

CASE NO. 914-S-18

PRELIMINARY MEMORANDUM

AUGUST 9, 2018

Petitioner: Richard Tarvin

Request: Authorize Self-Storage Warehouses, not providing heat and utilities to individual units, as a Special Use in the AG-2 Agriculture Zoning District

Location: A 3-acre tract in the Northeast Quarter of the Northeast Quarter of Section 2, Township 21 North, Range 8 East of the Third Principal Meridian in Condit Township, and commonly known as the vacant parcel located in the southwest corner of the intersection of CR 3000N (US 136) and CR 1100E.

Site Area: 3 acres

Time Schedule for Development: As soon as possible

Prepared by: Susan Burgstrom, Senior Planner
John Hall, Zoning Administrator

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

(217) 384-3708

zoningdept@co.champaign.il.us

www.co.champaign.il.us/zoning

BACKGROUND

The petitioner would like to locate semi-truck trailers, with wheels removed, to become Self-Storage Warehouse Units without heat and utilities to individual units on a property that currently has a Special Use Permit for a Truck Terminal (Case 400-S-03).

The subject property has not changed in use or features, and has not been in agricultural production for over a decade. The petitioner has an existing Truck Terminal and residence across the street to the north, and has stated that the proposed self-storage units would not be part of the Truck Terminal.

EXISTING LAND USE AND ZONING

Direction	Land Use	Zoning
Onsite	Vacant, former Truck Terminal (Case 400-S-03)	AG-2 Agriculture (Case 399-AM-03)
Northwest	Agriculture	AG-1 Agriculture
Northeast	Petitioner's residence and Truck Terminal (Case 791-S-92)	AG-2 Agriculture (Case 766-AM-91)
South	Agriculture	AG-1 Agriculture
East	Vacant and Residential	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture

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 Condit Township, which does not have a Plan Commission.

PARKING FOR THE PROPOSED SPECIAL USE

No parking was indicated on the Site Plan received June 28, 2018.

Self-storage warehouses require 1 space per 3 storage units and must provide handicap accessible spaces. The proposed self-storage facility would have up to units, which would thus require at least 4 parking spaces. There is ample gravel area for many more parking spaces.

Paragraph 7.4.2 C.5. requires one loading berth of minimum 10 feet by 40 feet dimensions for commercial and industrial establishments of 1 to 9,999 square feet of floor area. The loading berth must be improved with a compacted base at least six inches thick and shall be surfaced with at least two inches of some all-weather dustless material. A special condition has been added to ensure compliance.

Parking must be compliant with the Illinois Accessibility Code; at least 1 handicapped accessible parking space is required for the proposed Special Use, and can be one of the four required parking spaces for the self-storage units. A special condition has been added to ensure compliance.

PROPOSED SPECIAL CONDITIONS

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 914-S-18 by the Zoning Board of Appeals.**

The above special condition is required to ensure the following:

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

- B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Self-Storage Warehouse Units without heat and utilities to individual units until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

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

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

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

- D. One loading berth meeting Zoning Ordinance requirements will be constructed on the property prior to the Zoning Administrator authorizing a Zoning Compliance Certificate.**

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

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

- E. No business operations on the subject property can include anything other than simple storage.**

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

That no additional uses are established on the subject property.

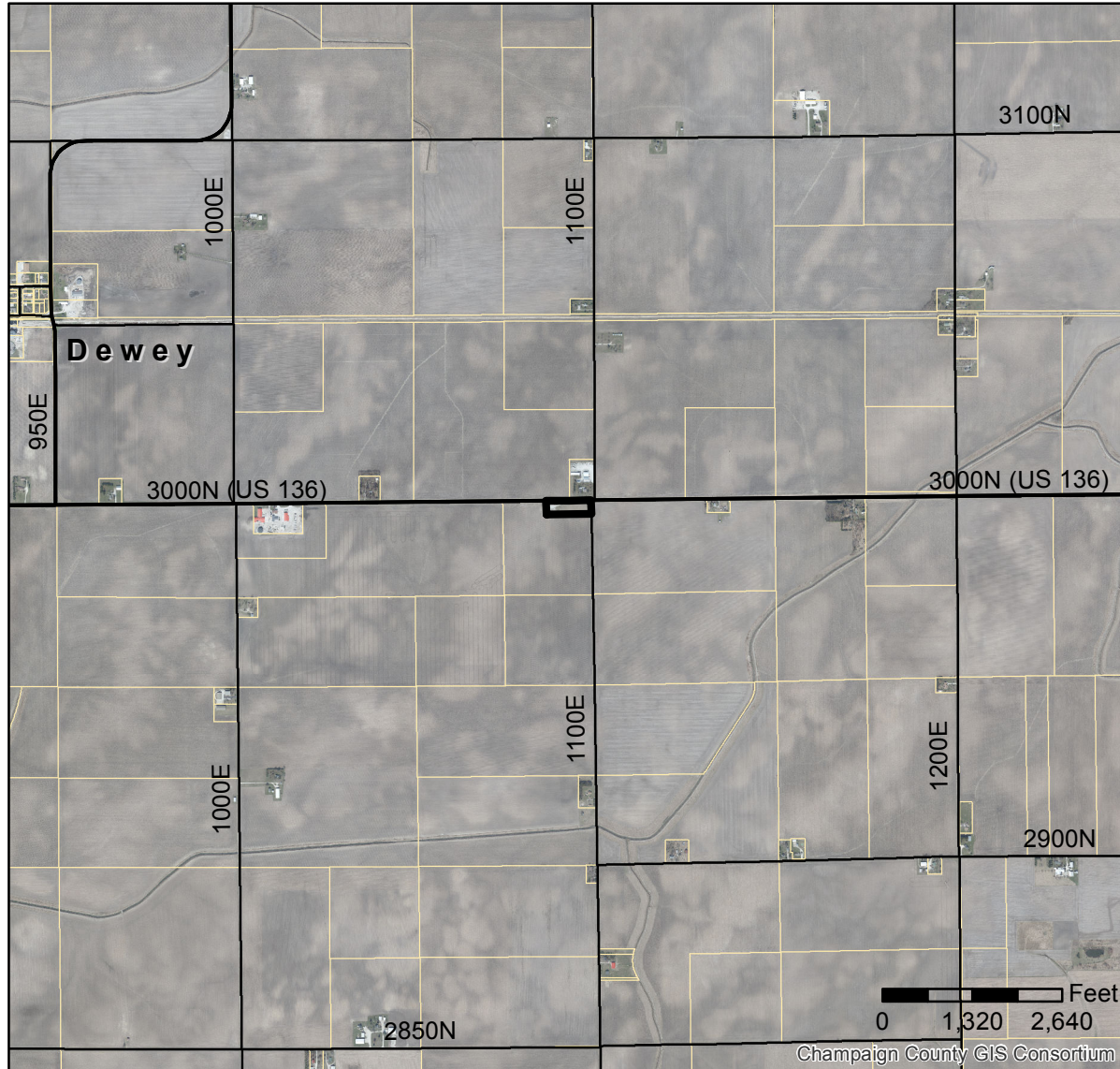
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received June 28, 2018
- C Revised Site Plan received July 24, 2018
- D Annotated Site Plan created by P&Z Staff on July 25, 2018
- E Natural Resources Report from Champaign County Soil and Water Conservation District received July 16, 2018
- F Site photos taken by staff on July 9, 2018
- G Summary of Evidence, Finding of Fact, and Final Determination dated August 16, 2018

