

## **CASE 917-S-18**

*PRELIMINARY MEMORANDUM*

*September 20, 2018*

**Petitioner:** Tim Culver, d.b.a. Classic Plumbing Systems

**Request:** Authorize a Special Use Permit for a Contractor's Facility with outdoor storage and outdoor operations in addition to an existing single-family dwelling in the AG-2 Agriculture Zoning District

**Location:** A 7-acre tract in the West Half of the Northeast Quarter of the Northeast Quarter of Section 10, Township 20 North, Range 7 East of the Third Principal Meridian in Mahomet Township with an address of 2278 CR 350E, Mahomet.

**Site Area:** 7 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 seeks to construct a new building on a property which has an existing residence. He would like to move his existing plumbing business that is located on Tin Cup Road into the new building. 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-2 Agriculture Zoning District.

The existing business is too large to qualify as a Rural Home Occupation, so approval is only available via Special Use Permit. Rather than having the two principal uses, which is not allowed in the AG-2 zoning district, the existing residence would be considered a caretaker's facility for the business, which would classify it as a single principal use.

### **EXTRATERRITORIAL JURISDICTION**

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Mahomet, a municipality with zoning. The south property line of the subject property is located on the Village of Mahomet municipal boundary. There are no current plans for annexation. The Village does not allow this kind of business in its municipal limits. Village staff has expressed concerns that they will detail during the hearing for this case.

The subject property is located within Mahomet Township, which has a Plan Commission.

## EXISTING LAND USE AND ZONING

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

Direction	Land Use	Zoning
Onsite	Residence and ag production	AG-2 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Church	Village of Mahomet

## PROPOSED SPECIAL CONDITIONS

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 917-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 Use Permit or a Zoning Compliance Certificate for the proposed Contractor's Facility with 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.**

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

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

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

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

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

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

- E. **The petitioners must plant evergreen screening along the south and west lot lines to screen the proposed facility from the neighboring church, as indicated on the approved Site Plan. As per standard Department practice, a Norway Spruce**

**vegetative screen must be four to six feet high at the time of planting and will be planted in staggered rows and must be planted as part of the Zoning Use Permit authorizing construction of the new building.**

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.**

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

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

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

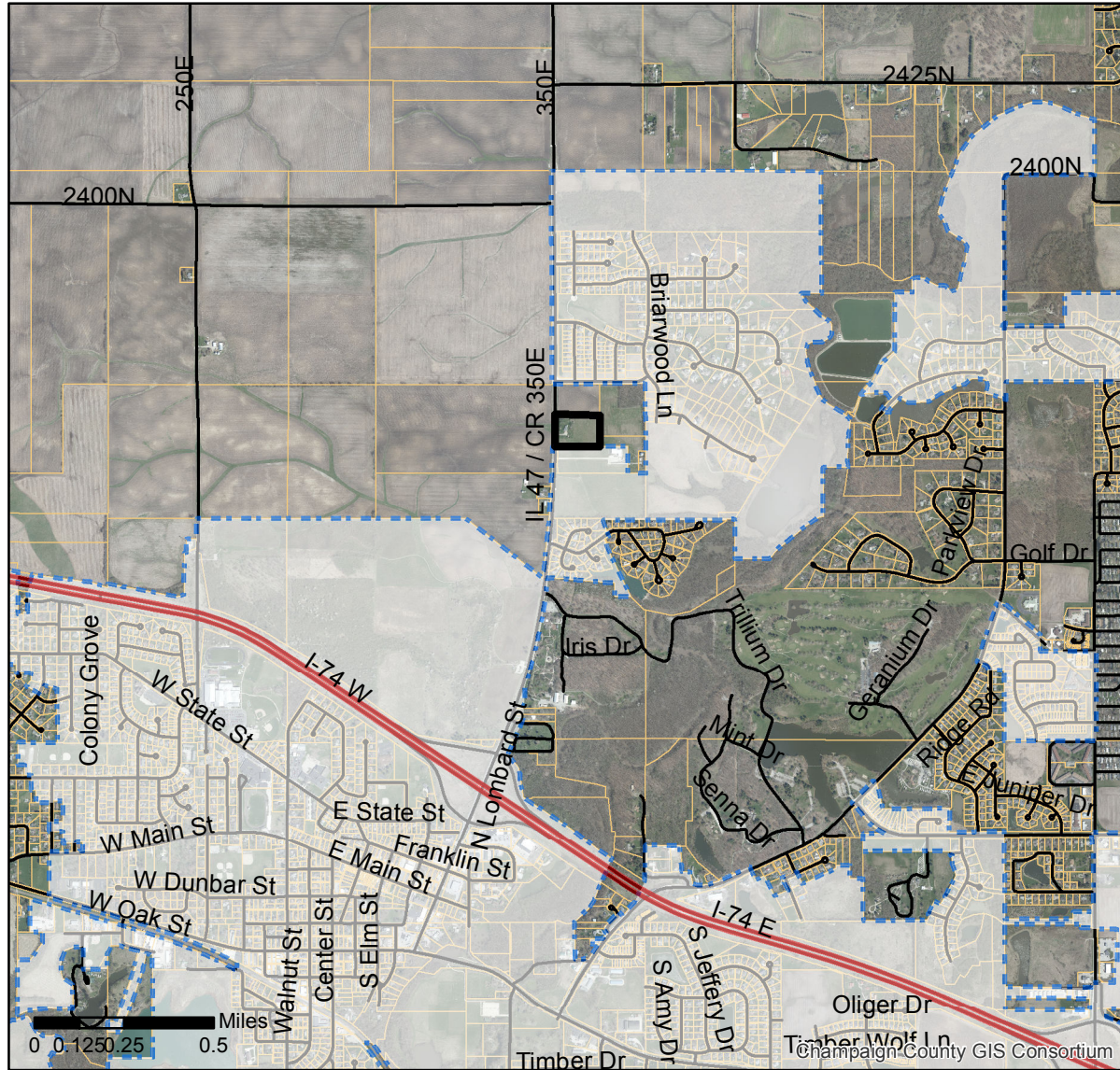
## **ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Revised Site Plan received September 13, 2018
- C Boundary and Limited Topo Survey Plat by Phoenix Consulting Engineers received July 23, 2018
- D Elevation Plans and 3D View by FBi Buildings received July 23, 2018
- E Annotated aerial created by staff on September 17, 2018
- F Letter from Living Word Omega Message Church received August 14, 2018
- G Natural Resources Report from Champaign County Soil and Water Conservation District received September 20, 2018
- H Site Visit Photos taken September 13, 2018
- I Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated September 27, 2018

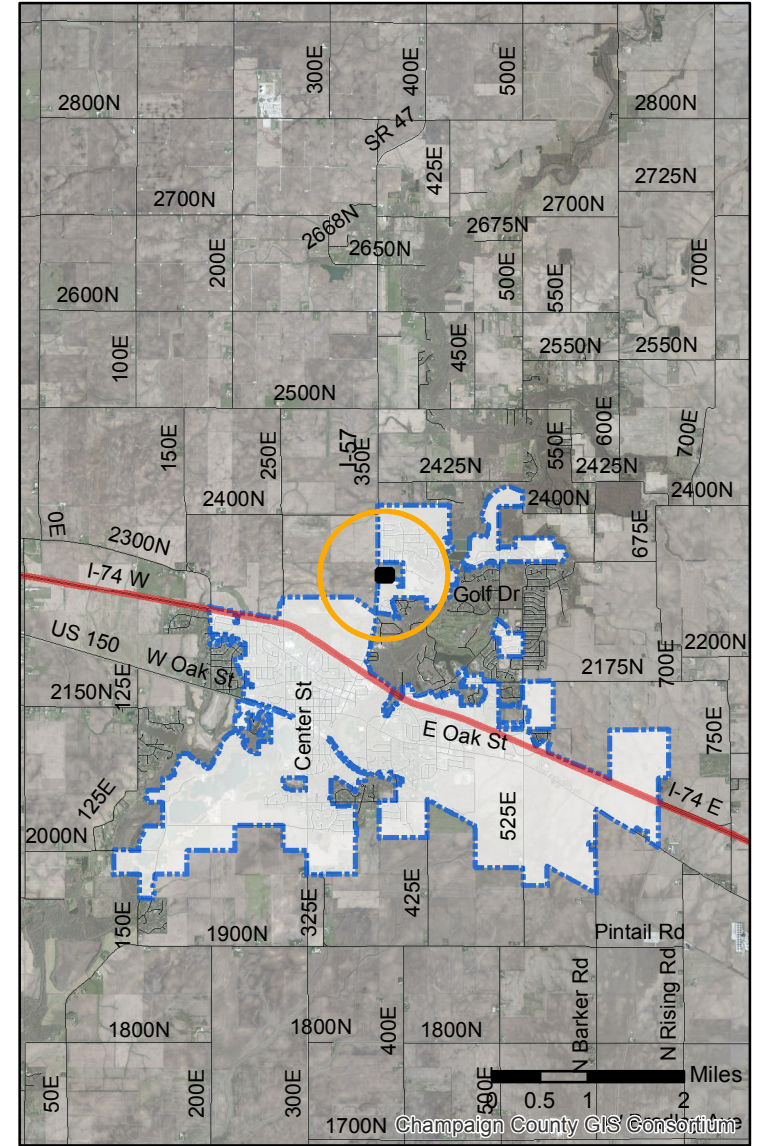
# Location Map

Case 917-S-18  
September 27, 2018

Subject Property



Property location in Champaign County



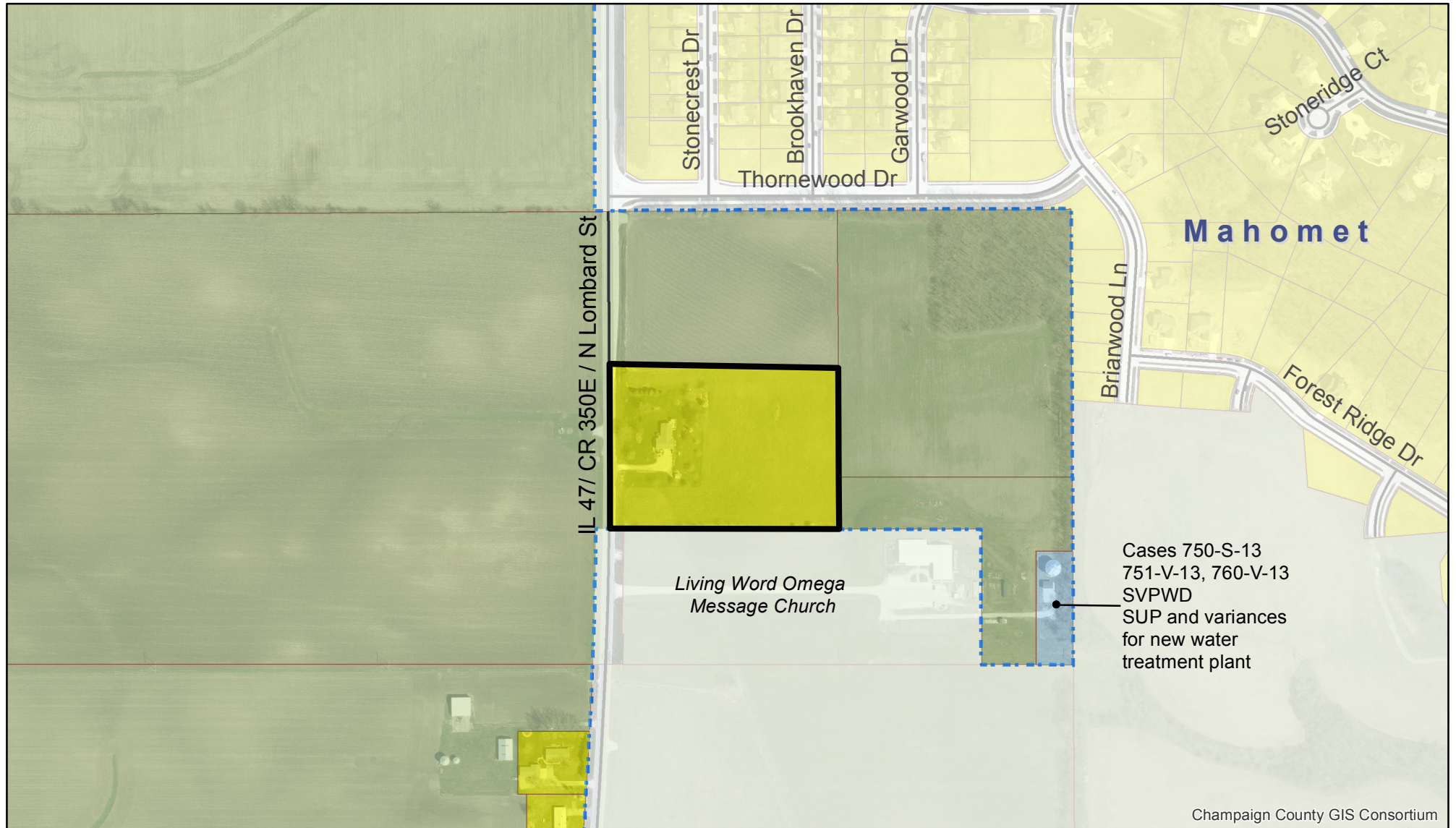
## Legend

-  Subject Property
-  Municipal Boundary
-  Parcels
-  Streets



# Land Use Map

Case 917-S-18  
September 27, 2018



## Legend

- Subject Property
- Agriculture
- Municipal Boundary
- Residential
- Water Utility
- Streets

