their company vehicles are driven home by the employees. They do not expect clients at this facility.

**PRELIMINARY DRAFT**

- (3) When Mr. Einck submitted the Revised Site Plan on June 14, 2018, he said that the building will house the plumbing business in the south part and the pumping services in the north part, with a truck wash bay in between those areas.
  - a. Mr. Einck said that the building will have floor drains that connect to an oil-water separator.
  - b. Mr. Einck said that they will work with the State of Illinois and Champaign County Public Health to acquire permits for these features.
  - c. Mr. Einck also submitted outdoor lighting specifications that show they intend to use full cutoff lighting.
  
- E. There are no previous Zoning Use Permits on the subject property.
  
- F. Zoning cases near the subject property include:
  - (1) Case 108-S-75 for a truck terminal was approved on August 14, 1975, located southwest of the IDOT storage facility, which is the location of a residence and trucking business.
  - (2) Case 636-AM-88 was approved on April 19, 1988, to rezone a tract east of the I-57 interchange from AG-2 to B-3. The property is currently vacant.
  - (3) Case 504-AM-05 was approved on August 18, 2005, to rezone a tract south of the truck terminal from B-3 to B-4. CIT Trucks LLC is located on the property.
  
- G. The required variance is as follows:
  - (1) Part A: Authorize a variance for 0 loading berths in lieu of the minimum required 2 loading berths for industrial uses in the AG-1 Agriculture Zoning District, per section 7.4.2 D.
  - (2) Part B: Authorize a variance from the Champaign County Stormwater Management and Erosion Control Ordinance, which requires a Stormwater Drainage Plan and review for more than one acre of impervious area on a lot that is 2 acres in area.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for contractors' facilities with outdoor operations and storage in the AG-1 Agriculture 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) "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 nonpermanent CANOPIES and planters.

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- (3) “AREA, LOT” is the total area within the LOT LINES.
- (4) “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.
- (5) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (6) “COVERAGE” is the percentage of the LOT AREA covered by the BUILDING AREA.
- (7) “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.
- (8) “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.
- (9) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (10) “LOT LINES” are the lines bounding a LOT.
- (11) “OPERATIONS” are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
- (12) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (13) “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.
- (14) “SCREEN PLANTING” is a vegetative material of sufficient height and density to filter adequately from view, in adjoining DISTRICTS, STRUCTURES, and USES on the PREMISES upon which the SCREEN PLANTING is located.
- (15) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (16) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (17) “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.

- (18) “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.
- (19) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (20) “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.
- B. Section 5.2: Table of Authorized Principal Uses states that Contractors Facilities (with outdoor STORAGE and/or outdoor OPERATIONS) can be established with a Special Use Permit in the AG-1 Zoning District.
- C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
    - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
    - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
    - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
    - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
    - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.



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- (2) Subsection 6.1.3 establishes the following standard conditions for Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS:
- a. In all DISTRICTS other than the B-5 DISTRICT, outdoor STORAGE and/or outdoor OPERATIONS are allowed as an ACCESSORY USE subject to subsection 7.6.
- D. Section 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS:
- (1) Section 7.4.1 A. states, “All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served.”
  - (2) For parking purposes, the Zoning Administrator has determined that a Contractor’s Facility is most similar to the parking requirements for industrial uses.
  - (3) Section 7.4.1 D.1. states, “One space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.”
  - (4) Section 7.4.1 D.2. states, “All such spaces shall be surfaced with an all-weather dustless material.”
  - (5) Section 7.4.1 D.3. states, “Required parking SCREENS for industrial USES shall be provided as required in paragraph 7.4.1 C.4.”
    - a. Paragraph 7.4.1 C.4. states that 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.