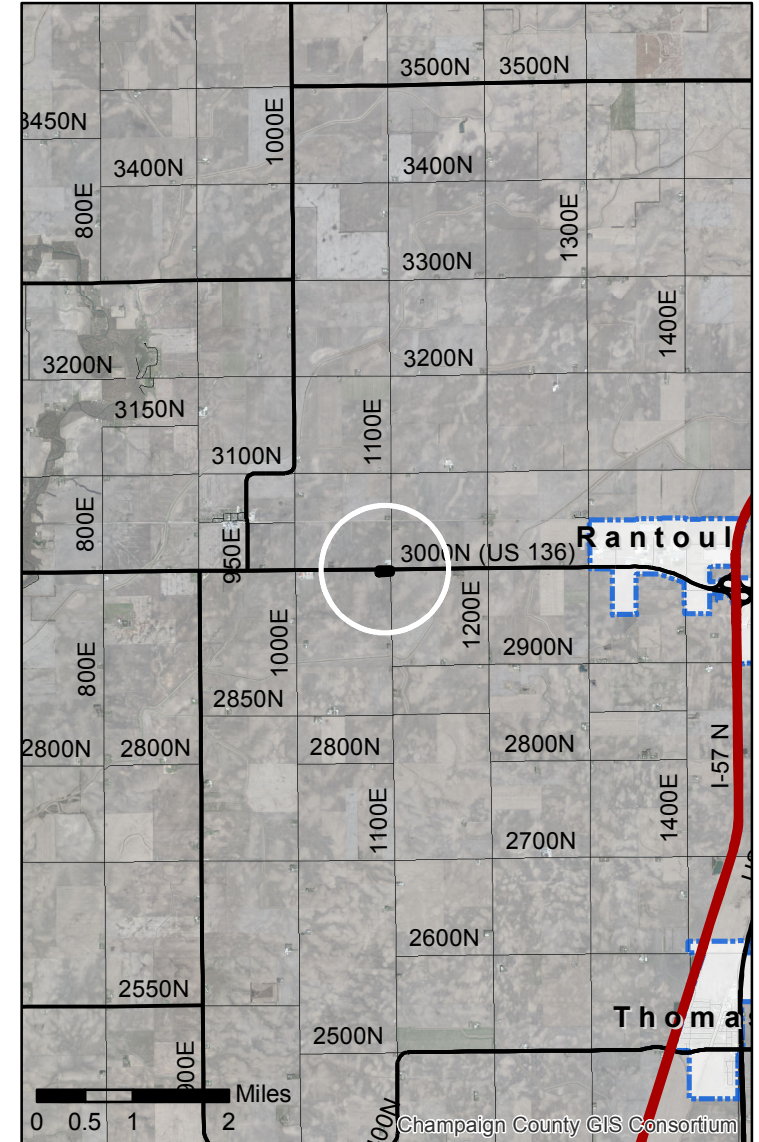
Location Map

Case 914-S-18
August 16, 2018

Subject Property



Property location in Champaign County



Legend

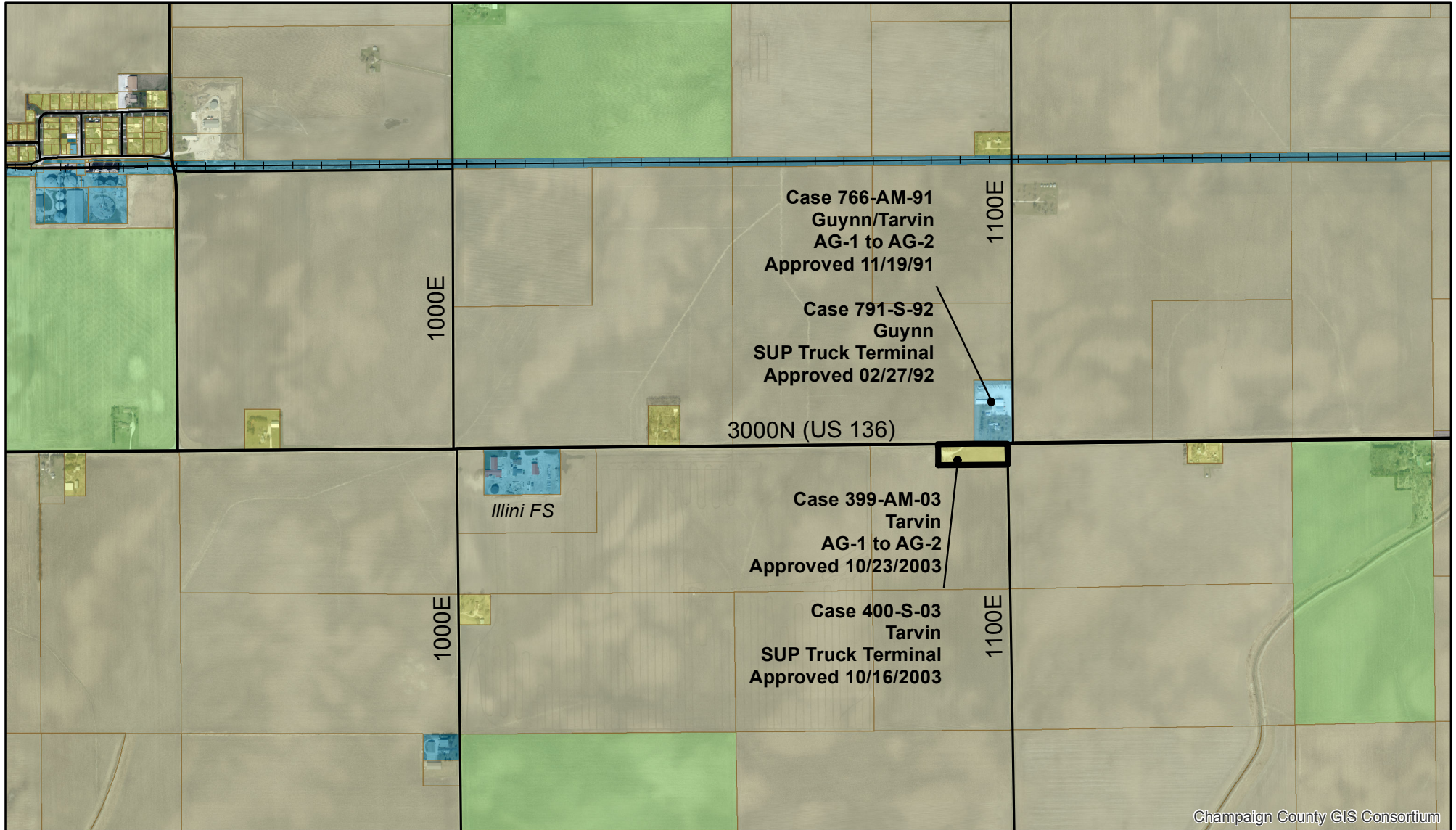
- Subject Property
- Parcels
- Municipal Boundary
- Interstate
- Secondary Highways
- Streets









Champaign County
Department of
PLANNING &
ZONING

Land Use Map

Case 914-S-18
August 16, 2018



Legend

- | | | |
|---|---|---|
|  Subject Property |  Agriculture/Residential |  Commercial w/dwelling |
|  Agriculture |  Residential |  Commercial |