0 100 200 400 Feet

Champaign County  
Department of  
PLANNING &  
ZONING

# Zoning Map

Case 917-S-18  
September 27, 2018



## Legend

- Municipal Boundary
- Parcels
- Subject Property
- AG-1 Agriculture
- AG-2 Agriculture
- CR Conservation-Recreation
- R-1 Single-Family Residence

0 200 400 800 Feet



Champaign County  
Department of  
PLANNING &  
ZONING



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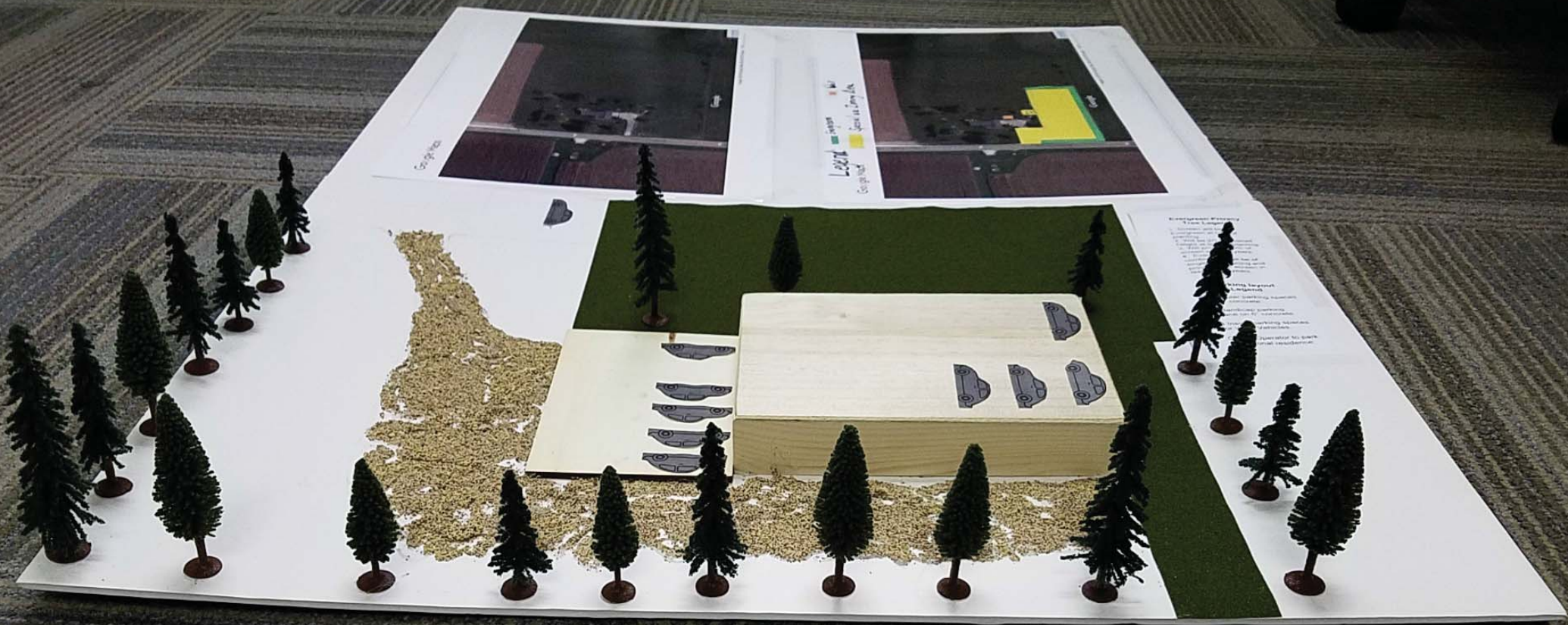
Legend:

- Evergreens
- Special use Zoning Area
- Well

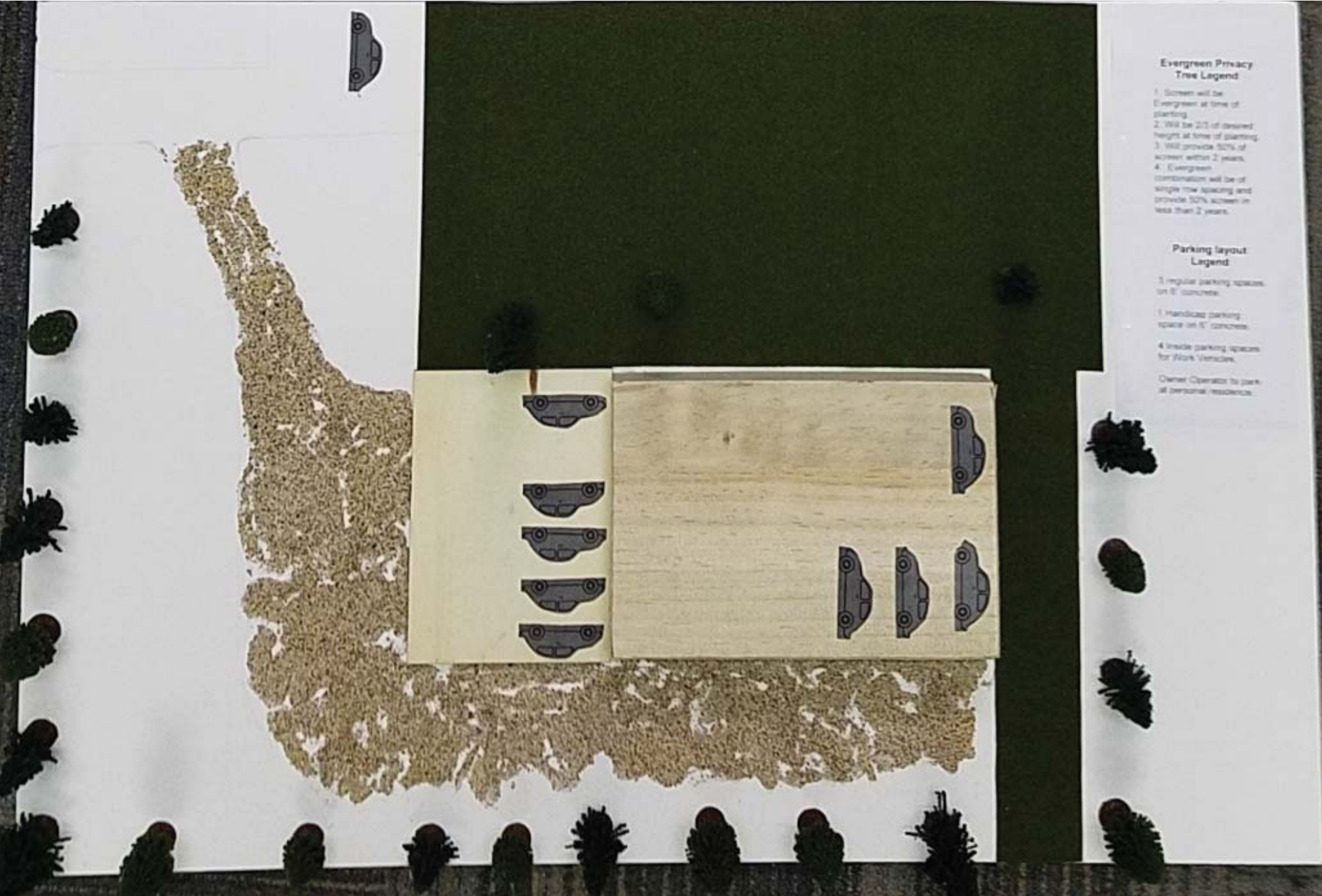
Google Maps



Imagery ©2018 Google, Map data ©2018 Google







**Evergreen Privacy Tree Legend**

- 1. Screen will be Evergreen at time of planting.
- 2. Will be 2/3 of desired height at time of planting.
- 3. Will provide 50% of screen within 2 years.
- 4. Evergreen combination will be of single row spacing and provide 50% screen in less than 2 years.

**Parking layout Legend**

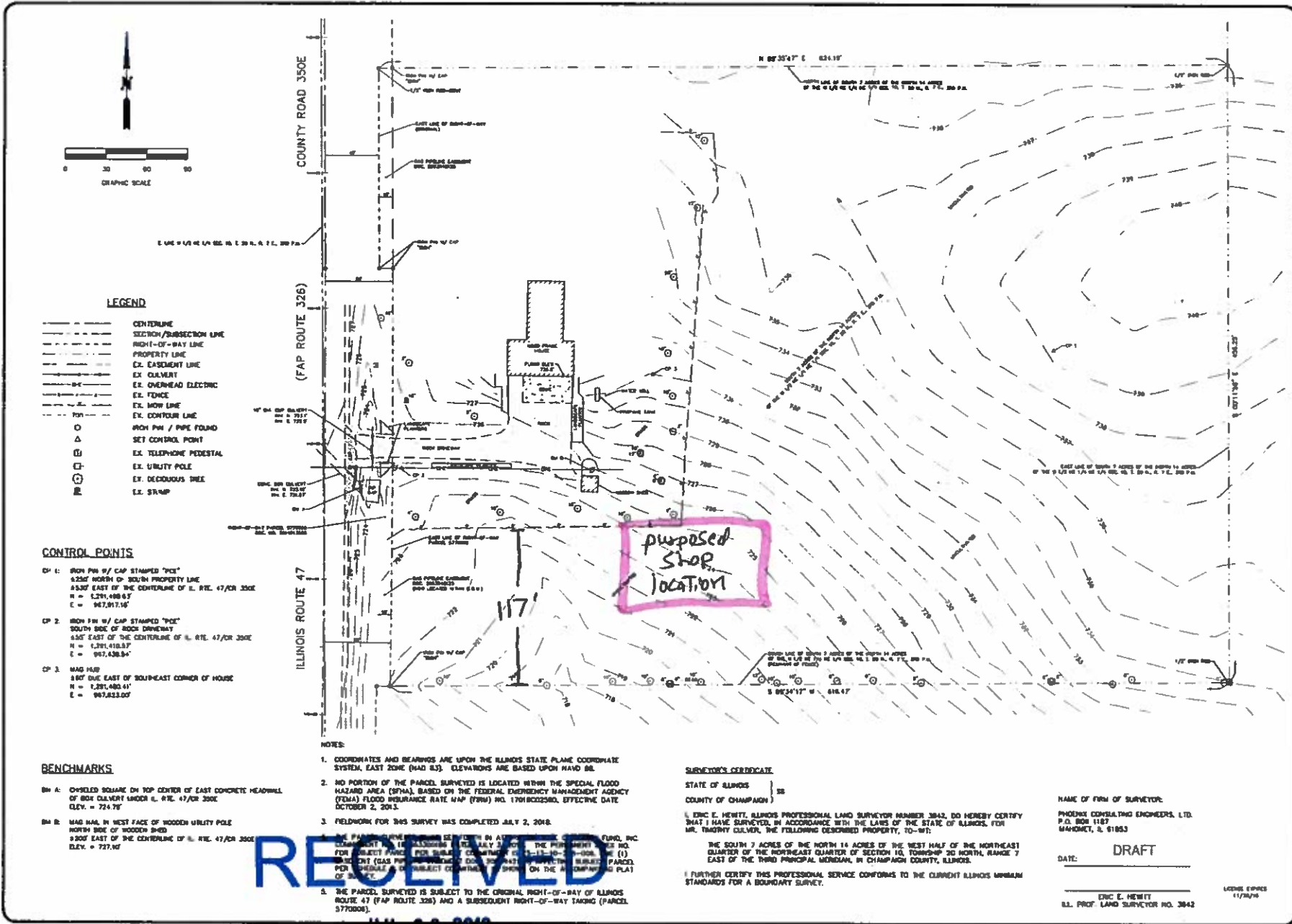
- 1. regular parking spaces on 6" concrete.
- 1. handicap parking space on 6" concrete.
- 4. inside parking spaces for Work Vehicles.
- Owner/Operator to park all personal residence.

## **Evergreen Privacy Tree Legend**

1. Screen will be Evergreen at time of planting.
2. Will be 2/3 of desired height at time of planting.
3. Will provide 50% of screen within 2 years.
4. Evergreen combination will be of single row spacing and provide 50% screen in less than 2 years.

## **Parking layout Legend**

- 5 regular parking spaces on 6" concrete.
- 1 Handicap parking space on 6" concrete.
- 4 Inside parking spaces for Work Vehicles.
- Owner Operator to park at personal residence.