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- 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 D. states, “Off-street LOADING BERTHS for Industrial USES shall be provided as follows:
    - (a) All LOADING BERTHS shall be located on the same LOT or tract of land as the Industrial USE served.
    - (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 an R DISTRICT or any lot containing a DWELLING conforming as to USE unless such BERTH is screened from public view by a Type D SCREEN.
    - (c) No LOADING BERTH shall be located less than 50 feet from the nearest point of intersection of two STREETS.
    - (d) All LOADING BERTHS shall be improved with a compacted base at least seven inches thick and shall be surfaced with at least two inches of some all-weather dustless material.
    - (e) The schedule of off-street LOADING BERTHS for commercial ESTABLISHMENTS shall also apply to Industrial USES.
- (7) Section 7.6 establishes the following conditions for Outdoor Storage and/or Outdoor Operations:
- a. Subsection 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.
  - b. 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,

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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.”
  - c. Paragraph 7.6.3 A. states that “The screen shall meet the requirements of Sections 4.3.3 E, F and G.”
  - d. Paragraph 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.
- E. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
    - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
    - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
    - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
    - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
    - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
  - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
  - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
    - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.



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- b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
    - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
  - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- G. Paragraph 9.1.11.D.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.
- H. The required number of loading berths is established in Section 7.4.2 D. of the Zoning Ordinance:
- (1) For 10,000 to 24,999 square feet of floor area in an industrial use, the minimum required is 2 loading berths measuring 10 feet by 40 feet each.
- I. The Champaign County Stormwater Management and Erosion Control Ordinance adopted June 18, 2015 supersedes the Champaign County Stormwater Management Policy and specifies the following:
- (1) Paragraph 4.2F provides exemptions for non-residential development based on the percent of total impervious area and the cumulative total area of lot or lots created from a lot or lots in common ownership on January 1, 1998, as follows:
    - a. Development of more than 2 acres but less than 6.25 acres land is exempted from the STORMWATER DRAINAGE PLAN requirements provided that no more than 1 acre of the lot or lots shall be impervious surface area.
    - b. Development of more than 6.25 acres land is exempted from the STORMWATER DRAINAGE PLAN requirements provided that no more than 16% of the total area of the lot or lots shall be impervious area provided that no exemption shall apply to any part of a lot when that part contains more than one acre of impervious surface area within a rectangular area of 90,000 square feet with a minimum dimension of 150 feet.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“The location works for my company to serve the County in which most of our work is done.”**
  - B. The subject property is located on Leverett Road, approximately 0.9 road miles northeast of the I-57 interchange at Market Street.

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“It will be done properly.”**
  - B. Regarding surface drainage:
    - (1) The Natural Resources Report from Champaign County Soil and Water Conservation District received January 29, 2018, states, “The site is relatively flat. The developed areas seem to have good drainage. The water from the site will leave by way of the road drainage ditch. Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much as possible should be considered for any future development.”
  - C. Regarding traffic in the subject property area:
    - (1) The petitioner has constructed a 40 feet wide access point to Leverett Road over a new culvert near the center of the south property line.
      - a. The proposed access is approximately 160 feet from where Leverett Road intersects with the Leverett Road curve and approximately 40 feet west of the stop sign leading up to that “Y” intersection.
    - (2) Leverett Road is 18 to 20 feet wide west of its “Y” intersection with the curve at the improved Leverett Road. Pavement surface on the west end is in poor condition.
      - a. There are heavy trucks traveling on this unimproved part of Leverett Road, traveling to/from the IDOT storage facility and two trucking businesses.
    - (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2016 near the subject property. Leverett Road west of Martin Road (CR 1300E) had an ADT of 3,100. No counts were available on the far west end of Leverett Road.
    - (4) The subject property is located approximately 0.9 road miles northeast of the I-57 interchange at Market Street.