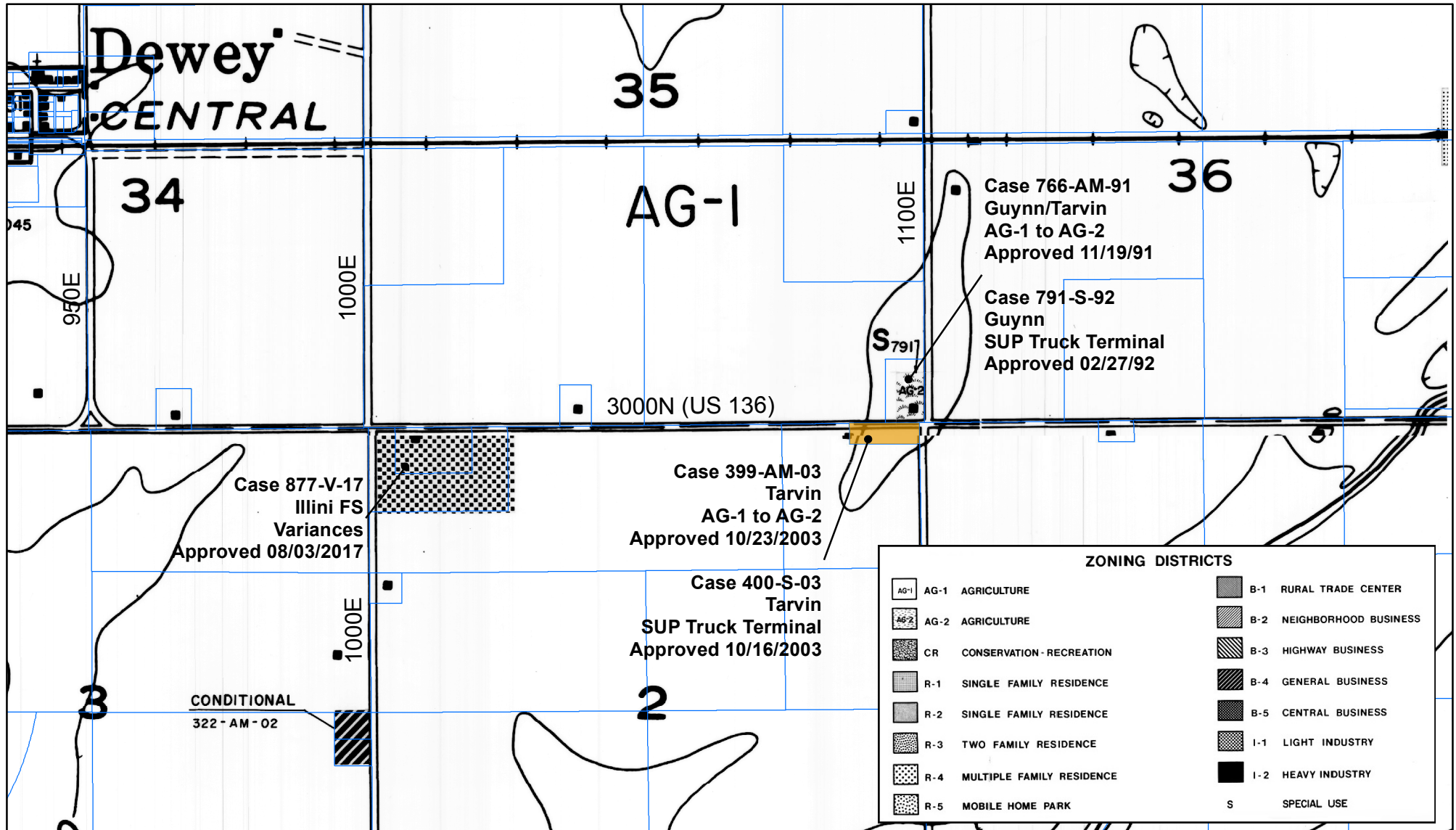
0 330 660 1,320 Feet



Champaign County
Department of
PLANNING &
ZONING

Zoning Map

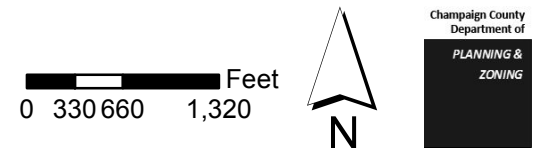
Case 914-S-18
August 16, 2018



Legend

Subject Property

Parcels



Highway Routs 136

Driveway

Driveway

RECEIVED

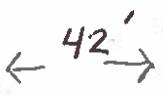
JUN 28 2018

CHAMPAIGN CO. P & Z DEPARTMENT

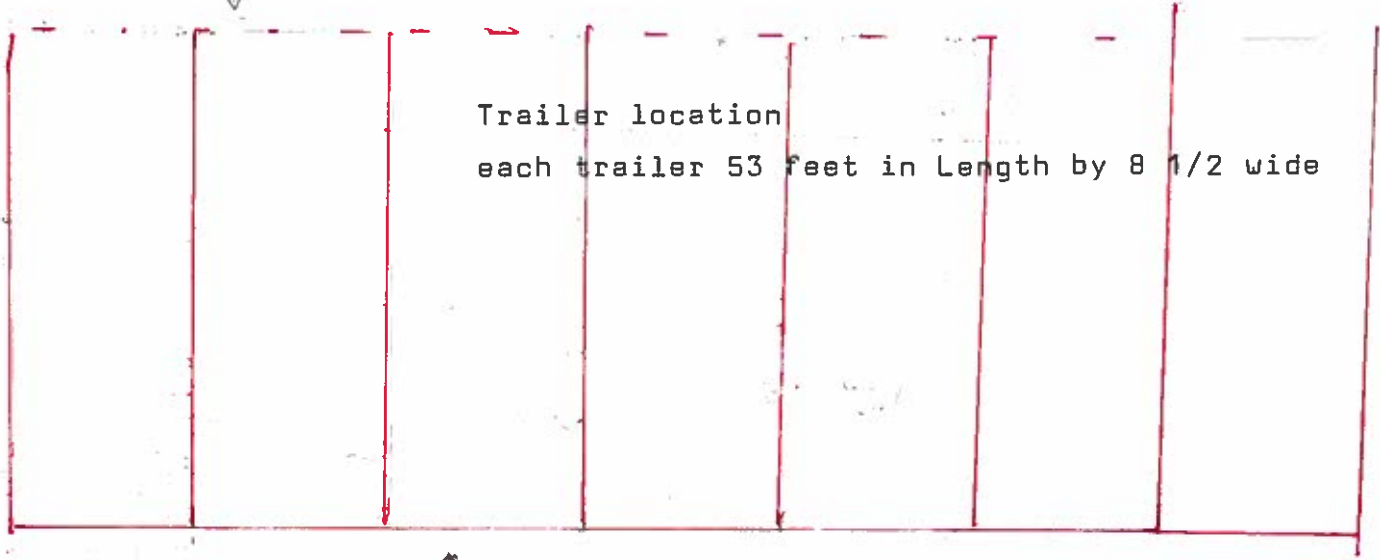
East



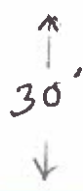
140'



42'



Trailer location
each trailer 53 feet in Length by 8 1/2 wide



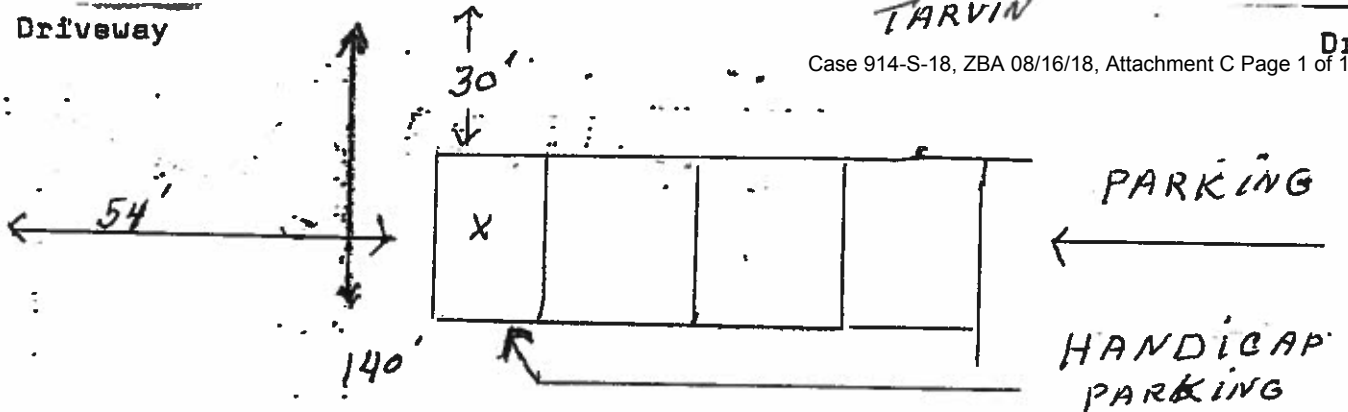
30'

SOUTH
S

Driveway

TARVIN

Driv



RECEIVED

JUL 24 2018.

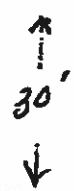
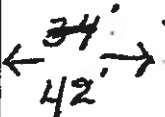
CHAMPAIGN CO. P & Z DEPARTMENT

W

E

LOADING AREA

Trailer location
each trailer 53 feet in Length by 8 1/2 w



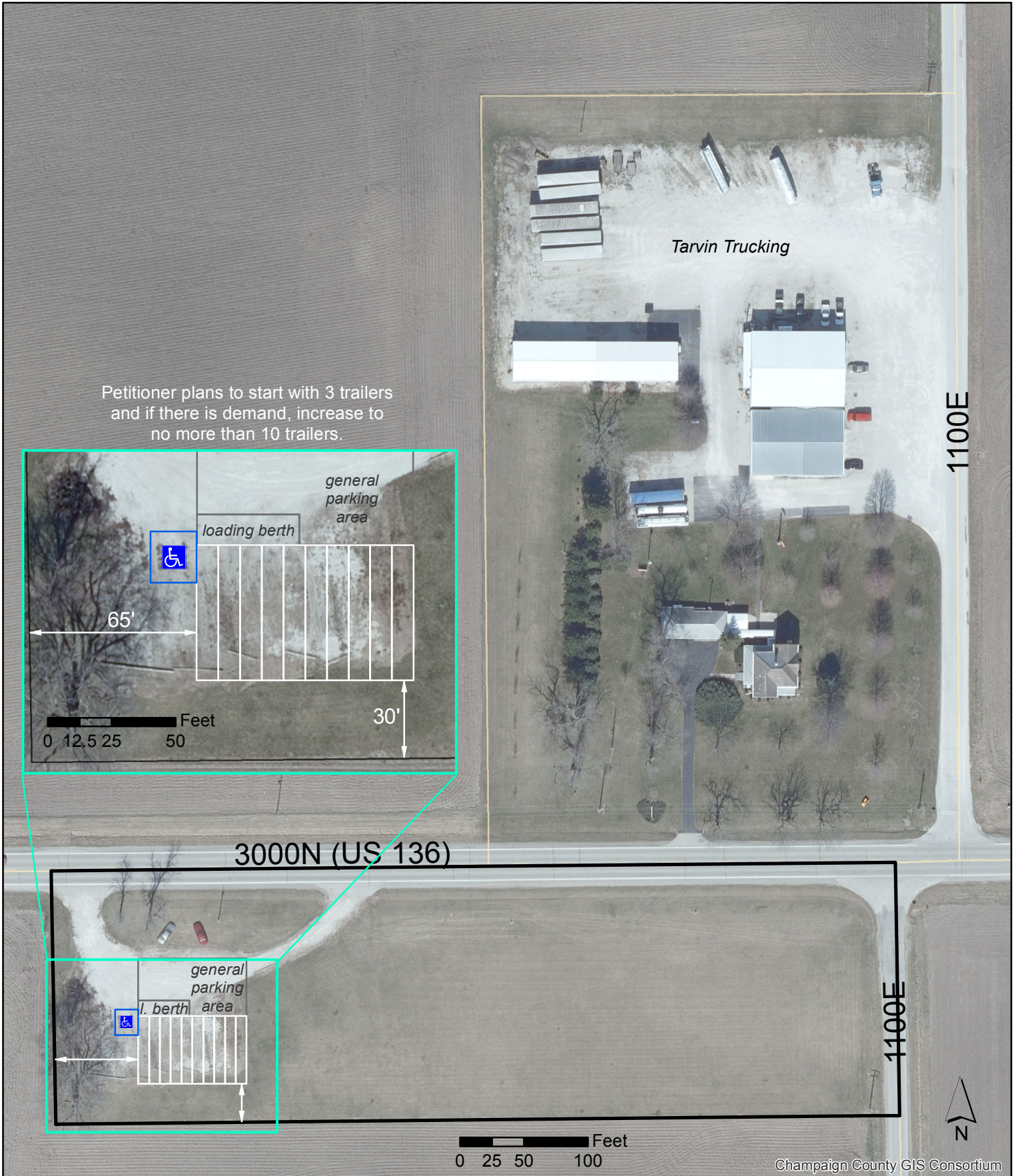
SOUTH

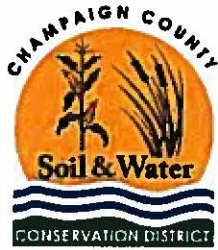
S

Annotated 2017 Aerial (Site Plan)

Case 914-S-18
August 16, 2018

Created by P&Z Staff on 07/25/18





Champaign County

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

NATURAL RESOURCE REPORT

Development Name: Richard Tarvin

Date Reviewed: July, 6th, 2018

Requested By: Richard Tarvin

Address: 1096 Cr, 3000 N.
Dewey, IL 61840

Location of Property: part of the NE $\frac{1}{4}$ of sec.2 in T. 21 N., R.8 E., of the 3rd. P.M.



The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on June 6th, 2018.

RECEIVED

JUL 16 2018

July 6, 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.ccsxcd.com

SITE SPECIFIC CONCERNS

1. The area that is to be developed has 1 soil type (Raub silt loam 481A) that is severe wetness for dwellings with 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 94; see the attached worksheet for this calculation.

b) Soil Characteristics:

There is one (1) soil type on this site; see the attached soil map. The soil present has severe limitations for development in its natural, unimproved state. The possible limitation is severe wetness in shallow excavations. A development plan will have to take the soil characteristics into consideration.

Map Symbol	Name	Shallow			Roads	Septic Fields	Steel Corrosion	Concrete Corrosion
		Slope	Excavations	Basements				
481A	Raub Silt Loam	0-2%	Severe wetness	Severe wetness	Severe low strength	Severe wetness	high	moderate

c) Erosion:

This area that may 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 is currently covered in grass, erosion control measures must be installed before construction starts.