**LEGEND**

- CENTERLINE
- - - SECTION/SUBSECTION LINE
- RIGHT-OF-WAY LINE
- PROPERTY LINE
- - - EX. EASEMENT LINE
- EX. CULVERT
- EX. OVERHEAD ELECTRIC
- EX. FENCE
- EX. HIGH LINE
- EX. CONTOUR LINE
- IRON PIN / PIPE FOUND
- △ SET CONTROL POINT
- EX. TELEPHONE PEDestal
- EX. UTILITY POLE
- ⊙ EX. DECADOUS SINK
- EX. STRAP

**CONTROL POINTS**

- CP 1: IRON PIN w/ CAP STAMPED "ICE"  
625' NORTH OF SOUTH PROPERTY LINE  
830' EAST OF THE CENTERLINE OF I. RTE. 47/CR 350E  
N = 5,291,488.85'  
E = 947,817.15'
- CP 2: IRON PIN w/ CAP STAMPED "ICE"  
SOUTH SIDE OF ROCK DRIVEWAY  
630' EAST OF THE CENTERLINE OF I. RTE. 47/CR 350E  
N = 5,291,418.57'  
E = 947,838.34'
- CP 3: MAG NAIL  
887' SUE EAST OF SOUTHEAST CORNER OF HOUSE  
N = 5,291,480.41'  
E = 947,823.00'

**BENCHMARKS**

- BM A: CHISELED SQUARE ON TOP CENTER OF EAST CONCRETE HEADWALL OF BOX CULVERT UNDER I. RTE. 47/CR 350E  
ELEV. = 724.79'
- BM B: MAG NAIL IN WEST FACE OF WOODEN UTILITY POLE NORTH SIDE OF WOODEN SHED  
830' EAST OF THE CENTERLINE OF I. RTE. 47/CR 350E  
ELEV. = 727.10'

**NOTES:**

1. COORDINATES AND BEARINGS ARE UPON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE (NAD 83). ELEVATIONS ARE BASED UPON MVD 86.
2. NO PORTION OF THE PARCEL SURVEYED IS LOCATED WITHIN THE SPECIAL FLOOD HAZARD AREA (SFHA), BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NO. 17018C0228D, EFFECTIVE DATE OCTOBER 2, 2013.
3. FIELDWORK FOR THIS SURVEY WAS COMPLETED JULY 2, 2018.
4. THE PARCEL SURVEYED IS SUBJECT TO AN EASEMENT IN FAVOR OF THE CHAMPAIGN COUNTY, ILLINOIS, FOR THE SOUTH 7 ACRES OF THE NORTH 14 ACRES OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN CHAMPAIGN COUNTY, ILLINOIS.
5. THE PARCEL SURVEYED IS SUBJECT TO THE ORIGINAL RIGHT-OF-WAY OF ILLINOIS ROUTE 47 (FAP ROUTE 328) AND A SUBSEQUENT RIGHT-OF-WAY TAKING (PARCEL 3770806).

**SURVEYOR'S CERTIFICATE**

STATE OF ILLINOIS  
COUNTY OF CHAMPAIGN

I, ERIC E. HEWITT, ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 3842, DO HEREBY CERTIFY THAT I HAVE SURVEYED, IN ACCORDANCE WITH THE LAWS OF THE STATE OF ILLINOIS, FOR MR. TIMOTHY CULVER, THE FOLLOWING DESCRIBED PROPERTY, TO-WIT:

THE SOUTH 7 ACRES OF THE NORTH 14 ACRES OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN CHAMPAIGN COUNTY, ILLINOIS.

I FURTHER CERTIFY THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

NAME OF FIRM OF SURVEYOR:  
PHOENIX CONSULTING ENGINEERS, LTD.  
P.O. BOX 1187  
MAHOMET, IL 61853

DATE: \_\_\_\_\_  
DRAFT

ERIC E. HEWITT  
ILL. PROF. LAND SURVEYOR NO. 3842

**RECEIVED**

JUL 23 2018

CHAMPAIGN CO. P & Z DEPARTMENT

Phoenix Consulting Engineers, Ltd.  
Professional Design Firm No. 184-018535  
421 E. Main Street • Mahomet, IL 61853  
Ph 217-586-1803 • Fax 217-586-6757



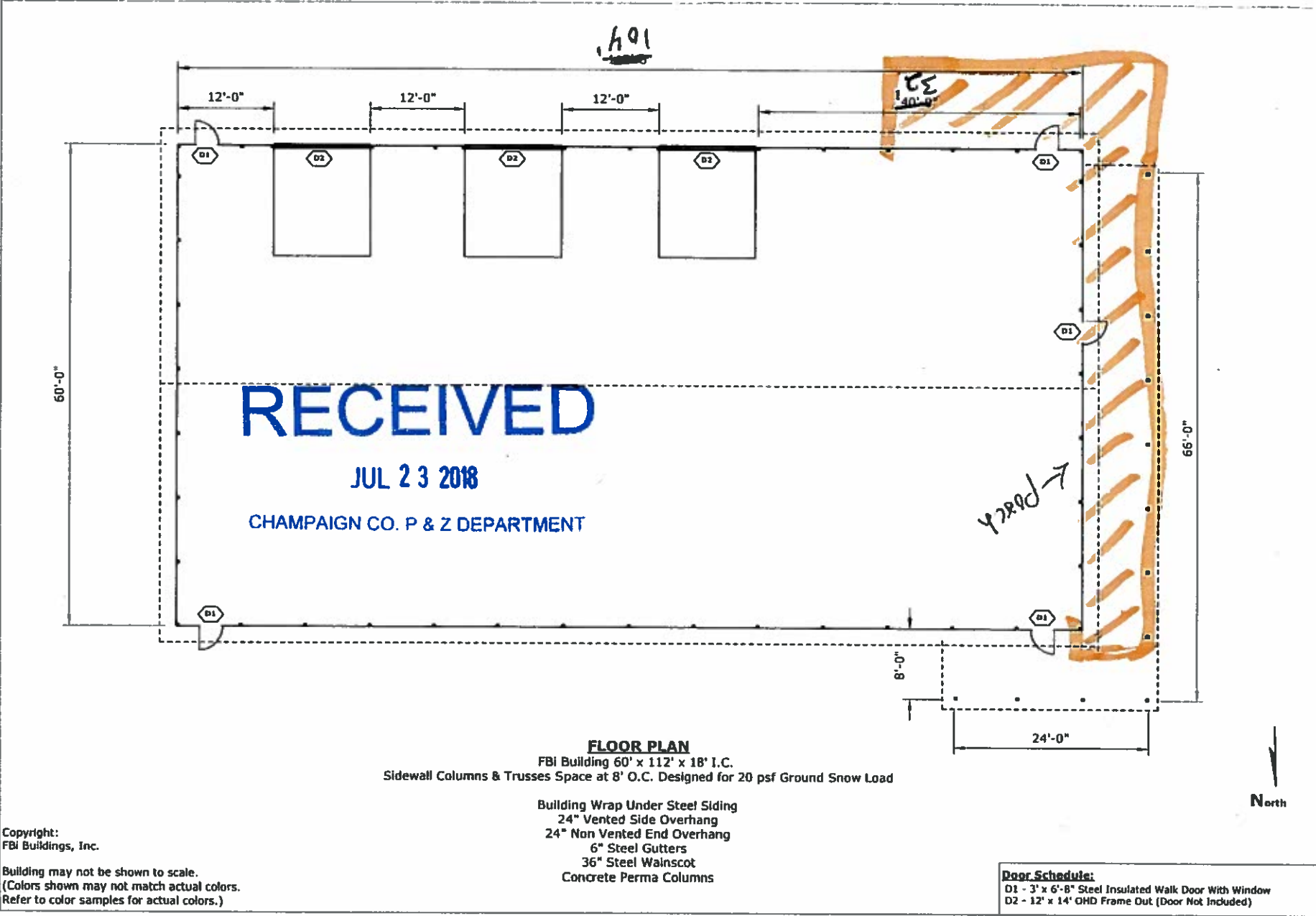
**BOUNDARY AND LIMITED TOPOGRAPHIC SURVEY PLAT**

2278 COUNTY ROAD 350 EAST  
MAHOMET, CHAMPAIGN COUNTY, ILLINOIS

REVISIONS	DATE	BY	DESCRIPTION

PROJECT NO.  
**18SUR134**

SHEET 1 OF 1



**FLOOR PLAN**  
 FBI Building 60' x 112' x 18' I.C.  
 Sidewall Columns & Trusses Space at 8' O.C. Designed for 20 psf Ground Snow Load

Building Wrap Under Steel Siding  
 24" Vented Side Overhang  
 24" Non Vented End Overhang  
 6" Steel Gutters  
 36" Steel Wainscot  
 Concrete Perma Columns

Copyright:  
 FBI Buildings, Inc.

Building may not be shown to scale.  
 (Colors shown may not match actual colors.  
 Refer to color samples for actual colors.)

**Door Schedule:**

D1 - 3' x 6'-8" Steel Insulated Walk Door With Window  
 D2 - 12' x 14' OHD Frame Out (Door Not Included)

Purchaser Approval	Date
Designer Approval	Date
Drawn #	

Mr. Tim Culver  
 2278 County Rd 350 East  
 Mahomet, IL

Floor Plan

**FBI**  
 FBI Buildings, Inc.  
 3823 W 1800 S  
 Remington, IN 47577  
 219-261-2157  
 www.fbibuildings.com

Date : 06/25/18  
 Name : DMN  
 Rev 0

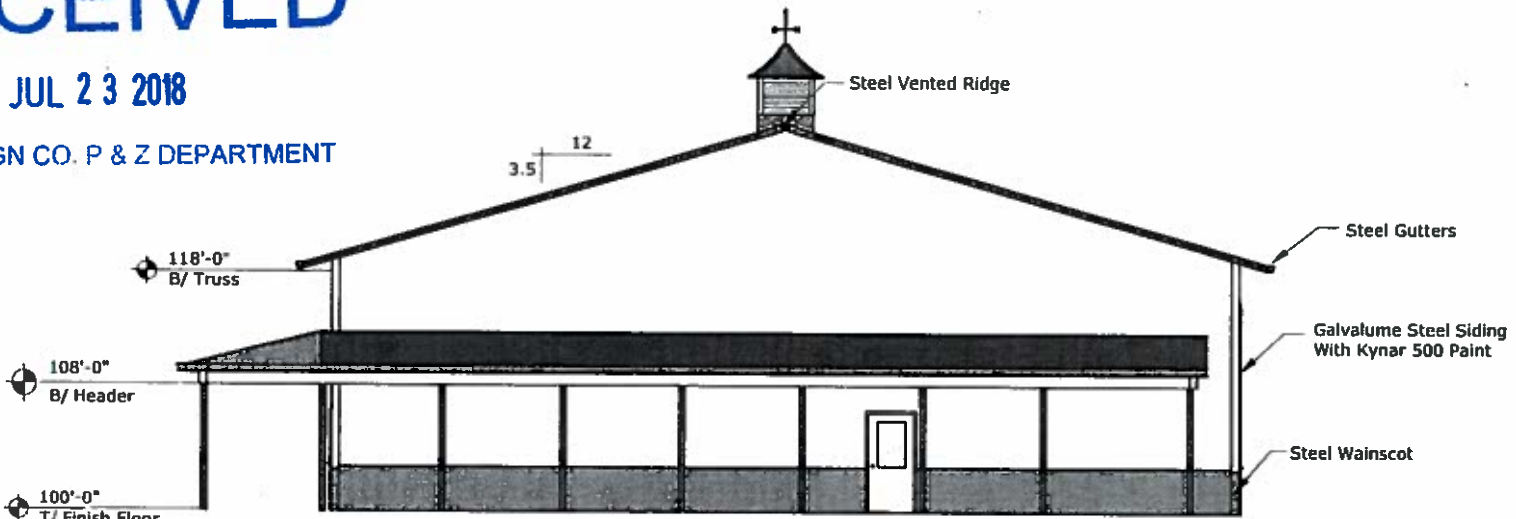
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 not complete and  
 are not to be used  
 for construction

A-101

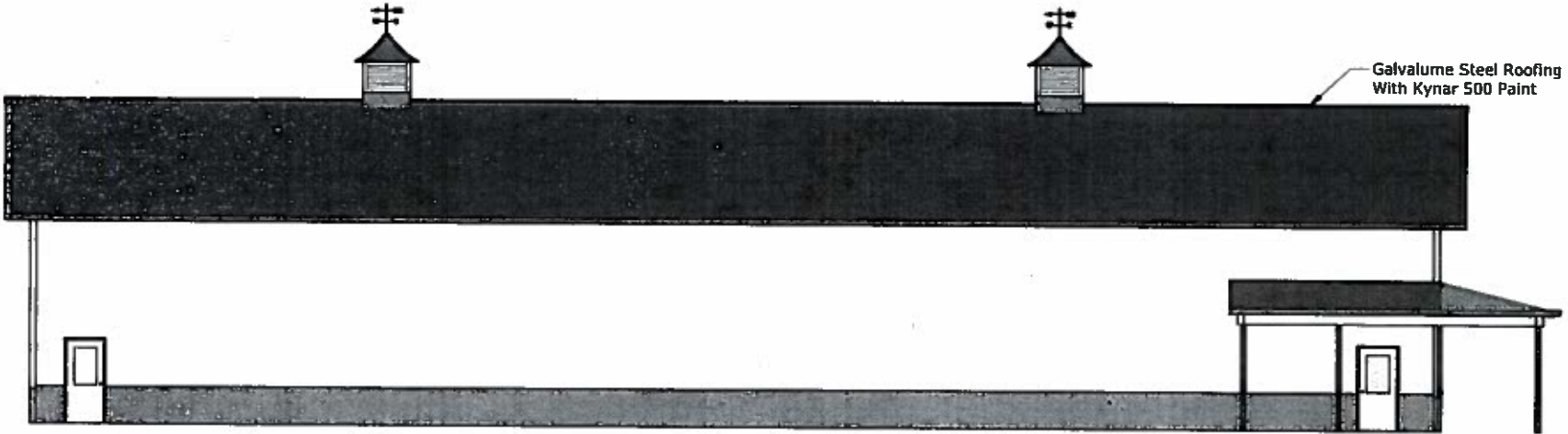
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**WEST ELEVATION**



**NORTH ELEVATION**

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 Building may not be shown to scale.  
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 Refer to color samples for actual colors.)