- (5) The Somer Township Road Commissioner has been notified of this case and no comments have been received.
- D. Regarding fire protection on the subject property, the subject property is located approximately 6.5 road miles from the Thomasboro Fire Protection District station in Thomasboro. The FPD Chief was notified of this case and no comments have been received.
- E. No part of the subject property is located within a mapped floodplain.
- F. The subject property is considered BEST PRIME FARMLAND. The Soil Survey of Champaign County indicates that the subject property contains two soil types: Harpster Silt Loam (67A), and Drummer Silty Clay Loam (152A). The soils have an average LE of 94, considered best prime farmland.
- G. Regarding outdoor lighting on the subject property:
- (1) On June 14, 2018, the Petitioners submitted outdoor lighting specification sheets that show they intend to install full cutoff lighting in compliance with the Zoning Ordinance.
  - (2) The revised site plan received July 3, 2018, shows proposed lighting locations.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) There is no existing septic system. The Site Plan received May 14, 2018, shows a proposed leach field in the southeast corner of the lot.
    - a. The Revised Site Plans received June 14, 2018 and July 3, 2018, show the leach field in the southwest corner of the lot.
    - b. Soil testing received with the original Special Use Permit application on January 29, 2018, was done on the southeast corner of the subject property.
  - (2) On June 14, 2018, the petitioner indicated that they plan to have 2 bathrooms in the building, as well as a truck wash bay. The petitioner indicated that they plan to install floor drains in the building that would connect to an oil-water separator.
  - (3) The subject property soil is comprised of Harpster Silty Clay Loam and Drummer Silty Clay Loam (152A). The proposed leach field would be located on both soil types. Harpster Silt Clay Loam (67A) has a SPI of 53 (low rating). Drummer Silty Clay Loam (152A) also has an index of 53. The low rating is defined as having “performance that is much below local standards; there are severe soil limitations for which economically feasible measures are unavailable; soil limitations continuing after corrective measures are installed seriously detract from environmental quality.”
  - (4) No documentation has been received by P&Z Staff regarding review by the Champaign County Health Department.



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

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

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

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“Yes.”**
  - B. Regarding compliance with the *Zoning Ordinance*:
    - (1) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-1, I-1, and I-2 Zoning DISTRICTS and by right in the B-4 DISTRICT provided that all Outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN. They are authorized with a Special Use Permit in the AG-1, AG-2, B-4 (except as noted above), and B-5 Zoning DISTRICTS.
    - (2) Regarding parking on the subject property for the proposed Special Use:
      - a. For parking purposes, the Zoning Administrator has determined that a Contractor’s Facility is most similar to the requirements for industrial uses.
      - b. In a phone call to Susan Burgstrom received June 12, 2018, Mr. Einck said that he has 3 employees, and their company vehicles get driven home by the employees. They do not expect clients at this facility.
        - (a) Per paragraph 7.4.1 D.1., the proposed use would require 1 parking space for the 3 employees, 3 spaces for 3 company vehicles, and 1 visitor parking space, for a total of 5 parking spaces. One of those spaces would need to meet Illinois Accessibility Code standards.
          - i. The Petitioner has not provided information about how many company vehicles might be acquired with the purchase of the Berg Tanks business. One parking space will be required for each company vehicle.

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- c. The Revised Site Plan received June 14, 2018, indicates that there will be sufficient area on the 6,000 square feet concrete approach in front of the proposed building to accommodate the required number of standard and handicapped parking spaces.
  - d. The Revised Site Plan received July 3, 2018, indicates that there will be sufficient area on the 5,000 square feet concrete approach in front of the proposed building to accommodate the required number of standard and handicapped parking spaces.
  - e. Industrial uses of 10,000 to 24,999 square feet require two 10 feet by 40 feet loading berths, which cannot overlap other required parking and cannot be used for vehicle repair or service work.
    - (a) A variance for this requirement is the subject of related case 910-V-18.
    - (b) The Revised Site Plan received July 3, 2018, indicates that there will be sufficient area on the 5,000 square feet concrete approach in front of the proposed building to accommodate the required number of loading berths without overlapping required parking; however, it is not clear if the proposed area meets the loading berth standards established in Section 7.4.2 of the Zoning Ordinance.
  - e. Per Part 7.4.1 D.3., required parking screens for industrial uses are the same as for commercial establishments listed in 7.4.1 C.4. Parking areas abutting any Residential district, or that are visible and located within 100 feet of the nearest dwelling conforming as to use, have required screening. The nearest dwelling conforming as to use is over 100 feet from the current parking area on the subject property, so no parking screen is required.
- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*, the subject property is not exempt from the SWMEC Ordinance.
- (1) The proposed project is not exempt from the SWMEC requirement of providing a Storm Water Drainage Plan per Section 4.2.F., because the proposed development contains more than one acre of impervious surface area within a rectangular area of 90,000 square feet.
    - a. The proposed impervious area (gravel area, concrete approach, and building) totals 47,464 square feet, or 1.09 acres. The petitioner would have to reduce the amount of impervious area by approximately 3,904 square feet in order to be exempt from the Storm Water Management Plan.
    - b. Part B of related Case 910-V-18 is to request a variance from the SWMEC Ordinance, which requires a Storm Water Management Plan and review.
- 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 part of Champaign County subdivision jurisdiction. Subdivision Case 199-18 for this 2 acre tract was approved by the