Champaign County

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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 water from the site will leave by way of surface drainage.

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. Remember that tile in this area of the county maybe small, yet it may drain several miles of ground around the area to be developed.

Severe wetness is 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.



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 2110 West Park Court Suite C Champaign, IL 61821
 (217) 352-3536 Extension 3 --- www.ccsxcd.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.



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(217) 352-3536 Extension 3 --- www.ccsxcd.com

CULTURAL, PLANT, AND ANIMAL RESOURCE

a) Cultural:

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

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

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

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

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

c) Plant:

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

Richard Tarvin

Date: 7/3/2018

Field Office: CHAMPAIGN SERVICE CENTER

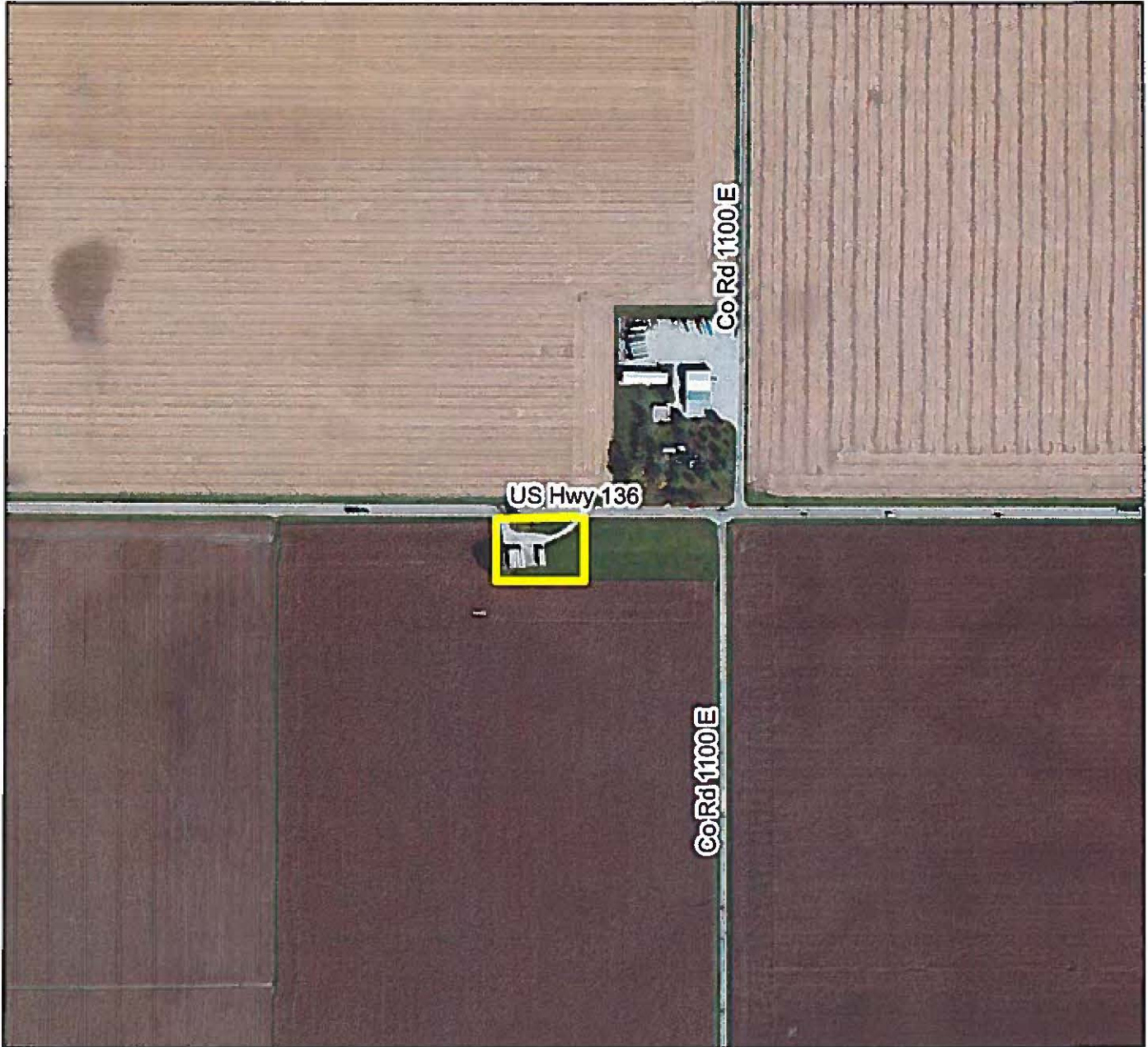
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: NE 1/4 of Section, T21N, R8E

Aerial 2015



Prepared with assistance from USDA-Natural Resources Conservation Service



Legend

-  Richard Tarvin
- fe_2007_17019_edges



LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
481A	Raub	3	94	1.1	103.4
					0.0
					0.0
					0.0
					0.0
					0.0
					0.0

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

Total LE Weighted Factor= 103.4

Acreage= 1.1

Land Evaluation Factor For Site= 94

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

Data Source: Champaign County Digital Soil Survey

Richard Tarvin

Date: 7/3/2018

Field Office: CHAMPAIGN SERVICE CENTER

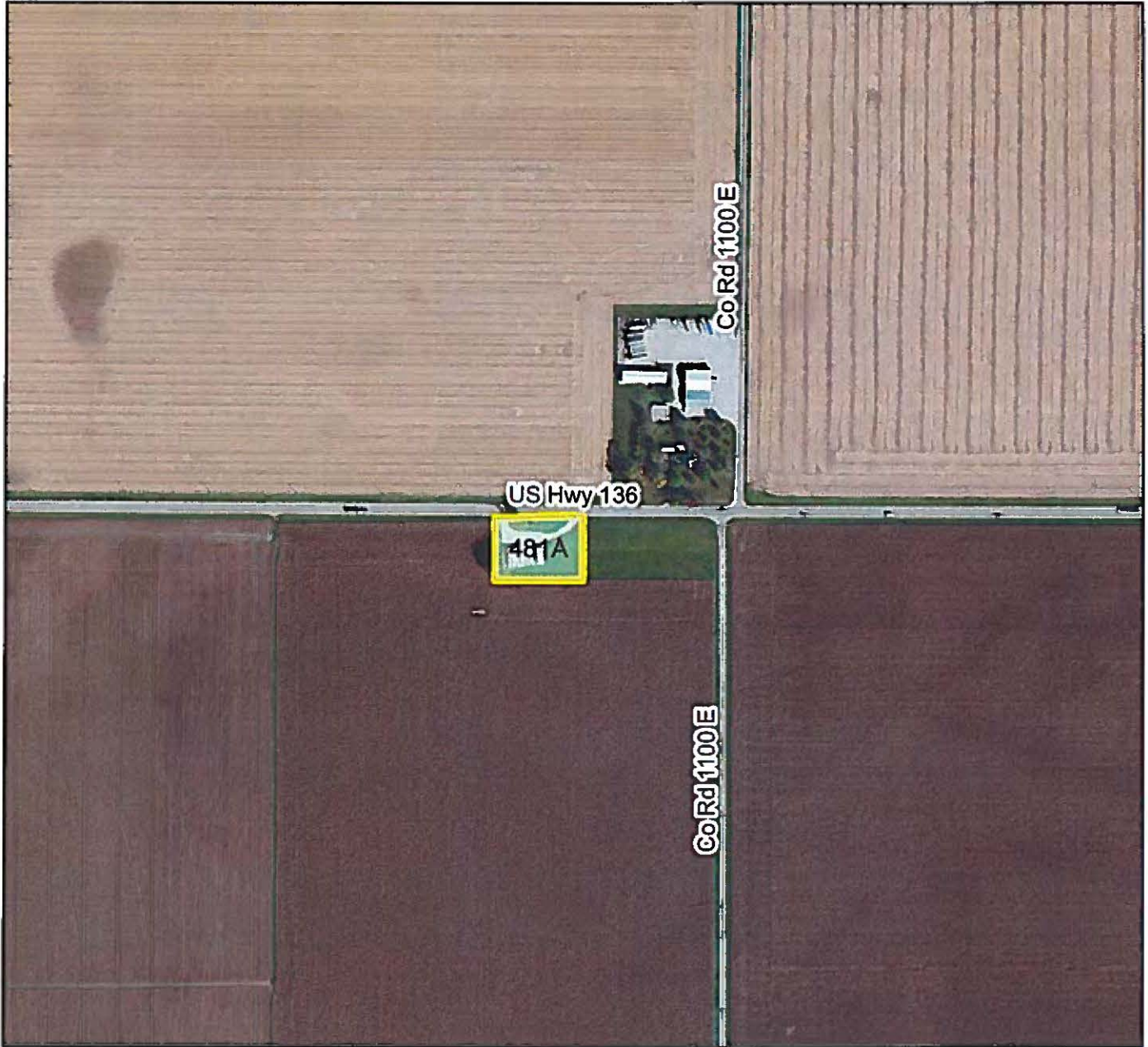
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Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois



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Aerial 2015



Legend

Prepared with assistance from USDA-Natural Resources Conservation Service

-  Soils Map
-  Richard Tarvin
- fe_2007_17019_edges



Richard Tarvin

Date: 7/3/2018

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

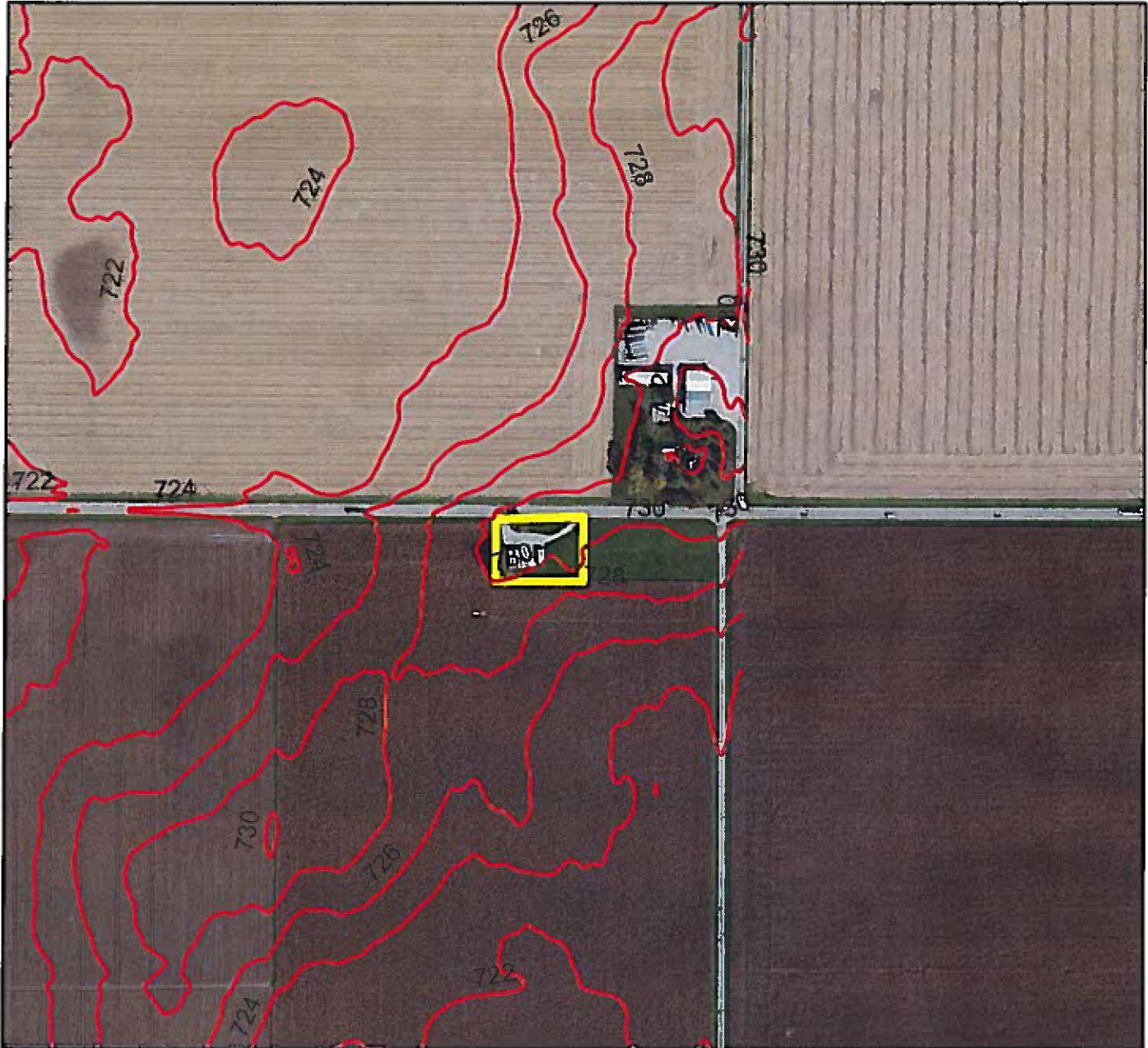
Field Office: CHAMPAIGN SERVICE CENTER

Legal Description: NE 1/4 of Section, T21N, R8E

Aerial 2015

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois



Legend

Prepared with assistance from USDA-Natural Resources Conservation Service

- 3_T22N_R08E_SEC35
- 3_T21N_R08E_SEC02
- Richard Tarvin





Applicant: Champaign County Soil & Water Conservation District **IDNR Project Number:** 1900170
Contact: Jonathon Manuel **Date:** 07/06/2018
Address: 2110 West Park Court
 Suite C
 Champaign, IL 61821

Project: Richard Tarvin
Address: 2110 West Park Court, Suite C, Champaign

Description: Semi Trailer Storage

Natural Resource Review Results

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

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

Location

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



County: Champaign
Township, Range, Section:
 21N, 8E, 2
 22N, 8E, 35

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

Disclaimer

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

Terms of Use

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

IDNR Project Number: 1900170

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.

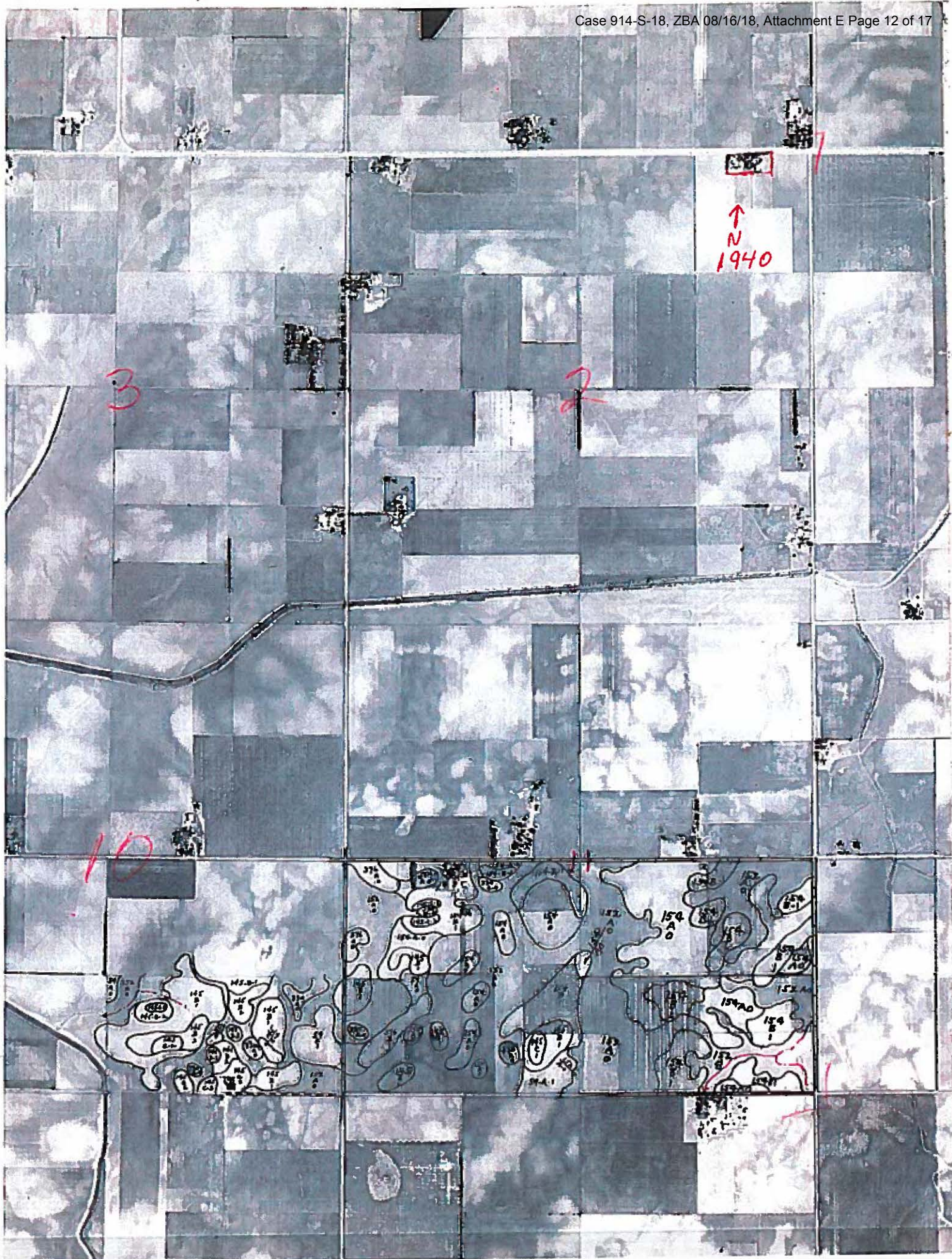
Security

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.