Date	Date
Purchaser Approval	Buyer Approval
X	X
Drawing #	

Mr. Tim Culver  
 2278 County Rd 350 East  
 Mahomet, IL  
 Elevation Plan

**FBI**  
 FBI Buildings, Inc.  
 3823 W 1800 S  
 Remington, IN 47977  
 219-261-2157  
 www.fbibuildings.com

Date : 06/25/18  
 Name: DHH  
 Rev 0

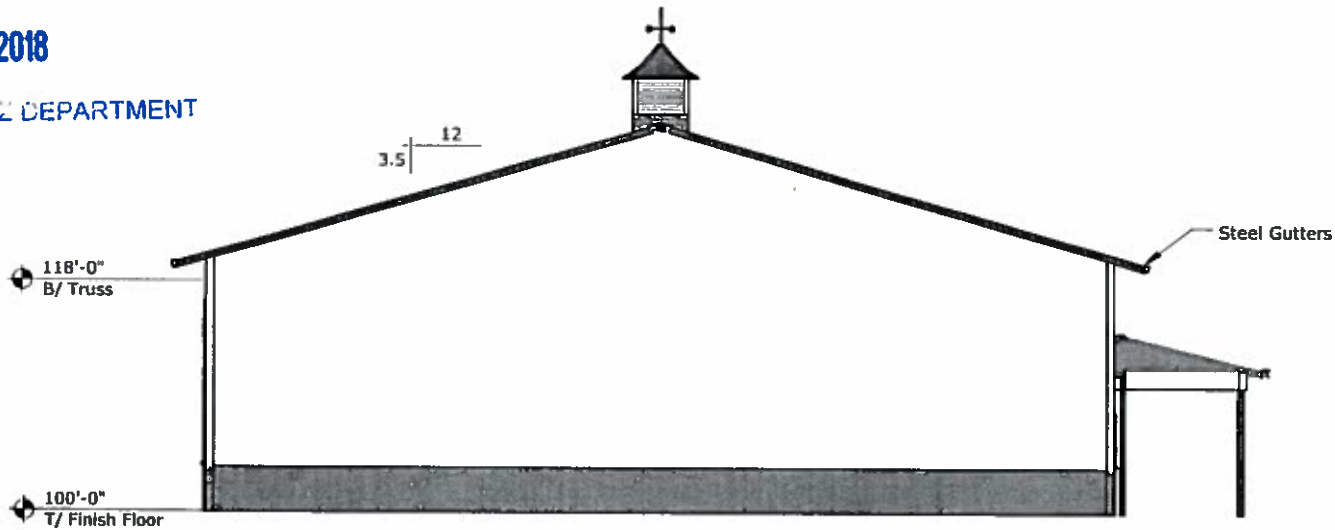
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 for construction.

A-201

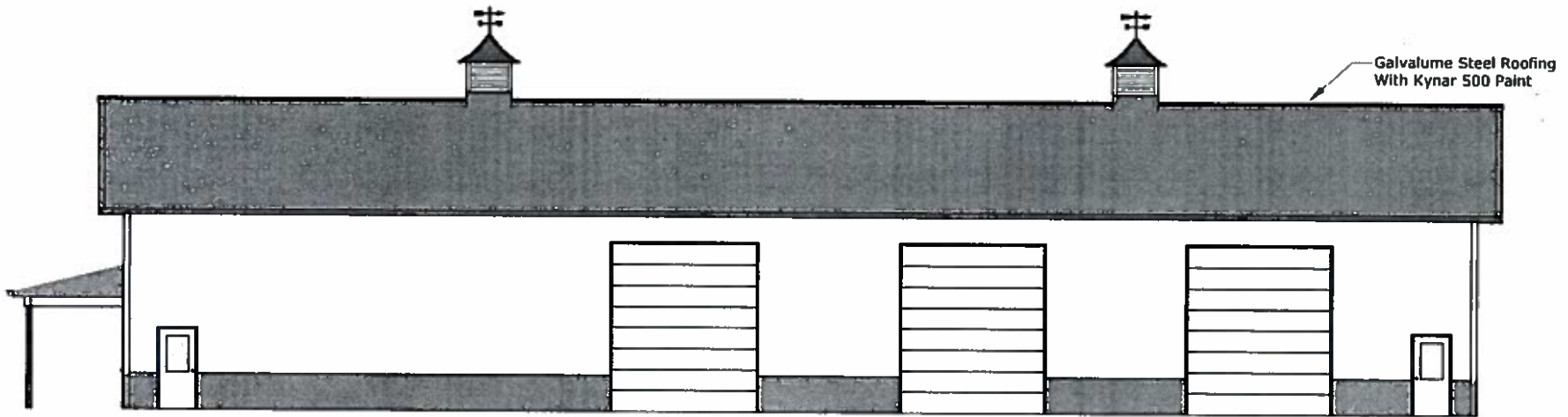
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CHAMPAIGN CO. P & Z DEPARTMENT



**WEST ELEVATION**



**SOUTH ELEVATION**

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Building may not be shown to scale.  
(Colors shown may not match actual colors.  
Refer to color samples for actual colors.)

Purchaser Approval	Date
Builder Approval	Date
Drawing #	

Mr. Tim Culver  
2278 County Rd 350 East  
Mahomet, IL

Elevation Plan

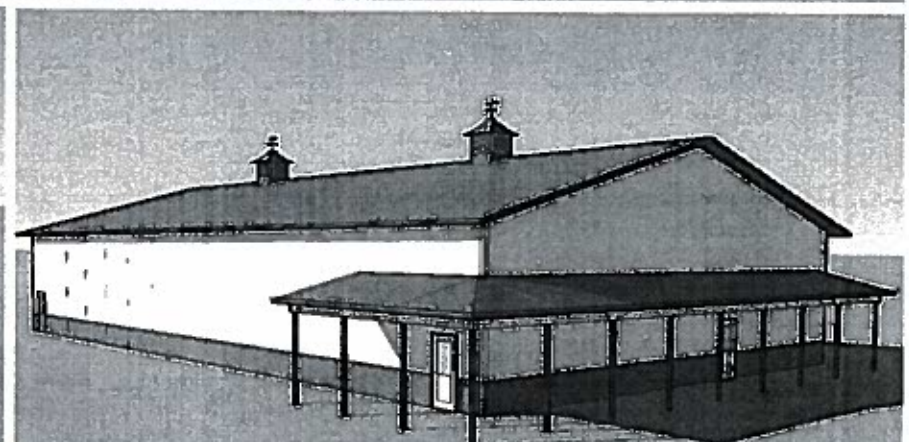
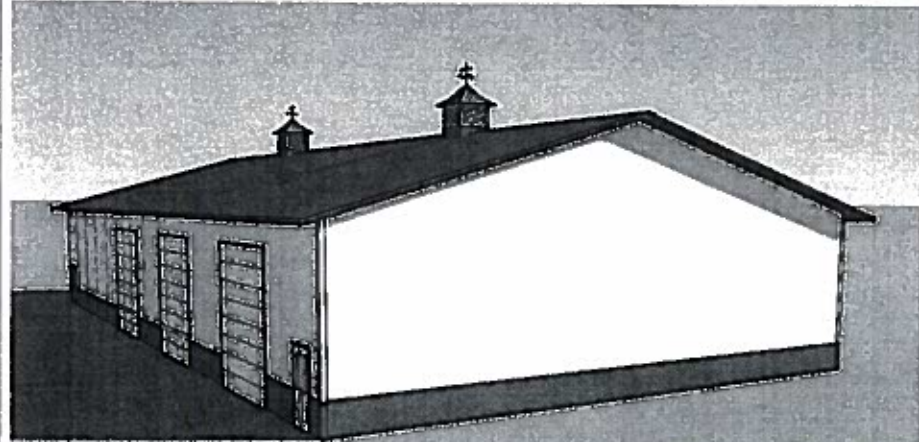
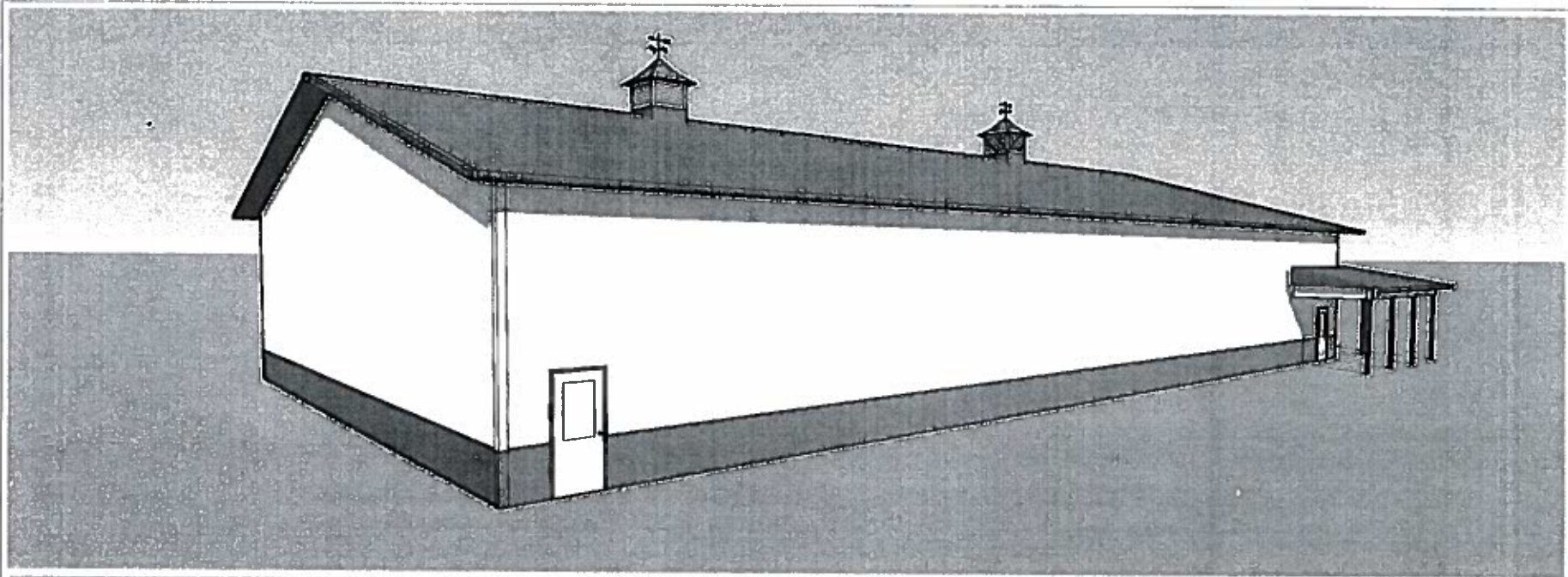
**FBI**  
FBI Buildings, Inc.  
3823 W. 1800 S.  
Remington, IN 47977  
219-261-2157  
www.fbibuildings.com

Date : 06/25/18  
Name : DNN  
Rev 0

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A-202



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JUL 23 2018

CHAMPAIGN CO. P & Z DEPARTMENT

<input type="checkbox"/> Purchaser Approval	DATE
<input type="checkbox"/> Seller Approval	DATE
Drawing #	

Mr. Tim Culver  
2278 County Rd 350 East  
Mahomet, IL

3D View

**FBI**  
FBI Buildings, Inc.  
1823 W 1800 S  
Remington, IN 47977  
219-261-2157  
www.fbuildings.com

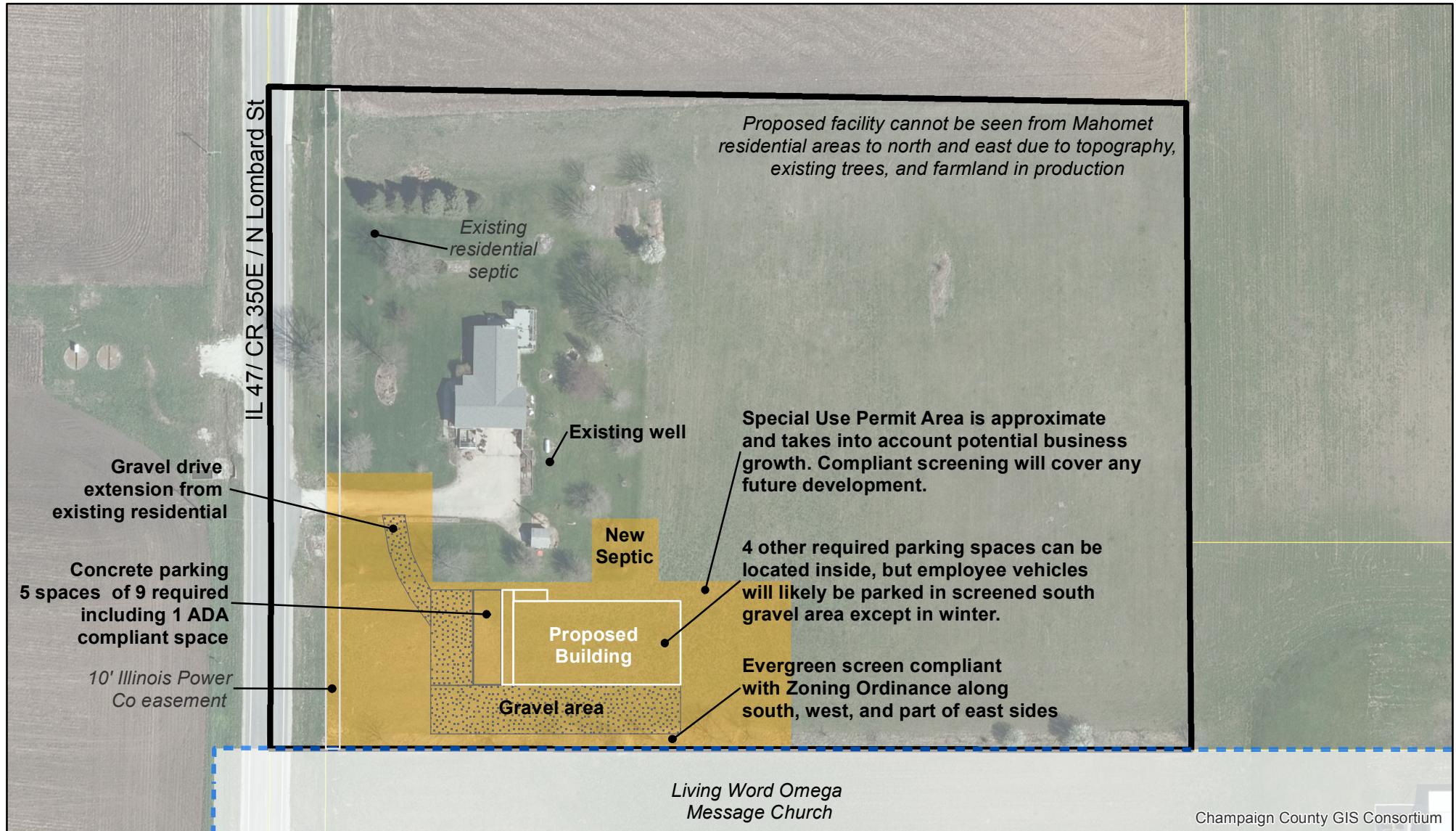
Date: 06/25/18  
Name: DHN  
Rev 0

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**ONLY**  
These drawings are  
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are not to be used  
for construction.