Champaign County Board on March 27, 2018, and is currently being prepared for signatures and recording.

- F. Regarding the requirement that the Special Use preserve the essential character of the Agriculture Zoning District:
- (1) Contractors Facilities with Outdoor Storage and/or Operations are allowed with a Special Use Permit in the AG-1 Agriculture Zoning District.
    - a. 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 when it is visible within 1,000 feet of a lot occupied by a dwelling conforming to use or any designated urban arterial street or MAJOR STREET.
    - b. There are two residences within 1,000 feet of the subject property.
      - (a) In the Revised Site Plan received July 3, 2018, the petitioner has indicated 8 feet tall chain link fence with slats along the southeastern and eastern property lines, which would be compliant with the screening requirements in the Zoning Ordinance.
    - c. The subject property is within 1,000 feet I-57, but the proposed building and existing landscaping along the interstate would serve as a screen.
- G. 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) Accessibility requirements have yet to be determined for the new building currently under construction. A special condition has been proposed to ensure compliance.

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
  - A. Section 5.2: Table of Authorized Principal Uses states that Contractors Facilities (with outdoor STORAGE and/or outdoor OPERATIONS) can be established with a Special Use Permit in the AG-1 Agriculture 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 AG-1 Agriculture DISTRICT and states as follows (capitalized words are defined in the Ordinance):

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.

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- (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

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

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

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance, and the proposed site plan appears to be in compliance with those requirements.

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

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

The amount of traffic is expected to increase slightly. The petitioner currently has 3 company vehicles and 3 employees, who generally drive those vehicles home overnight. No clients are expected to visit the property.

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

- a. The Natural Resources Report from Champaign County Soil and Water Conservation District received January 29, 2018, states, “The site is relatively flat. The developed areas seem to have good drainage. The water from the site will leave by way of the road drainage ditch.”
- b. The subject property is not exempt from the Champaign County *Stormwater Management and Erosion Control Ordinance* (SWMEC) in general.
- c. The proposed impervious area (gravel area, concrete approach, and building) totals 47,464 square feet, or 1.09 acres. The petitioner would have to reduce the amount of impervious area by approximately 3,904 square feet in order to be exempt from the Storm Water Management Plan.

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- d. Part B of related Case 910-V-18 is to request a variance from the SWMEC Ordinance, which requires a Storm Water Management Plan and review.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

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

- a. In regards to public 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, no comments have been received from neighbors or other parties.
- (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.



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

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- a. Soils on the subject property are BEST PRIME FARMLAND. The subject property was in agricultural production prior to its subdivision from the parent tract.
  - b. The proposed Special Use does not meet the definition of “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan because it is outside the Urbana-Champaign Sanitary District service area and will have a septic system.
  - c. The subject property is not within the Contiguous Urban Growth Area (CUGA), which according to the Land Resource Management Plan, should develop in conformance with the relevant municipal comprehensive plan.

- (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 will not require additional public utilities or transportation facilities.

- (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.
- a. The proposed Special Use will remove 2 acres of land from agricultural production.
  - b. There is an existing cell phone tower 15 feet west of the subject property.
  - c. There is an IDOT storage facility with outdoor storage and operations approximately 90 feet west of the subject property.