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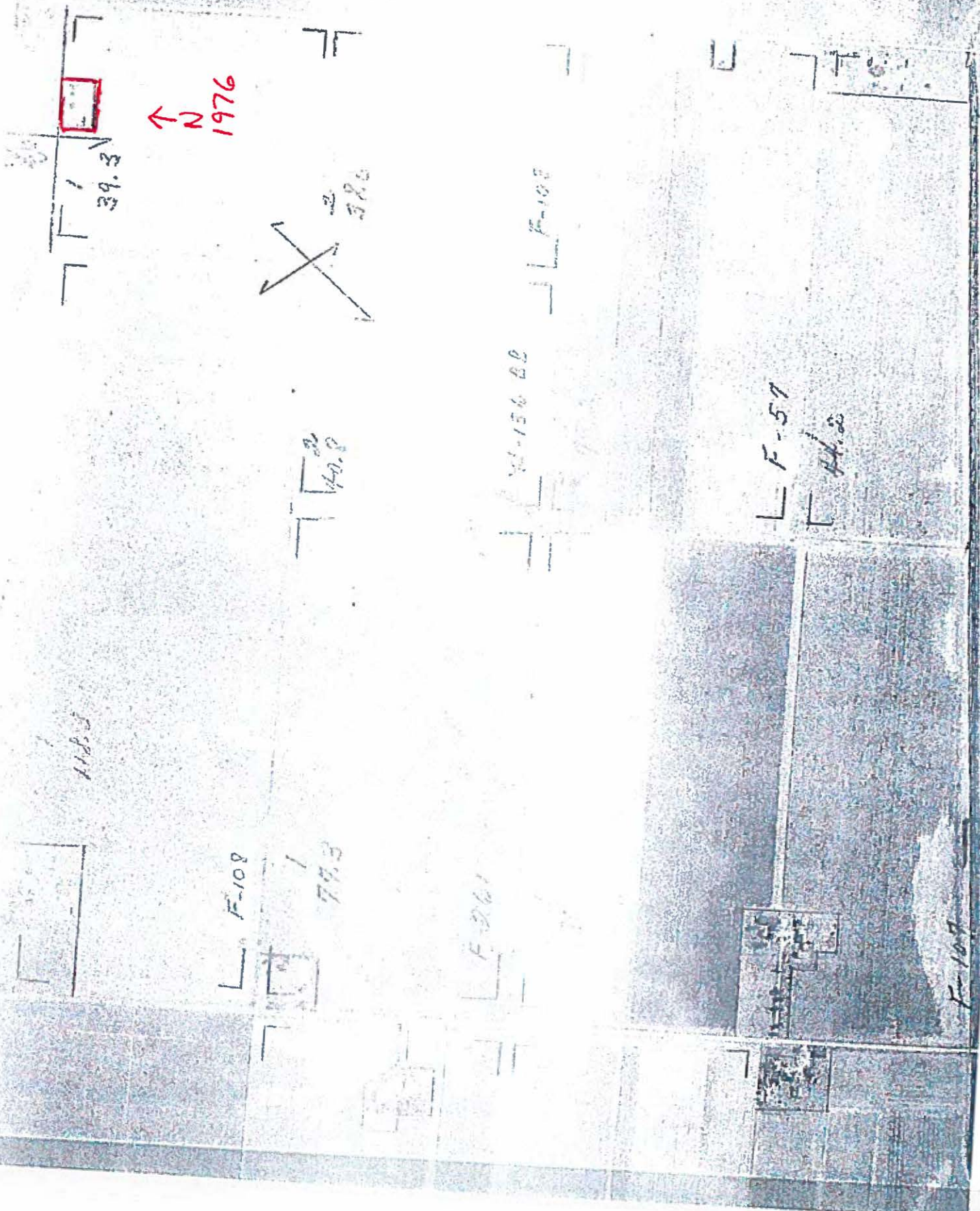
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06-2-76-63

TO SCAL



T691
927

T692
2770

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ON MAP
H-4

NW
CORNER
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113.7

35

T697
884

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156.4

↑
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ON MAP
H-4

T697
884

NW
CORNER
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NOT TO SCALE
64-2-00-20A

2

Richard Tarvin

Date: 7/3/2018

Field Office: CHAMPAIGN SERVICE CENTER

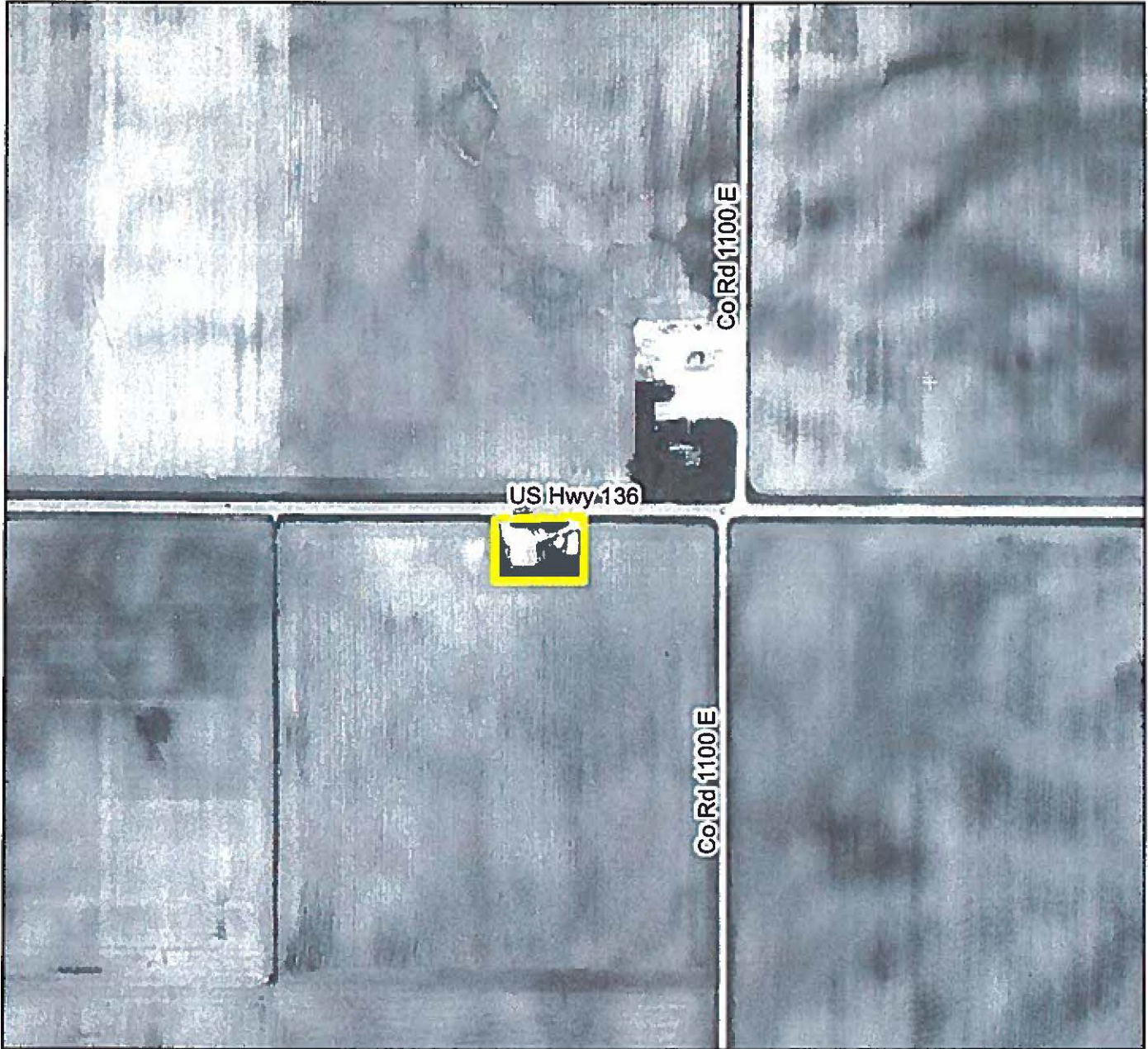
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: NE 1/4 of Section, T21N, R8E

Aerial 2005



Prepared with assistance from USDA-Natural Resources Conservation Service

Legend

-  Richard Tarvin
- fe_2007_17019_edges



Richard Tarvin

Date: 7/3/2018

Field Office: CHAMPAIGN SERVICE CENTER

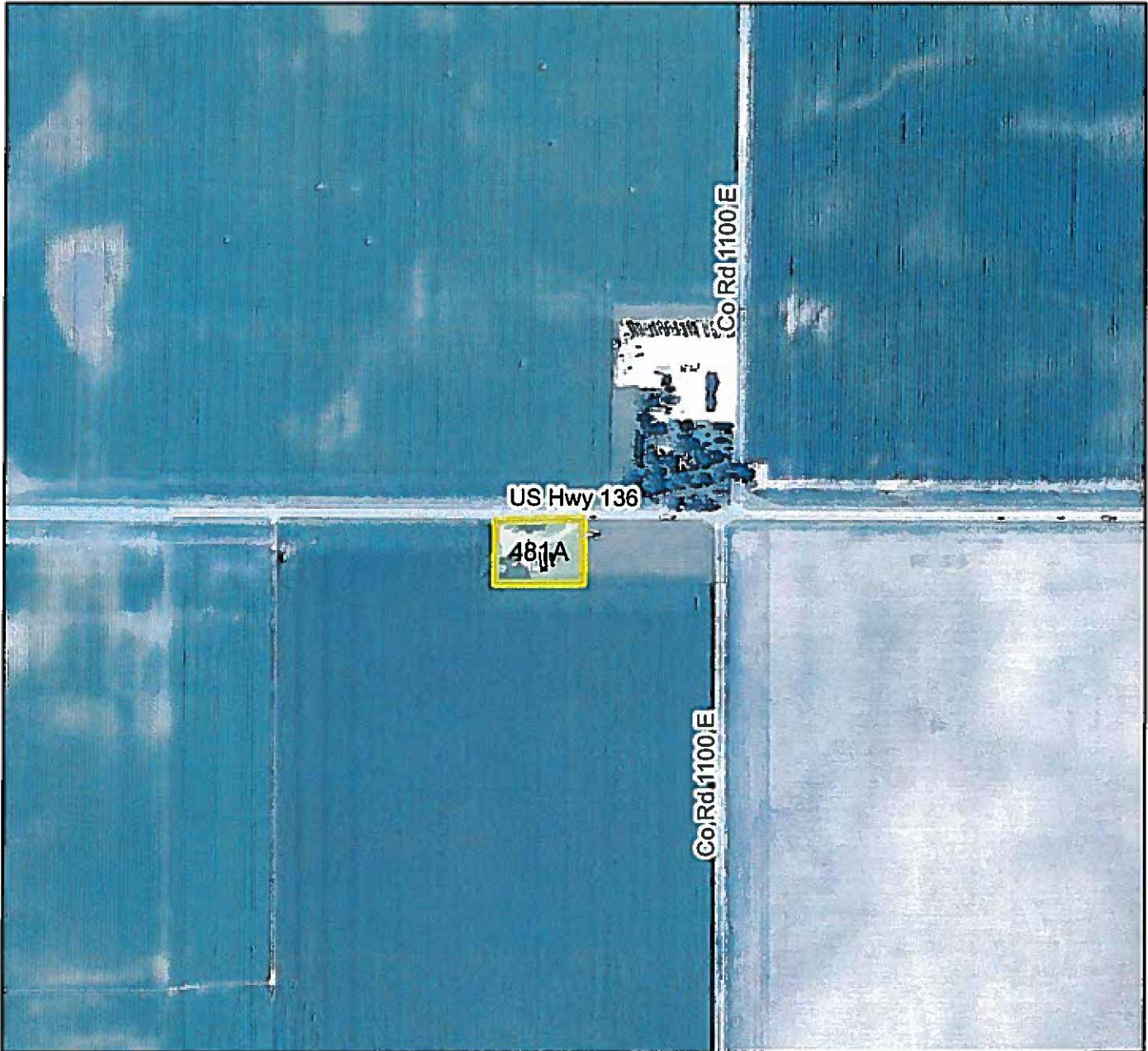
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Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois



Legal Description: NE 1/4 of Section, T21N, R8E

Aerial 2010



Legend

Prepared with assistance from USDA-Natural Resources Conservation Service

-  Soils Map
-  Richard Tarvin
- fe_2007_17019_edges



914-S-18 Site Images



From NW corner of property at CR 3000N, facing south



From NW corner of property at CR 3000N, facing southeast

914-S-18 Site Images



From NW corner of property at CR 3000N, facing east



From east side of east access drive, facing west

PRELIMINARY DRAFT

914-S-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: *{August 16, 2018}*

Petitioner: **Richard Tarvin**

Request: **Authorize Self-Storage Warehouses, not providing heat and utilities to individual units, as a Special Use in the AG-2 Agriculture Zoning District.**

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PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 16, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Richard Tarvin, 1096 CR 3000N, Dewey, owns the subject property.
2. The subject property is a 3-acre tract in the Northeast Quarter of the Northeast Quarter of Section 2, Township 21 North, Range 8 East of the Third Principal Meridian in Condit Township, and commonly known as the vacant parcel located in the southwest corner of the intersection of CR 3000N (US 136) and CR 1100E.
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 Condit 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 are as follows:
 - A. The subject property is a 3 acre tract and is currently zoned AG-2 Agriculture. Approximately one-third is in use for parking a few trailers while the rest is vacant.
 - B. Land to the northwest, south, east and west of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - C. Land to the northeast of the subject property is zoned AG-2 Agriculture and is the petitioner's residence and truck terminal that was approved in case 791-S-92.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The site plan received June 28, 2018, indicates the following existing and proposed features:
 - (1) The only existing feature is a gravel driveway with two access points on CR 3000N (US 136).
 - (2) The only proposed improvement is the addition of up to 10 trailers, each 53 feet by 8.5 feet.
 - a. In a phone call to P&Z Staff on June 15, 2018, Mr. Tarvin said that the trailers would have the wheels, axles, and dollies removed so they would sit on the ground.
 - B. Regarding operations and additional site plan features, Susan Burgstrom spoke with Mr. Tarvin by phone on July 17, 2018, and he provided the following information:

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- (1) Mr. Tarvin is unsure how the market will be for a given number of trailers; he plans to start with three, and estimates that it could grow to no more than 10 trailers.
 - (2) For the same reason, Mr. Tarvin has made the whole 3 acres the Special Use Permit area should there be demand for growth.
 - (3) The trailers will not have heat or utilities.
 - (4) There is no new exterior lighting proposed.
 - (5) There is no security or fencing proposed.
 - (6) Susan Burgstrom told Mr. Tarvin about State of Illinois accessibility requirements for one paved handicapped parking space, and Mr. Tarvin indicated that would not be a problem.
 - (7) Susan Burgstrom told Mr. Tarvin about the Zoning Ordinance requirement for a loading berth and its specifications, and Mr. Tarvin indicated that would not be a problem.
 - (8) Susan Burgstrom told Mr. Tarvin about the Zoning Ordinance requirement for 3 parking spaces, one of which could be the handicapped accessible parking space, and Mr. Tarvin indicated that would not be a problem.
 - a. Mr. Tarvin's Site Plan that he submitted with his application on June 28, 2018, showed 7 storage units. The requirement is for 1 parking space per 3 storage units, which would have required 3 parking spaces. During the phone call, Mr. Tarvin said that the number of units could be increased to 10 for long-term planning purposes. 10 storage units would require 4 parking spaces. There is ample area for many more parking spaces.
 - (9) Susan Burgstrom requested an updated site plan showing the entire property, 10 trailers, 4 parking spaces, loading berth, and any other features, along with distances of the trailers to the property line. Mr. Tarvin said he would submit one in a few days.
- C. A Revised Site Plan was submitted in person by Mr. Tarvin on July 24, 2018, which showed the following changes:
- (1) A loading area west of the trailer units; and
 - (2) One handicapped parking space and three standard parking spaces across the existing gravel area north of the trailers.
 - (3) During his visit to the P&Z office on July 24, 2018, Mr. Tarvin and Ms. Burgstrom discussed how the handicapped accessible parking space should be next to a trailer rather than across the gravel area to the north, because he will need to provide a paved accessible surface to at least one trailer. Mr. Tarvin agreed that the handicapped accessible parking space should be moved next to the trailer. Ms. Burgstrom told Mr. Tarvin that she would create an annotated site plan that would show the entire 3-acre property and the changes they had discussed, and he agreed.

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- D. The Annotated Site Plan created by Ms. Burgstrom on July 25, 2018, shows the following changes:
- (1) Included the 3-acre subject property (which is the SUP area) and Mr. Tarvin's residence and truck terminal to the north of CR 3000N (US 136);
 - (2) One handicapped parking space west of the trailers;
 - (3) One 12 feet by 40 feet loading berth in front of the westernmost trailers;
 - (4) A note that the gravel area in front of the trailers is a general parking area; and
 - (5) 10 trailers, with a note that the petitioner plans to start with 3 trailers and if there is demand, could increase to no more than 10 trailers.
- E. There are no previous Zoning Use Permits for the subject property.
- F. Previous Zoning Cases in the subject property vicinity are as follows:
- (1) Case 399-AM-03 was approved on October 23, 2003, to rezone the subject property from AG-1 Agriculture to AG-2 Agriculture.
 - (2) Case 400-S-03 was approved on October 16, 2003, to establish a truck terminal on the subject property, with a waiver for the required 6 feet tall mesh fence.
 - (3) Case 766-AM-91 was approved on November 19, 1991, to rezone the petitioner's property directly north of the subject property from AG-1 Agriculture to AG-2 Agriculture.
 - (4) Case 791-S-92 was approved on February 27, 1992, to establish a truck terminal on the petitioner's property directly north of the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for "Self-Storage Warehouses not providing heat and utilities to individual units" in the AG-2 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) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
 - (3) "AREA, LOT" is the total area within the LOT LINES.

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- (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) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (6) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.
- (7) “DOCK, LOADING” is a platform-like STRUCTURE adjacent to a LOADING BERTH from which goods are loaded on and on which goods are unloaded from a vehicle parked in such LOADING BERTH.
- (8) “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.
- (9) “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.
- (10) “LOT, CORNER” is a LOT located:
 - (a) at the junction of and abutting two or more intersecting STREETS; or
 - (b) at the junction of and abutting a STREET and the nearest shoreline or high water line of a storm or floodwater runoff channel or basin; or
 - (c) at and abutting the point of abrupt change of a single STREET where the interior angle is less than 135 degrees and the radius of the STREET is less than 100 feet.
- (11) “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.

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- (12) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (13) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (14) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (15) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (16) “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.
- (17) “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.
- (18) “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.
- (19) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (20) “STRUCTURE, DETACHED” is a STRUCTURE not connected to another STRUCTURE.
- (21) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;

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- b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (22) “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.
- (23) “WAREHOUSE, SELF-STORAGE” is a BUILDING or BUILDINGS containing multiple, independently accessible spaces where raw materials, goods or equipment, or personal goods including personal vehicles, are kept and wherein no other commercial or industrial activity occurs.
- (24) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- C. Section 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.

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- D. Section 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS:
- (1) Section 7.4.1 A. states, “All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served”.
 - (2) Section 7.4.1 C.1. states, “Parking spaces for heavy motor trucks, motor buses or other vehicles shall be of dimensions specified for off-street loading berths.
 - (3) Section 7.4.1 C.2. states, “The number of such PARKING SPACES shall be the sum of the individual requirements of the various individual ESTABLISHMENTS computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT.”
 - (4) Section 7.4.1 C.3.e. states, “Any other establishments than specified will provide one parking space for every 200 square feet of floor area.”
 - (5) Section 7.4.1 C.4. states, “Required parking SCREENS for commercial ESTABLISHMENTS shall be provided as follows:
 - a. Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.
 - b. Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.”
 - (6) Section 7.4.2 refers to off-street LOADING BERTHS:
 - a. All LOADING BERTHS shall have vertical clearance of at least 14 feet.
 - b. All LOADING BERTHS shall be designed with appropriate means of vehicular access to a STREET or ALLEY in a manner which will least interfere with traffic movement.
 - c. No VEHICLE repair or service work shall be performed on any LOADING BERTH.
 - d. No LOADING BERTH shall be located less than 10 feet from any FRONT LOT LINE and less than five feet from any side or REAR LOT LINE.

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- e. Section 7.4.2 C. states, “Off-street LOADING BERTHS for commercial ESTABLISHMENTS shall be provided as follows:
- (a) All LOADING BERTHS shall be located on the same LOT or tract of land as the ESTABLISHMENT served except when serving adjacent ESTABLISHMENTS when the LOADING BERTH requirement is sufficient to serve both ESTABLISHMENTS.
 - (b) No such BERTH shall be located within any YARD abutting a residential DISTRICT or located less than 100 feet from the BUILDING RESTRICTION LINE of any LOT in the R DISTRICT or any LOT containing a DWELLING conforming as to USE unless such BERTH is screened from public view by a Type C SCREEN. If the berth is located adjacent to an elevated loading dock, however, a Type D SCREEN shall be used to screen both the loading berth and the loading dock.
 - (c) No LOADING BERTH shall be located within 50 feet of the nearest point of intersection of two STREETS.
 - (d) All LOADING BERTHS shall be improved with a compacted base at least six inches thick and shall be surfaced with at least two inches of some all-weather dustless material.
 - (e) Schedule of off-street LOADING BERTHS is provided under Section 7.4.2 C.5. on page 7-23 of the Zoning Ordinance; for establishments with a floor area of less than 9,999 square feet, one loading berth is required, sized 12 feet by 40 feet.
- E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.