A-203

# Annotated Aerial

Case 917-S-18  
September 27, 2018



## Legend

-  Subject Property
-  Special Use Permit area
-  Mahomet municipal boundary

0 25 50 100 Feet





# LIVING WORD OMEGA MESSAGE CHURCH

1202 N. LOMBARD ST.  
P.O. BOX 409  
MAHOMET, ILLINOIS 61853

August 8, 2018

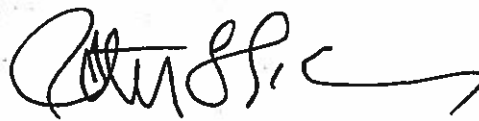
Subject: Classic Plumbing Systems, Inc. Building Project


To Whom It May Concern:

Tim Culver has been a "member" of this church for at least 15 years, and he and his family continue to be active participants. The Elders were informed by Tim several months ago he is pursuing the purchase of a 7-acre parcel adjacent to the Church property. We are in agreement with these plans. Furthermore, Tim has explained to us that his plans include the construction of a building that will provide shop and office space for his business, Classic Plumbing Systems, Inc. Once again, the Church Elders are in agreement with the construction of this building. We are confident that having Tim, his family, and his business as neighbors will be a great blessing and benefit to the Church and the Community.

Regards,  
Living Word Omega Message Elders

  
Wayne Wickboldt

  
Peter Schnneider

  
Jerry Gadwa

  
Loyal Gassman

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AUG 14 2018

CHAMPAIGN CO. P & Z DEPARTMENT

# Natural Resources Information Report 22.02

**September 2018**

**Prepared for  
Tim Culver**



## **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)

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**SEP 20 2018**

**CHAMPAIGN CO. P & Z DEPARTMENT**

**CHAMPAIGN COUNTY SOIL AND WATER  
CONSERVATION DISTRICT  
NATURAL RESOURCE INFORMATION REPORT  
NRI**

Date District Board Reviewed Application	September, 2018
Applicant's Name	Tim Culver
Size of Parcel	1 Acres
Present Zoning	Agriculture
Champaign County Zoning Meeting Date	2018
Contact Person	Tim Culver

<i>Copies of this report or notification of the proposed land-use change were provided to:</i>	<i>yes</i>	<i>no</i>
The Petitioner	X	
The Contact person	X	
The Champaign County Zoning Office	X	
The Champaign County Soil Water Conservation District Files	X	

Report Prepared By: Jonathon Manuel

Position: Resource Conservationist

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## **Forward:**

Soil and Water Conservation Districts are required to prepare Natural Resource Information (NRI) Reports under the Illinois Soil and Water Conservation Act of 1977, Illinois Revised Statutes, Chapter Five.

Section 22.02a The Soil and Water Conservation District shall make all natural resource information available to the appropriate county agency or municipality in the promulgation of zoning, ordinances or variances. Any person who petitions any municipality or county agency in the district for variation, amendment, or other relief from municipality's or county's zoning ordinance or who proposes to sub-divide vacant or agricultural lands therein shall furnish a copy of such petition or proposal to the Soil and Water Conservation District. The Soil and Water Conservation District shall be given not more than thirty days from the time of receipt of the petition or proposal to issue its written opinion concerning the petition or proposal and submit the same to the appropriate county agency or municipality for further action. Added by Act approved December 3, 1971.

This report provides technical data necessary to evaluate the natural resources of a specific area and the impacts or limitations associated with the proposed land use change. The report is limited to information researched by the Piatt County Soil and Water Conservation District staff. (Technical information is obtained from a number of different sources and may be subject to modification based on detailed site investigations or new technical information.) The information gathered in this report comes from several key reference materials and are sited throughout this report and listed in the Reference section. Any questions on the information contained in this report can be directed to:

Champaign County Soil and Water Conservation District  
2110 W. Park Court, Suite C  
Champaign, IL 61821  
Phone 217-352-3536 ext. 3



# Parcel Location



## Concerns of the Board

The Champaign County Soil and Water Conservation District has reviewed the proposed land use change and has some concerns relevant to the impact on the areas natural resources. The reader is advised to consider the following information contained in this report.

**Special attention should be paid to any sanitation placed on the property. The Champaign County Health Department should be contacted for the best septic design.**

The land is now in agricultural use. **Underground tile drainage is an important aspect of the modern farm operation and this field may contain drainage tile, care should be taken to locate, reroute and/or maintain the tile.** If there is tile in the field and it is not maintained it could potentially cause major problems in the future.

**It would be recommended that a culvert be used for crossing the gulley on the west.** There are two areas on the South side of the property where water flows. Be sure to keep these channels open and free of trees and shrubs.

### Land Evaluation Site Assessment (LESA):

This site received a score of 98 indicating a **High** level of protection for the current agricultural use.

**A site with a score ranging from  
0-40 has a low rating for protection.  
41-89 is a medium rating for protection.  
90-98 a high rating for protection.  
99-100 a very high rating for protection.**



## Technical Data

Included in this report you will find numerous publications and specific recommendations for construction site erosion control. The erosion control practices work effectively only if they are installed timely and correctly and then properly maintained. This information is also available from the Piatt County SWCD office in Monticello and the Illinois Urban Manual.

**Erosion Control:** construction sites can experience 20 to 200 tons/acre/year of soil loss, which is greater than other land uses like agriculture averaging 4-5 tons/acre/year. Sediment entering creeks, rivers and lakes degrade water quality and reduce capacity, which increases the risk of flooding. Sediment also carries other possible pollutants such as chemicals and metals by adhering to the sediment's surface. It is extremely important that the developer employ Best Management Practices, like the ones listed below, to help reduce soil erosion and protect water quality during construction and after.

**Silt Fencing:** is a woven geotextile fabric stretched across and attached to supporting posts used to intercept sediment-laden runoff from small drainage areas of disturbed soil. The purpose is to filter out sediment from runoff before it enters a water body. Silt fence should be used to intercept concentrated flows of runoff into the detention basin or exiting the site into a ditch. Silt fence should also be routinely inspected and maintained to ensure proper installation and operation. (Please see attachment A)

**Construction Road Stabilization:** the stabilization of temporary construction access routes, subdivision roads, on-site vehicle transportation routes, and construction parking areas with stone immediately after grading the area. The purpose of this practice is to reduce erosion areas. (Please see attachment B)

**Vegetative Cover** - is one of the most important means to control runoff and sedimentation. Planting temporary vegetation around the perimeter of the construction site provides a good natural buffer to filter sediment and chemicals. The SWCD recommends that a temporary grass be planted in the areas that will not be disturbed. This vegetation will help protect soil from erosion during construction. A permanent vegetative filter strip will be extremely important in protecting the storm water detention basin from runoff. If at any time during construction land is left exposed for more than 30 days it should be temporarily seeded with some sort of vegetation like oats or rye. Temporary seeding is very important to stabilize the soil. After cuts are completed on bare soil slopes and road ditches temporary seeding must be established. See table 1 below for Temporary Seeding rates (Illinois Urban Manual). (Please see attachment C)

### OPERATION AND MAINTENANCE

Reseed areas where seedling emergence is poor, or where erosion occurs, as soon as possible. Protect from vehicular and foot traffic. Control weeds by mowing.

### TEMPORARY SEEDING SPECIES, RATES AND DATES

Species	Lbs./Acre	Lbs./1000 ft.2	Seeding Dates
Oats	90	2	Early spring – July 1
Cereal Rye or Wheat	90	2	Early spring – Sept. 30
Perennial Ryegrass	25	0.6	Early spring – Sept. 30

## Soil Information

The Soil information comes from United States Department of Agriculture, Natural Resources Conservation Service Soil Survey of Piatt County. This information is important to all parties involved in determining the suitability of the proposed land use change. Each soil polygon is given a number, which represents its soil type. The letter found after the soil type number indicates the soils, slope class. Each soil map unit has limitations for a variety of land uses such as septic systems, buildings with basements, and building without basements.



<b><u>SYMBOL</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACRES</u></b>	<b><u>PERCENT</u></b>
152A	<b>Drummer silty loam, 0 to 2 percent slopes</b>	<b>0.8</b>	<b>89 %</b>
152A	<b>Xenia Silt loam, Bloomington Ridged Plain, 2 to 5 percent slopes</b>	<b>0.1</b>	<b>11 %</b>

## Soil Interpretations Explanation

### Nonagricultural

#### General

These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features. Other features may need treatment to overcome soil limitations for a specific purpose.

Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance.

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of slight, moderate, and severe are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common type of building limitation this report gives limitations ratings for is: septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Limitation ratings for these types of buildings are not commonly provided. Organic soils, when present on the parcel, are referenced in the hydric soils section of the report.

The area of development 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 needs to be established as soon as possible

#### Limitations Ratings

1. **Not limited**- This soil has favorable properties for the use. The degree of limitation is minor. The people involved can expect good performance and low maintenance.
2. **Somewhat limited** - This soil has moderately favorable properties for the use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated slight.
3. **Very limited**- This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonal high-water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

## **EPA REQUIREMENT**

*EPA Stormwater Pollution Prevention Plan (SWPPP) Reference Tool:*

**EPA requires a plan to control storm water pollution plan 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 storm water 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>

## **Low impact development:**

The EPA's new report, "Reducing Storm water 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 storm water management practices used to manage urban storm water 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).

**SANITARY FACILITIES**

<b>SYMBOL</b>	<b>Septic Tank Absorption Fields</b>	<b>ACRES</b>	<b>PERCENT</b>
<b>152A</b>	<b>Very limited: ponding 1 ft depth to saturated zone, slow water movement</b>	<b>0.8</b>	<b>89%</b>
<b>291B</b>	<b>Very limited: 1 ft depth to saturated zone, slow water movement</b>	<b>0.1</b>	<b>11%</b>

The Table shows the degree and kind of soil limitations that affect septic tank absorption fields and sewage lagoons.

The limitations are considered **Not limited** if soil properties and site features are generally favorable for the indicated use and limitations are minor and easily overcome. The limitations are considered **Somewhat limited** if soil properties or site features are not favorable for the indicated use and special planning, design, or maintenance is needed to overcome or minimize the limitations. The limitations are considered **Very limited** if soil properties or site features are so unfavorable or so difficult to overcome that special design, significant increases in construction costs, and possibly increased maintenance are required.

**Septic Tank Absorption Fields:** these are areas in which effluent from a septic tank is distributed into the soil through subsurface tiles or perforated pipe. Only that part of the soil between depths of 24 to 72 inches is evaluated. The ratings are base on soil properties, site features and observed performance of the soils. Permeability, high water table, depth to bedrock or to a cemented pan, and flooding affect absorption of the effluent. Large stones and bedrock or a cemented pan interfere with installation. Unsatisfactory performance of septic tank absorption fields, including excessively slow absorption of effluent, surfacing of effluent, and hillside seepage, can affect public health. Groundwater can be polluted if highly permeable sand and gravel or fractured bedrock is less than 4 feet below the base of the absorption field, if slop is excessive, or if the water table is near the surface. There must be unsaturated soil material beneath the absorption field to filter the effluent effectively. Many local ordinances require that this material be of a certain thickness.

## Building Site Development

Symbol	Dwellings With Basement	Dwellings Without Basements	Small Commercial Buildings	Acres	Percent
152A	<b>Very limited: ponding, 1 ft depth to saturated zone, shrink-swell</b>	<b>Very limited: ponding, 1 f depth to saturated zone, shrink-swell</b>	<b>Very limited: ponding, 1ft depth to saturated zone, shrink-swell</b>	<b>0.8</b>	<b>89%</b>
291B	<b>Very Limited: 1ft depth to saturated zone, Shrink-Swell</b>	<b>Somewhat Limited: Shrink-Swell</b>	<b>Somewhat Limited: Shrink-Swell</b>	<b>0.1</b>	<b>11%</b>

The Table shows the degree and the kind of soil limitations that affect dwellings with or without basements and small commercial buildings.