- (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

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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:
  - A. The Petitioner has testified on the application: **“The property is next to the Leverett Storage Facility and the Peterbilt Truck Maintenance Facility.”**
  - B. The existing use is agricultural land left fallow.

**RELATED TO THE VARIANCE, GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT**

12. Generally regarding the *Zoning Ordinance* requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district:
  - A. The Petitioner has testified on the application, **“Loading berths would require paving more than what we would anticipate needing. The 30 feet by 200 feet concrete approach on the site plan would not accommodate two 10 feet by 40 feet loading berths because they would block garage entrances and accessible parking.”**
  - B. The Revised Site Plan received July 3, 2018, indicates that there will be sufficient area on the 5,000 square feet concrete approach in front of the proposed building to accommodate the required number of loading berths without overlapping required parking; however, it is not clear if the proposed area meets the loading berth standards established in Section 7.4.2 of the *Zoning Ordinance*.

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

13. Generally regarding the *Zoning Ordinance* requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
  - A. The Petitioner has testified on the application, **“The business does not require such complex construction. We purchase locally and those businesses serve as our warehouses. Any supplies are delivered by our own vehicles, and loading berths are not necessary for these deliveries.”**
  - B. Regarding Part A of the proposed Variance, for 0 loading berths in lieu of the minimum required 2 loading berths:
    - (1) Without the proposed variance, the petitioner would have to construct additional pavement for what he considers unnecessary loading berths.

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- C. Regarding Part B of the proposed Variance, for not requiring a Storm Water Management Plan and review, the petitioner wants to maximize outdoor storage and operations space, which would require gravel and concrete, both impervious surfaces.
- (1) Without the proposed variance, the petitioner would be required to either reduce useable outdoor storage and operations area, or contract a consultant to complete a Storm Water Management Plan that would add significant costs to establishing his business on the subject property.

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

14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioner has testified on the application, **“No.”**
- B. The petitioner was proactive in determining what permissions would be needed from the P&Z Department to establish his business, and has made changes to his site plan based on new information provided by P&Z Staff.

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

15. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application, **“We would like to construct less pavement, which will create improved drainage conditions and be more like similar rural uses.”**
- B. Regarding Part A of the variance for 0 loading berths: the requested variance is 100%.
- C. Regarding Part B of the variance for no Storm Water Management Plan and review, the requested variance is 100%.
- D. Regarding Part A of the variance: off-street loading berths are presumably required to minimize congestion in the street when deliveries are made. The proposed building and outdoor storage/operations are set back approximately 130 feet from the street, so no congestion is anticipated.
- E. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*, which is a requirement in Zoning Ordinance Section 4.3.10:
- (1) The proposed Special Use requires a Storm Water Drainage Plan because the amount of impervious area on the subject property exceeds the maximum allowed for being exempt from the Storm Water Drainage Plan requirement.
- (2) The Ordinance states that storm water detention is required if there is one acre or more of impervious surface area; the subject property has approximately 1.1 acres of impervious area.
- F. The requested variance is not prohibited by the *Zoning Ordinance*.



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

16. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
  - A. The Petitioner has testified on the application: **“By constructing less pavement, we would not create worse drainage conditions than necessary, which should help with runoff from our site.”**
  - B. The Somer Township Road Commissioner has been notified of this variance and no comments have been received.
  - C. The Thomasboro Fire Department was notified of this case and no comments have been received.
  - D. The nearest residential structure is approximately 250 feet southeast the subject property.

**GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE**

17. Generally regarding any other circumstances that justify the Variance:
  - A. The Petitioner has testified on the application: **“We have tractors and a track skid with forks to load and unload items if needed.”**

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

18. Regarding proposed special conditions of approval for Special Use Permit Case 909-S-18:
  - A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Contractors Facility (with or without Outdoor Storage and Operations) 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.**

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

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

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

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

The above special condition is necessary to ensure the following:

**Conformance with LRMP Policy 4.2.3.**

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- D. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Contractors Facility until the petitioner has demonstrated that a Type D screen has been installed inside the south property line to the east of the access drive and along the east property line, to screen the proposed uses from adjacent residential properties, as indicated on the approved Site Plan.**

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.**

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

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

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

**DOCUMENTS OF RECORD**

1. Application for Special Use Permit received May 14, 2018, with attachments:
  - A Site Plan received May 14, 2018
  - B Legal description
2. Application for Variance received June 22, 2018, with attachments:
3. Revised Site Plan received June 14, 2018
4. Revised Site Plan received July 3, 2018
5. Natural Resource Report from Champaign County Soil and Water Conservation District received January 29, 2018 as part of subdivision case 199-18
6. Site Plan for Case 199-18 approved by the County Board on March 27, 2018
7. Outdoor lighting specification sheets received June 14, 2018
8. Preliminary Memorandum dated July 5, 2018, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received May 14, 2018
  - C Revised Site Plan received June 14, 2018
  - D Revised Site Plan received July 3, 2018
  - E Site Plan for Case 199-18 approved by the County Board on March 27, 2018
  - F Outdoor lighting specification sheets received June 14, 2018
  - G Natural Resource Report from Champaign County Soil and Water Conservation District received January 29, 2018 as part of subdivision case 199-18
  - H Site Visit Photos taken June 11, 2018
  - I Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated July 12, 2018

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**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **909-S-18** and **910-V-18** held on **July 12, 2018**, 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}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
  - a. The Special Use is authorized in the District.
  - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.



- c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
- d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *IS NOT* an existing nonconforming use.
6. Regarding the variance:
- a. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
- b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
- c. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
- d. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
- e. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
- f. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***
- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Contractors Facility (with or without Outdoor Storage and Operations) 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.**

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

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

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

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

The above special condition is necessary to ensure the following:

**Conformance with LRMP Policy 4.2.3.**

- D. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Contractors Facility until the petitioner has demonstrated that a Type D screen has been installed inside the south property line to the east of the access drive and along the east property line, to screen the proposed uses from adjacent residential properties, as indicated on the approved Site Plan.**

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.**

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

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

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

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**FINAL DETERMINATION FOR CASE 909-S-18**

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 **909-S-18** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Fred and Justin Einck, d.b.a. Fred's Plumbing, Heating, Air Conditioning and Electric, Inc.**, to authorize the following as a Special Use on land in the AG-1 Agriculture Zoning District:

**Authorize a Special Use Permit for a Contractor’s Facility with outdoor storage and outdoor operations in the AG-1 Agriculture Zoning District.**

***{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}***

- A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Contractors Facility (with or without Outdoor Storage and Operations) until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- C. 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.**
- D. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Contractors Facility until the petitioner has demonstrated that a Type D screen has been installed inside the south property line to the east of the access drive and along the east property line, to screen the proposed uses from adjacent residential properties, as indicated on the approved Site Plan.**
- E. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed building until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) the 2006 or later edition of the International Building Code; (B) the 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.**

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

SIGNED:

ATTEST:

Catherine Capel, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

**PRELIMINARY DRAFT**

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**FINAL DETERMINATION FOR CASE 910-V-18**

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

The Variance requested in Case **910-V-18** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant, **Fred and Justin Einck, d.b.a. Fred's Plumbing, Heating, Air Conditioning and Electric, Inc.**, to authorize the following variance in the AG-1 Agriculture Zoning District:

**Part A: Authorize a variance for 0 loading berths in lieu of the minimum required 2 loading berths for commercial and industrial uses in the AG-1 Agriculture Zoning District, per section 7.4.2 D. of the Champaign County Zoning Ordinance, subject to the request for Special Use Permit approval in related Case 909-S-18.**

**Part B: Authorize a variance from the Champaign County Stormwater Management and Erosion Control Ordinance, which requires a Stormwater Drainage Plan and review for more than one acre of impervious area on a lot that is 2 acres in area.**

***{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }***

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

SIGNED:

ATTEST:

Catherine Capel, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date