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- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- F. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. That the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- G. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner testified on the application, **“Additional storage for public use for personal items.”**

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- B. The subject property is located at the southwest corner of the intersection of CR 3000N (US 136) and CR 1100E, and is located about 3.8 road miles west of the I-57 interchange at Rantoul.
- C. Mr. Tarvin's existing truck terminal has been at the same intersection for over 20 years.
- D. Nearby villages include Dewey (1.9 miles), Rantoul (2.5 miles), and Fisher (4.5 miles).

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 have testified on the application, **“Area has been unused in the past 20 years plus for parking semi-trailers and zoning has approved for that use. This area has driveway approaches approved by the highway dept.”**
 - (1) On July 20, 1998, IDOT approved for the expansion of an existing access drive on the subject property. The approval was received on May 19, 2003, and was included as an attachment to the Preliminary Memorandum dated July 11, 2003 for zoning case 400-S-03, which was for the Truck Terminal special use on the subject property.
 - B. Regarding surface drainage:
 - (1) The Natural Resource Report by the Champaign County Soil and Water Conservation District received July 16, 2018, indicates the following:
 - a. “The water from the site will leave by way of surface drainage. 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.”
 - (2) Agricultural drainage should not be affected because there is no increase in impervious area for the proposed Special Use.
 - C. Regarding impacts on traffic:
 - (1) The subject property is located at the southwest corner of the intersection of CR 3000N (US 136) and CR 1100E, and is located about 3.8 road miles west of the I-57 interchange at Rantoul. The property only has access on CR 3000N (US 136). Regarding the general traffic conditions on CR 3000N (US 136) at this location and the level of existing traffic and the likely change from the proposed Special Use:
 - a. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). CR 3000N (US 136) had an ADT of 3,100 in front of the subject property in the most recent ADT count (2017). CR 1100E had an ADT of 125 near the subject property in 2016.
 - b. CR 3000N (US 136) in the vicinity of the subject property has two 12-foot wide lanes and two 6-foot wide gravel shoulders.

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- c. The proposed self-storage warehouse use should not create significant additional traffic due to its occasional use.

- D. Regarding fire protection on the subject property, the subject property is located approximately 5.4 miles from the Sangamon Valley Fire Protection District station in Fisher. Notice of this zoning case was sent to the Fire Protection District but no comments have been received.

- E. No part of the subject property is located within a mapped floodplain.

- F. The Natural Resources Report completed by the Champaign County Soil and Water Conservation District received July 16, 2018, states that the soil on the subject property is Best Prime Farmland, consists of 481A Raub silt loam, and has an average Land Evaluation (LE) of 94.

- G. Regarding outdoor lighting on the subject property:
 - (1) No outdoor lighting was indicated on the Site Plan received June 28, 2018.
 - a. Susan Burgstrom spoke with Mr. Tarvin by phone on July 17, 2018, and he indicated that there is no new exterior lighting proposed.

 - (2) A special condition has been added to ensure compliance with Section 6.1.2.

- H. Regarding wastewater treatment and disposal on the subject property:
 - (1) Wastewater treatment and disposal are not planned for the proposed use.

- 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.

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- d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
 - g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- J. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:

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- A. The Petitioner did not provide a response on the application.
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) Self-Storage Warehouses are authorized only with a Special Use Permit in the AG-2 Agriculture Zoning District.
 - (2) Regarding parking on the subject property for the proposed Self-Storage Warehouses:
 - a. As interpreted by the Zoning Administrator, self-storage warehouses require 1 parking space per 3 storage units and must provide handicap accessible spaces. Per the Revised Site Plan received July 24, 2018, the proposed self-storage facility will have up to 10 units, which would thus require at least 4 parking spaces.
 - b. No parking was indicated on the site plan received June 28, 2018.
 - (a) The Revised Site Plan received July 24, 2018, showed 4 parking spaces, with one noted for handicapped accessibility. There is ample gravel area for the required parking spaces.
 - (b) During his visit to the P&Z office on July 24, 2018, Mr. Tarvin and Ms. Burgstrom discussed how the handicapped accessible parking space should be next to a trailer rather than across the gravel area to the north, because he will need to provide a paved accessible surface to at least one trailer. Mr. Tarvin agreed that the handicapped accessible parking space should be moved next to the trailer.
 - (c) Ms. Burgstrom created an annotated Site Plan on July 25, 2018, which moves the handicapped accessible parking space to the west of the trailers.
 - c. There is no paved parking for the 1 required handicapped accessible parking space. On July 17, 2018, Susan Burgstrom spoke with Mr. Tarvin by phone, and told Mr. Tarvin about State of Illinois accessibility requirements for one paved handicapped parking space. Mr. Tarvin indicated that would not be a problem.
 - (a) A condition has been added to ensure compliance with the Illinois Accessibility Code during the construction permit approval process.
 - d. No parking area screening is required for the proposed Special Use per Section 7.4.1 C.4. of the Zoning Ordinance.
 - e. Paragraph 7.4.2 C.5. requires one loading berth of minimum 12 feet by 40 feet dimensions for commercial and industrial establishments with 1 to 9,999 square feet of floor area.
 - (a) The loading berth must be improved with a compacted base at least six inches thick and shall be surfaced with at least two inches of some all-weather dustless material.

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- (b) On July 17, 2018, Susan Burgstrom spoke with Mr. Tarvin by phone, and told Mr. Tarvin about the Zoning Ordinance requirement for a loading berth and its specifications. Mr. Tarvin indicated that would not be a problem.
 - (c) Ms. Burgstrom created an annotated Site Plan on July 25, 2018, which shows the loading berth adjacent to the trailers.
 - (d) A special condition has been added to ensure compliance during the construction permit approval process.
- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*:
- (1) The proposed Special Use is exempt from the Champaign County *Storm Water Management and Erosion Control Ordinance* because less than 1 acre of land will be disturbed on the subject property.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District:
- (1) Self-Storage Warehouses are authorized only with a Special Use Permit in the AG-2 Agriculture Zoning District.
- 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.

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
- A. Regarding the proposed Special Use:
 - (1) Self-Storage Warehouses are authorized only with a Special Use Permit in the AG-2 Agriculture Zoning District.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.2 of the Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):

The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which

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are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

- (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 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 or not the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.

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

The proposed Special Use is unlikely to significantly increase traffic.

- (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.

There will be no increase in impervious area, so there should be no increase in storm water runoff.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
- a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

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- b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
 - c. No comments have been received regarding the proposed Special Use.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

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

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

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

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

- (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

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productive agricultural lands from haphazard and unplanned intrusions of urban uses.

- a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
- b. The subject property has not been in agricultural production for over a decade.

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

The subject property does not contain any natural features.

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

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

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

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

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

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
 - A. The Petitioner testified on the application: **“Not non-conforming.”**

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GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 914-S-18 by the Zoning Board of Appeals.**

The above special condition is required to ensure the following:

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

- B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Self-Storage Warehouse Units without heat and utilities to individual units until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

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

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

That the proposed use is in compliance with the Zoning Ordinance.

- D. One loading berth meeting Zoning Ordinance requirements will be constructed on the property prior to the Zoning Administrator authorizing a Zoning Compliance Certificate.**

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

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

- E. No business operations on the subject property can include anything other than simple storage.**

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

That no additional uses are established on the subject property.

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DOCUMENTS OF RECORD

1. Application for Special Use Permit received June 28, 2018, with attachments:
 - A Site Plan received June 28, 2018
 - B Photos of subject property
2. Natural Resources Report from Champaign County Soil and Water Conservation District received July 16, 2018
3. Revised Site Plan received July 24, 2018
4. Annotated Site Plan created by P&Z Staff on July 25, 2018
5. IDOT approval for access drive expansion dated July 20, 1998, and received May 19, 2003, regarding zoning case 400-S-03 for the subject property
6. Preliminary Memorandum dated August 9, 2018, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received June 28, 2018
 - C Revised Site Plan received July 24, 2018
 - D Annotated Site Plan created by P&Z Staff on July 25, 2018
 - E Natural Resources Report from Champaign County Soil and Water Conservation District received July 16, 2018
 - F Site photos taken by staff on July 9, 2018
 - G Summary of Evidence, Finding of Fact, and Final Determination dated August 16, 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 case **914-S-18** held on **August 16, 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.

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- 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. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***
- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 914-S-18 by the Zoning Board of Appeals.**

The above special condition is required to ensure the following:

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

- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Self-Storage Warehouse Units without heat and utilities to individual units until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

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

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

That the proposed use is in compliance with the Zoning Ordinance.

- D. **One loading berth meeting Zoning Ordinance requirements will be constructed on the property prior to the Zoning Administrator authorizing a Zoning Compliance Certificate.**

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

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

- E. **No business operations on the subject property can include anything other than simple storage.**

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

That no additional uses are established on the subject property.

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FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **914-S-18** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant, **Richard Tarvin**, to authorize the following:

Authorize Self-Storage Warehouses, not providing heat and utilities to individual units, as a Special Use in the AG-2 Agriculture Zoning District.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 914-S-18 by the Zoning Board of Appeals.**
- B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Self-Storage Warehouse Units without heat and utilities to individual units until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- D. One loading berth meeting Zoning Ordinance requirements will be constructed on the property prior to the Zoning Administrator authorizing a Zoning Compliance Certificate.**
- E. No business operations on the subject property can include anything other than simple storage.**

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