The limitations are considered **Not limited** if soil properties and site features are generally favorable for the indicated use and limitations are minor and easily overcome. The limitations are considered **Somewhat limited** if soil properties or site features are not favorable for the indicated use and special planning, design, or maintenance is needed to overcome or minimize the limitations. The limitations are considered **Very limited** if soil properties or site features are so unfavorable or so difficult to overcome that special design, significant increases in construction costs, and possibly increased maintenance are required.

**Dwellings and Small Commercial Buildings:** these are structures built on a shallow foundation on undisturbed soil. The load limit is the same as that for single-family dwellings no higher than three stories. Ratings are made for small commercial buildings without basements and, for dwellings without basements. The ratings are based on soil properties, site features, and observed performance of the soils. A high-water table, depth to bedrock or to a cemented pan, large stones, slope, and flooding, affect the ease of excavation and construction. Landscaping and grading that require cuts and fills of more than 5 or 6 feet are not considered.

## Prime Farmland Soils

Each soil map unit in the United States is assigned a prime or non-prime rating. Prime agricultural land does need to be in the production of food & fiber.

Table 5 of the Natural Resource Conservation Service Soil Survey Book states that urban or built-up land on prime farmland soils is not prime farmland.

<b><u>SYMBOL</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACRES</u></b>	<b><u>PERCENT</u></b>
<b>152A</b>	<b>Prime Farmland if drained</b>	<b>0.8</b>	<b>89%</b>
<b>291B</b>	<b>All areas are prime farmland</b>	<b>0.1</b>	<b>11%</b>

**The Land Evaluation and  
 Site Assessment System**

The Land Evaluation and Site Assessment system is a tool designed to evaluate the viability of agricultural lands where changes in land-use are proposed. LESA was developed as a decision-making tool used by the Zoning Board, City Councils or County Boards to help make unbiased decisions of proper land-use. The LESA system was developed by the USDA-NRCS and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, urban growth factors, and land-use policies determined by local government. LESA was designed for use in conjunction with the county’s land-use plan, zoning ordinances, and other policies being used to decide land-use changes.

The Champaign County Land Evaluation and site assessment system (LESA) is a tool designed to provide Officials with a systematic and objective means to numerically rate a site or a parcel in terms of its agricultural importance.

The LESA is intended for the following applications with in Champaign County:

To assist Officials to evaluate the proposed conversion of farmland on a parcel of site in rezoning cases that include farmland conversion to a non-agricultural land use.

To assist in the review state and federal projects for compliance with the Illinois Farmland Preservation Act and the Federal Farmland Protection Policy Act in terms of their impact on Important Farm land.

The land Evaluation (LE) portion of LESA is additionally intended as a means to determine the ‘Best Prime Farmland’ designation of a particular site or parcel.

The LESA is one of several tools intended to assist in making land use decisions; it should be used in conjunction with the Champaign County Land Resource management Plan, and Land use regulations including Zoning Ordinances, Subdivision Regulations and Stormwater management Policies.

**LAND EVALUATION WORKSHEET**

Soil Type	Soil Name	Ag Group	Relative		Land Evaluation
			Value	Acres	Score
152A	Drummer	2	100	0.8	80.0
291B	Xenia	9	83	0.1	8.3
					0.0
					0.0
					0.0

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

Total LE Weighted Factor= 88.3

Acreage= 0.9

Land Evaluation Factor For Site= 98

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

Data Source: Champaign County Digital Soil Survey



## **Flood Insurance Rate Maps**

### **Importance of Flood Information**

A floodplain is defined as land adjoining a watercourse (riverine) or an inland depression (non-riverine) that is subject to periodic inundation by high water. Floodplains are important areas demanding protection since they have water storage and conveyance functions that affect upstream and down stream flows, water quality and quantity, and suitability of the land for human activity. Since floodplains play distinct and vital roles in the hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

Flooding is both dangerous to people and destructive to their properties. The following map can help developers and future homeowners to “sidestep” potential flooding or ponding problems.

FIRM is the acronym for the Flood Insurance Rate Map, produced by the Federal Emergency Management Agency. These maps define flood elevation adjacent to tributaries and major bodies of water, and superimpose that onto a simplified USGS topographic map. The scale of the FIRM maps is generally dependent on the size and density of parcels in that area. (This is to correctly determine the parcel location and flood plain location.) The FIRM map has three (3) zones. A is the zone of 100-year flood, zone B is the 100 to 500 year flood, and zone C is outside the flood plain.

### **100 Year Flood Plain Map**

Tim Culver

Date 9/19/2018

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 10, T20N, R7E



Prepared with assistance from USDA-Natural Resources Conservation Service



Legend

-  Culver
-  fe\_2007\_17019\_edges
-  ferna\_a\_i019



## Topographic Maps

U.S.G.S Topographic maps give information on elevations, which are important mostly to determine slopes, drainage directions, and watershed information. Elevations determine the area of impact of floods of record. Slope information determines steepness and erosion potential. Drainage directions determine where water leaves the PIQ, possibly impacting surrounding natural resources. Watershed information is given for changing land use to a subdivision type of development on parcels greater than 10 acres.

### **What is a watershed?**

Simply stated, a watershed is the area of land that contributes water to a certain point. The point that we use on these reports is usually the point where water exits the parcel. The point is marked with a "O." The watershed boundary is drawn in using the following marking: (— • • —). Often times, water will flow off the parcel in two or more directions. In that case, there is a watershed break on the parcel (— • • —), and there are two or more watersheds on the parcel. The watershed boundary is important because the area of land in the watershed can now be calculated using an irregular shape area calculator such as a dot counter or plan miter.

Using regional storm event information, site specific soils and land use information, the peak storm water flow through the point marked "O" for a specified storm event can be calculated. This value is called a "Q" value (for the given storm event), and is measured in cubic feet per second (CFS). When construction occurs, the Q value naturally increases because of the increase in impermeable surfaces. This process decreases the ability of soils to accept and temporarily hold water. Therefore, more water runs off and increases the Q value. Theoretically, if each development, no matter how large or small, maintains their pre-construction Q value after construction by the installation of storm water management systems, the streams, wetlands and lakes will not suffer damage from excessive urban storm water.

Tim Culver

Date 9/19/2018

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 10, T20N, R7E



Prepared with assistance from USDA Natural Resources Conservation Service



Legend

-  Culver
-  3\_T20N\_R07E\_SEC10
-  fe\_2007\_17019\_edges
-  fema\_a\_11019



## Cultural and Animal Resources

**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.



**Applicant:** Champaign County Soil & Water Conservation District    **IDNR Project Number:** 1903199  
**Contact:** Jonathon Manuel    **Date:** 09/20/2018  
**Address:** 2110 West Park Court  
Suite C  
Champaign, IL 61821

**Project:** Tim Culver  
**Address:** 2110 West Park Court, Suite C, 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 shows the following protected resources may be in the vicinity of the project location.

- Mahomet Botanical Area INAI Site
- Sangamon River INAI Site
- Salamander Mussel (*Simpsonaias ambigua*)

#### Location

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

**County:** Champaign

**Township, Range, Section:**  
20N, 7E, 10



**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 1903199

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.

**Photo's 9/19/2018**

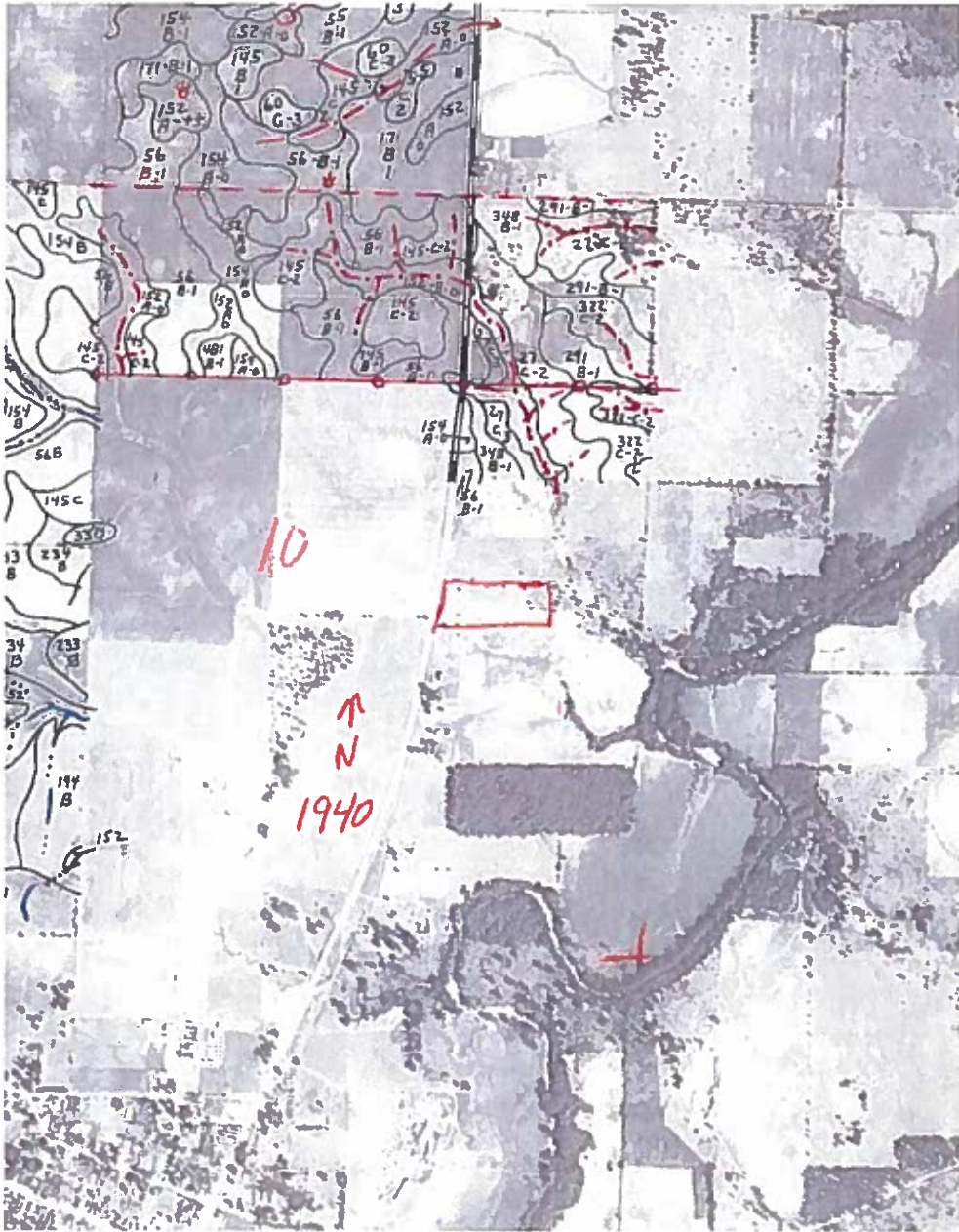




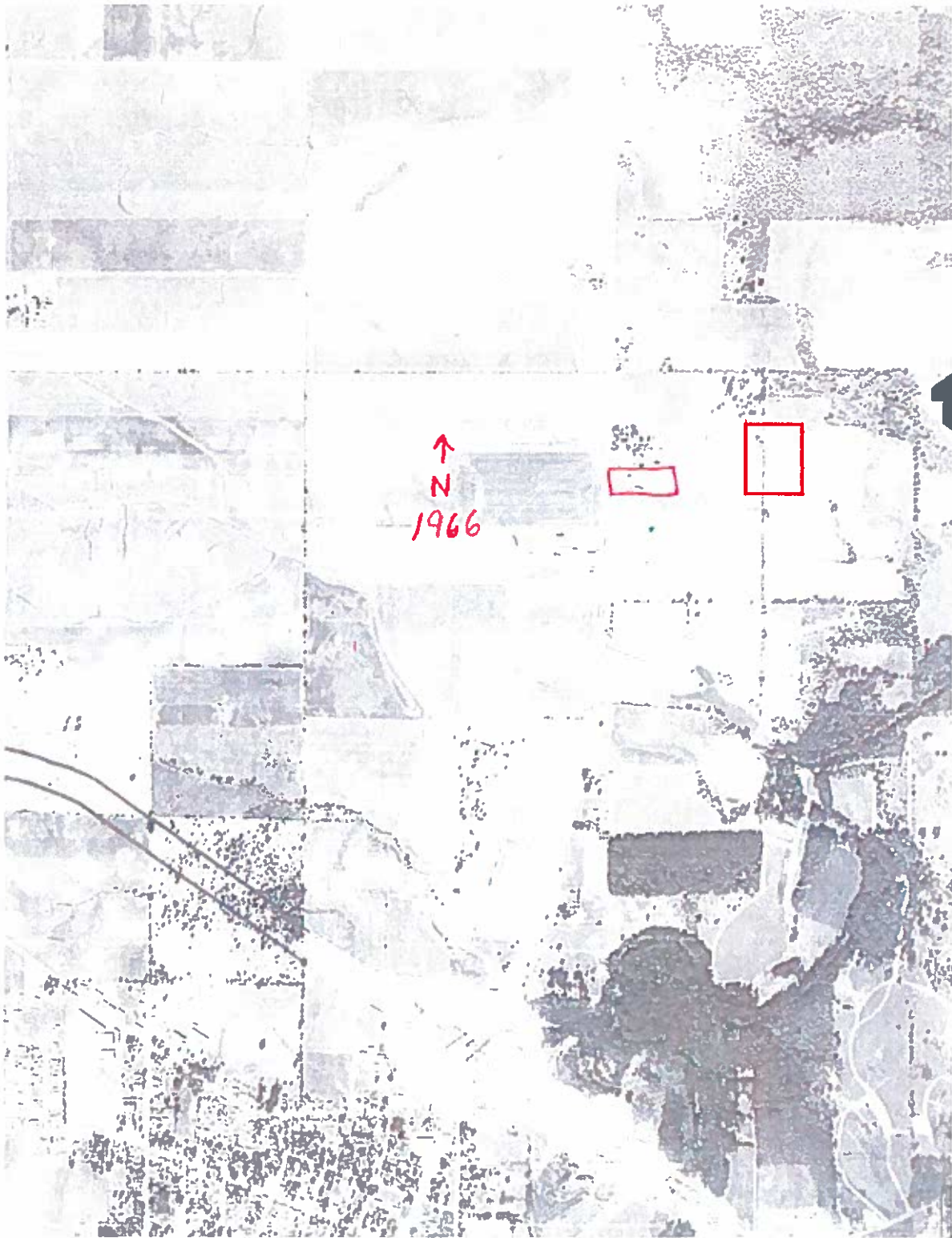


**Historical Aerial photo's**

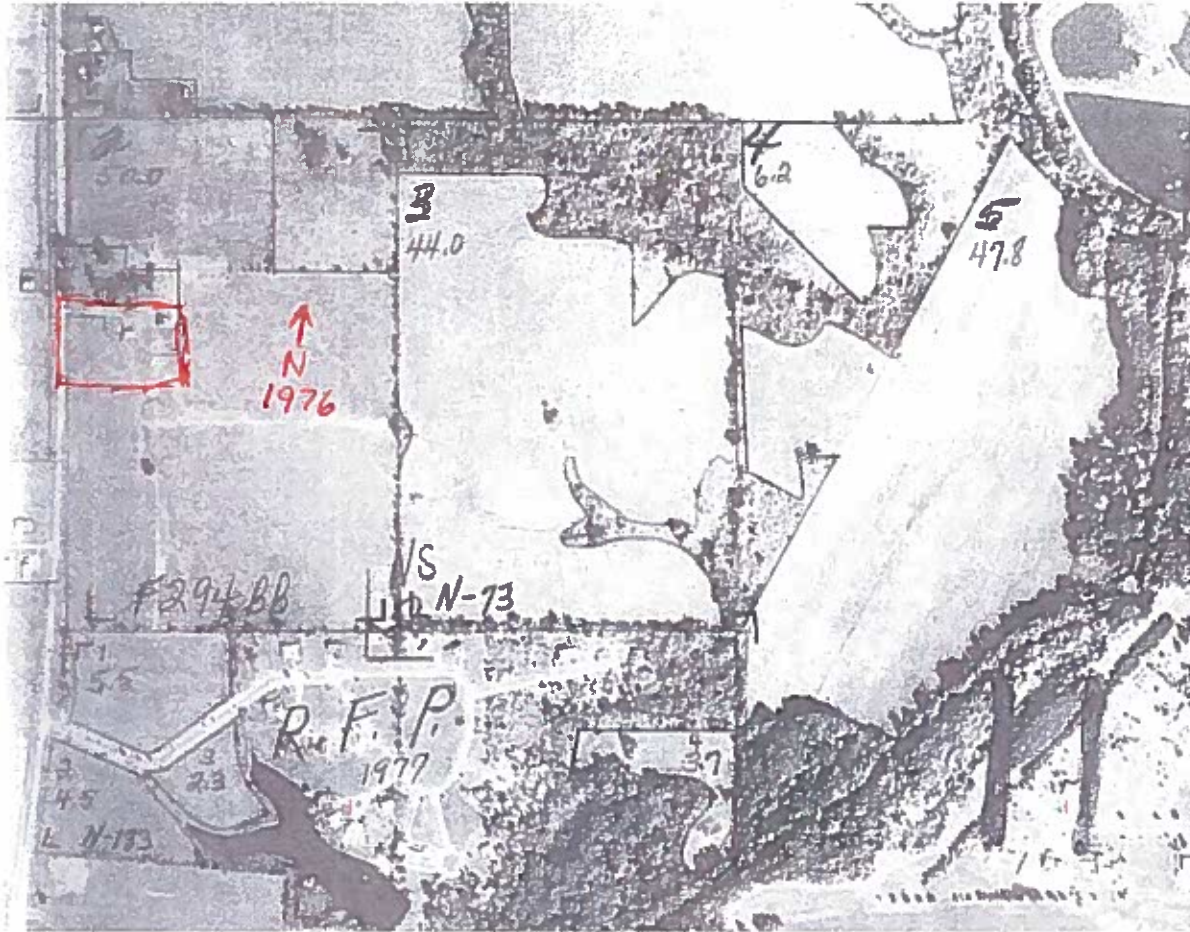
1940



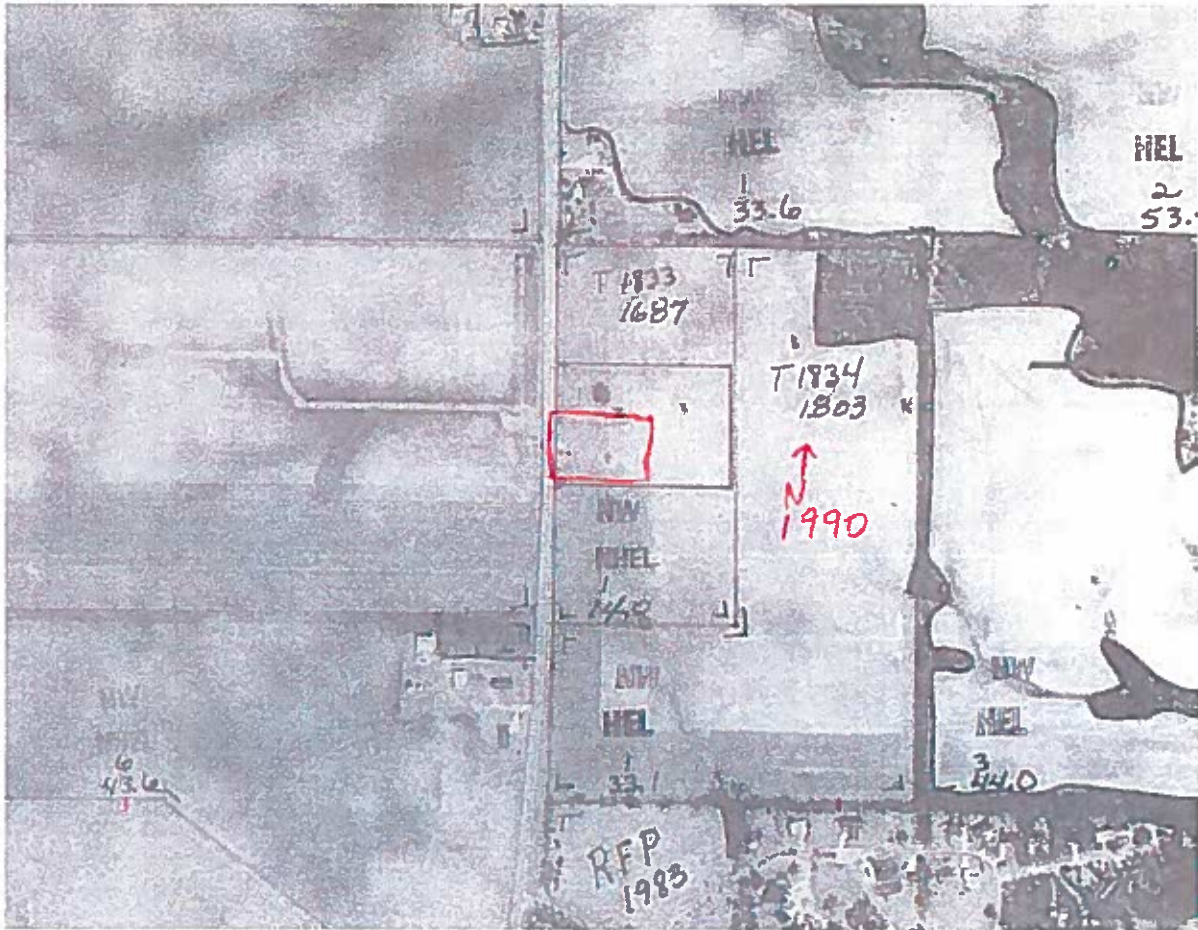
# 1966



# 1976



# 1990



2005



# 2010



# 2014





## Glossary

**AGRICULTURE** - The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year around hired farm workers.

**ADT** - the average daily traffic that a local road normally receives; based upon records by the County Superintendent of Highways.

**B.G.** - Below Grade. Under the surface of the Earth.

**BEDROCK** - Indicates depth at which bedrock occurs. Also lists hardness as rippable or hard.

**FLOODING** - Indicates frequency, duration, and period during year when floods are likely to occur.

**HIGH LEVEL MANAGEMENT** - The application of effective practices adapted to different crops, soils, and climatic conditions. Such practices include providing for adequate soil drainage, protection from flooding, erosion and runoff control, near optimum tillage, and planting the correct kind and amount of high quality seed. Weeds, diseases, and harmful insects are controlled. Favorable soil reaction and near optimum levels of available nitrogen, phosphorus, and potassium for individual crops are maintained. Efficient use is made of available crop residues, barnyard manure, and/or green manure crops. All operations, when combined efficiently and timely, can create favorable growing conditions and reduce harvesting losses -- within limits imposed by weather.

**HIGH WATER TABLE** - A seasonal high-water table is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian kinds of water tables.

**Water Table, Apparent** - A thick zone of free water in the soil. An apparent water table is indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.

**Water Table, Artesian** - A water table under hydrostatic head, generally beneath an impermeable layer. When this layer is penetrated, the water level rises in an uncased borehole.

**Water Table, Perched** - A water table standing above an unsaturated zone. In places an upper, or perched, water table is separated from a lower one by a dry zone.

**DELINEATION** - For Wetlands: A series of orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

**DETERMINATION** - A polygon drawn on a map using map information that gives an outline of a wetland.

**HYDRIC SOIL** - This type of soil is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service 1987)

**INTENSIVE SOIL MAPPING** - Mapping done on a smaller more intensive scale than a modern soil survey to determine soil properties of a specific site, e.g. Mapping for septic suitability.

**LAND EVALUATION AND SITE ASSESSMENT (L.E.S.A.)** - LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

**MODERN SOIL SURVEY** - A soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent shown on a map, and an accompanying report describes, defines, classifies, and interprets the soils. Interpretations predict the behavior of the soils under different used and the soils' response to management. Predictions are made for areas of soil at specific places. Soils information collected in a soil survey is useful in developing land-use plans and alternatives involving soil management systems and in evaluating and predicting the effects of land use.

**PALUSTRINE** - Name given to inland fresh water wetlands

**PERMEABILITY** - Values listed estimate the range (in rate and time) it takes for downward movement of water in the major soil layers when saturated, but allowed to drain freely. The estimates are based on soil texture, soil structure, available data on permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

**PIQ** - Parcel in question

**POTENTIAL FROST ACTION** - Damage that may occur to structures and roads due to ice lens formation causing upward and lateral soil movement. Based primarily on soil texture and wetness.

**PRIME FARMLAND** - Prime farmland soils are lands that are best suited for food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It either is used for food or fiber or is available for those uses. The soil qualities, growing season, and moisture supply are those needed for a well-managed soil economically to produce a sustained high yield of crops. Prime farmland produces in highest yields with minimum inputs of energy and economic resources, and farming the land results in the least damage to the environment.

Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated with water for long periods and is not frequently flooded during the growing season. The slope ranges mainly from 0 to 5 percent. (Source USDA Natural Resources Conservation Service)000

**PRODUCTIVITY INDEXES** - Productivity indexes for grain crops express the estimated yields of the major grain crops grown in Illinois as a single percentage of the average yields obtained under basic management from several of the more productive soils in the state. This group of soils is composed of the Muscatine, Ipava, Sable, Lisbon, Drummer, Flanagan, Littleton, Elburn and Joy soils. Each of the 425 soils found in Illinois are found in Circular 1156 from the Illinois Cooperative Extension Service.

**SEASONAL** - When used in reference to wetlands indicates that the area is flooded only during a portion of the year.

**SHRINK-SWELL POTENTIAL** - Indicates volume changes to be expected for the specific soil material with changes in moisture content.

**SOIL MAPPING UNIT** - A map unit is a collection of soil and miscellaneous areas delineated in mapping. A map unit is generally an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying phase terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for tax and in terms of ranges of tax adjuncts and inclusions.

**SOIL SERIES** - A group of soils, formed from a particular type of parent material, having horizons that, except for texture of the A or surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color, texture, structure, reaction, consistence, mineralogical and chemical composition.

**SUBSIDENCE** - Applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

**TERRAIN** - The area or surface over which a particular rock or group of rocks is prevalent.

**TOPSOIL** - That portion of the soil profile where higher concentrations of organic material, fertility, bacterial activity and plant growth take place. Depths of topsoil vary between soil types.

**WATERSHED** - An area of land that drains to an associated water resource such as a wetland, river or lake. Depending on the size and topography, watersheds can contain numerous tributaries, such as streams and ditches, and ponding areas such as detention structures, natural ponds and wetlands.

**WETLAND** - An area that has a predominance of hydric soils are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of hydrophilic vegetation typically adapted for life in saturated soil conditions.

## References

**7.5 Quadrangle Topographic Maps, United States Geologic Survey**

**Field Office Technical Guide, Natural Resources Conservation Service**

**Flood Insurance Rate Map, National Flood Insurance Program, Federal Emergency Management Agency**

**Illinois Urban Manual 2002, Illinois Environmental Protection Agency**

**Procedures and Standards for Urban Soil Erosion and Sedimentation Control, The Urban Committee of the Association of Illinois Soil and Water Conservation Districts**

**Soil Survey of Piatt County, United States Department of Agriculture**

**Wetlands Inventory Maps, Department of the Interior**

**Potential For Contamination of Shallow Aquifers in Illinois, Illinois Department of Energy and Natural Resources, State Geological Survey Division**

**Land Evaluation and Site Assessment: A Guidebook for Rating Agricultural Lands, Second Edition**

**Land Evaluation and Site Assessment System, Champaign County**

### 917-S-18 Site Images



**Subject property from IL 47 facing east – new building would be at right**



**Proposed SUP building site, from IL-47 facing east**

### 917-S-18 Site Images



**Church entrance, from IL 47 facing north – new building would be beyond church sign**



**View of subject property from church driveway adjacent to proposed building site**

## 917-S-18 Site Images



**View of subject property from corner of church building, from east facing NW – proposed building would be beyond hill and trees**

**PRELIMINARY DRAFT**

**917-S-18**

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

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

Date: *{September 27, 2018}*

Petitioners: **Tim Culver, d.b.a. Classic Plumbing Systems, Inc.**

Request: **Authorize a Special Use Permit for a Contractor’s Facility with outdoor storage and outdoor operations in addition to an existing single-family dwelling in the AG-2 Agriculture Zoning District.**

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**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 27, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Tim Culver, d.b.a. Classic Plumbing Systems, has a contract to close on the subject property contingent upon the approval of a Special Use Permit in this case. Dale Habeck owns the subject property and is a cosigner on the Special Use Permit application.
2. The subject property is a 7-acre tract in the West Half of the Northeast Quarter of the Northeast Quarter of Section 10, Township 20 North, Range 7 East of the Third Principal Meridian in Mahomet Township with an address of 2278 CR 350E, Mahomet.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Mahomet, a municipality with zoning. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ; however, they do receive notice of such cases and they are invited to comment.
    - (1) The south property line of the subject property is located on the Village of Mahomet municipal boundary. There are no current plans for annexation.
    - (2) Regarding the Village of Mahomet Comprehensive Plan adopted March 22, 2016: The Village of Mahomet Future Land Use Map dated October 2015 shows the subject property planned for Detached Single-Family Residential.
    - (3) Village staff has expressed concerns that they will detail during the hearing for this case.
  - B. The subject property is located within Mahomet Township, which has a Plan Commission. Townships with Plan Commissions do not have protest rights on Special Use Permits; however, they do receive notice of such cases and they are invited to comment.

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

4. Land use and zoning on the subject property and in the vicinity adjacent to the subject property are as follows:
  - A. The 7-acre subject property is zoned AG-2 Agriculture and has a single-family residence. The proposed contractor's facility is authorized only by Special Use Permit in the AG-2 Zoning District. The proposed contractor's facility would become the principal use, with the residence considered a caretaker's dwelling.
    - (1) The proposed use was evaluated for being a Rural Home Occupation, but the petitioner's plans for the business exceed what would be allowed in an RHO and would require a more restrictive Special Use Permit using the RHO classification. P&Z Staff determined that the standard Special Use Permit would be a better fit given the petitioner's plans.
  - B. Land to the north, east, and west of the subject property is zoned AG-1 Agriculture and is in agricultural production.



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- C. Land to the south of the subject property is within the Village of Mahomet and is in use as a church.

**GENERALLY REGARDING THE PROPOSED SPECIAL USE**

5. Regarding the site plan and operations of the proposed Special Use:
- A. The preliminary site plan received July 23, 2018, includes the following existing and proposed features:
- (1) Existing features include:
    - a. A single-family residence;
    - b. A 12-feet by 12-feet detached shed;
    - c. A 17-feet wide gravel driveway;
    - d. Document 2003R42125 recorded September 15, 2003, refers to a gas pipeline easement with Illinois Power Company that is described as the west 10 feet contiguous with the east right of way line of Illinois Route 47.
  - (2) Proposed features are shown on a boundary survey and floor plans, and include:
    - a. A 60-feet by 104-feet building with:
      - (a) 3 overhead doors, each 12 feet wide by 14 feet tall;
      - (b) 5 walk doors, each 3 feet wide by 6 feet 8 inches tall; and
      - (c) A partial wraparound porch on the west end
- B. The Revised Site Plan received September 13, 2018, is a 3-dimensional model, and indicates the following proposed features:
- (1) A 60-feet by 120-feet detached building;
  - (2) A gravel extension off of the existing gravel driveway;
  - (4) A gravel area surrounding the proposed building on the west and south sides;
  - (5) A 20-feet by 68-feet concrete parking area on the west end; and
  - (6) Evergreen screening on the west and south sides of the proposed building.
  - (7) Mr. Culver spoke with Ms. Burgstrom on September 14, 2018, and verified additional details:
    - a. He stated that the 3-D site plan is not to scale, and to disregard the scale that comes on the Google maps.
    - b. The gravel area south of the building will extend about 35 feet toward the south property line;
    - c. The 10 feet remaining next to the south property line will have a single row of evergreen screening compliant with the required Type D screen;

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- d. The wraparound porch will be 8 feet wide and extend along the entire west end and 24 feet along the north side;
  - e. The concrete parking pad on the west end will be 20 feet by 68 feet;
  - f. The new septic system will be a bit east of where it is shown in the site plan; and
  - g. The business will connect to the existing well that is east of the house.
- (8) Based on the information to date, P&Z Staff created an annotated aerial photograph showing the Special Use Permit area and features.
- C. The following are previous Zoning Use Permits on the subject property:
- (1) Permit #134-88-02 was approved on May 13, 1988, for construction of a single-family home with attached garage.
- D. Previous Zoning Cases in the area include:
- (1) Case 750-S-13 for Sangamon Valley Public Water District was approved on June 13, 2013, for construction of a water treatment plant.
  - (2) Case 751-V-13 for Sangamon Valley Public Water District was approved on June 13, 2013, and included variances for front yard, minimum lot area, and access via easement.
  - (3) Case 760-V-13 for Sangamon Valley Public Water District was approved on July 25, 2013, and included a variance for a proposed expansion of a water treatment plant that was subject to municipal subdivision regulations.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for contractors' facilities both with and without outdoor operations and storage 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) "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.
  - (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.

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- (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

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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 4.2.1.C. states that it shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-2, Agriculture Zoning District.
- C. Section 5.2: Table of Authorized Principal Uses states that Contractors Facilities with outdoor STORAGE and outdoor OPERATIONS can be established with a Special Use Permit in the AG-2 Agriculture Zoning District.
- D. 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 or without 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.
- E. 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.
- F. Subsection 7.6 establishes the following conditions for Outdoor Storage and/or Outdoor Operations:
- (1) Paragraph 7.6.1 states: “Outdoor STORAGE and/or OPERATIONS shall be allowed in all DISTRICTS only as ACCESSORY USES unless permitted as a principal USE in Section 5.2 and shall be allowed in any YARD in all DISTRICTS subject to the provisions of Section 7.2 without a permit provided that outdoor STORAGE and/or outdoor OPERATIONS shall not be located in any required off-street PARKING SPACES or LOADING BERTHS.”
  - (2) Paragraph 7.6.2 states: “A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE and/or outdoor OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
    - a. Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery;

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public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or

b. Any designated urban arterial street or MAJOR STREET.”

- G. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
  - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
    - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
    - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
    - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
  - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- H. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“To provide a combination shop and personal occupancy location. Our principal service area is Mahomet and this would allow us to have a more central location with a facility which meets our needs.”**
  - B. Classic Plumbing Systems, Inc. has been located in the Mahomet area for several years; it serves the entire Champaign County area and other locations such as Mansfield and Farmer City.

**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: **“No farmland would be taken out of production. The proposed use is allowed with a Special Use Permit in the AG-2 District.”**
  - B. Regarding surface drainage:
    - (1) The Champaign County Soil and Water Conservation District Natural Resource Report received September 20, 2018, provides a map showing that the subject property generally drains toward the southwest.
  - C. Regarding traffic in the subject property area:
    - (1) The subject property has an existing driveway for the residence accessed from the east side of IL-47 (CR 350E). The petitioner proposes using the same access drive from IL-47 and creating a Y-shaped driveway, which would separate the residential driveway by the house from the commercial access to the proposed building.
    - (2) IL-47 (CR 350E) is a two-lane marked and paved highway that is approximately 24 feet wide with 5 feet wide gravel shoulders.
    - (3) The subject property is located about 0.9 road miles north of the I-74 Interchange at Lombard Street in Mahomet.
    - (4) 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 2017 in the vicinity of the subject property. IL-47 (CR 350E) had an ADT of 7,300 adjacent to the subject property.
      - a. The petitioner has indicated that there are 8 employees and 5 company vehicles, which would generally leave the site at the beginning of the day and return at the end. P&Z Staff estimate that the facility might add around



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20 to 30 vehicle trips on a work day, which is an insignificant increase on an arterial street with an ADT of 7,300.

- (5) The Mahomet 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 1.5 road miles from the Cornbelt Fire Protection District station in Mahomet. The Fire 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 on the subject property consists of Drummer silty clay loam 152A, Flanagan silt loam 154A, Xenia silt loam 291B, Russell silt loam 322C2, Birkbeck silt loam 233B, and Dana silt loam 56B, and has an average LE of 92.
- G. Regarding outdoor lighting on the subject property:
  - (1) No outdoor lighting was indicated on the Site Plan. A special condition has been added regarding any future outdoor lighting for the Special Use Permit area.
- H. Regarding wastewater treatment and disposal on the subject property:
  - (1) Mr. Culver stated that the existing residential septic system is located northwest of the residence.
  - (2) A new, separate septic system is proposed for the contractor's facility.
- 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. In a letter dated August 8, 2018, and received August 14, 2018, the Elders of the Living Word Omega Message Church, neighbors south of the subject property, stated that they agree with the petitioner's plan to construct a building to house shop and office space for his business.
- K. The Village of Mahomet municipal limit is the south line of the subject property. The Village, represented by Kelly Pfeifer and Abby Heckman, has agreed that the subject property is compliant with the Village Subdivision Ordinance. Village staff has expressed concerns that they will detail during the hearing for this case.

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- L. 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, there are no standard conditions for the purposed contractor facility.”**
- 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.
      - (a) The business has 8 employees. One parking space is required for every 3 employees in the industrial land use, for a total of 3 required employee parking spaces.
      - (b) The business has 5 company vehicles, so 5 parking spaces are required for these vehicles.
      - (c) Industrial uses also require 1 visitor parking space, for a total of 9 required parking spaces.
      - (d) One of these spaces would need to meet Illinois Accessibility Code standards.
      - (e) Commercial uses of less than 9,999 square feet require one 12 feet by 40 feet loading berth. The petitioner does not believe a loading berth is necessary, so he has requested a variance from that requirement.
    - b. The petitioner plans to provide the 9 required spaces in the following manner:

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- (a) Construct a 20-feet by 68-feet paved area on the west end of the proposed building, which would be large enough for 5 parking spaces, including the accessible parking space.
  - (b) The proposed building can house up to 4 vehicles inside, but the petitioner indicates this would generally only be done during the winter months.
  - (c) There is also more than sufficient gravel area planned on the south side of the proposed building for employees to park. The south side would be screened with the required Type D screen.
- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*: the proposed project is exempt from the SWMEC ordinance because the impervious area on the subject property, including proposed development, will be less than 16% of the total lot area.
- 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 Village of Mahomet 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) Contractors Facilities with or without Outdoor Storage and/or Operations are allowed 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. Section 5.2: Table of Authorized Principal Uses states that Contractors Facilities (with or without outdoor STORAGE and/or outdoor OPERATIONS) can be established 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 AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This

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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.
  - a. 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.
  - b. Regarding the value of the subject property, a new building would increase the value of the property, which currently only has a residence.
- (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 likely to increase traffic on IL 47/CR 350E, but the increase will not be significant given the current traffic volumes on the road.

- (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. Regarding erosion concerns, the Natural Resource Report completed by the Champaign County Soil and Water Conservation District received September 20, 2018, states: "Construction sites can experience 20 to 200 tons/acre/year of soil loss, which is greater than other land uses like agriculture averaging 4-5 tons/acre/year. Sediment entering creeks, rivers and lakes degrade water quality and reduce capacity, which increases the risk of flooding. Sediment also carries other possible pollutants such as chemicals and metals by adhering to the sediment's surface. It is extremely important that the developer

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employ Best Management Practices, like the ones listed below, to help reduce soil erosion and protect water quality during construction and after.” The report lists silt fencing, construction road stabilization, and vegetative cover as Best Management Practices.

- b. The subject property is exempt from the Champaign County *Stormwater Management and Erosion Control Ordinance*.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
- a. Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
  - b. Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

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

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

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

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

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- 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. Soils on the subject property are BEST PRIME FARMLAND.
  - c. The petitioner is not inclined to annex into the Village of Mahomet and does not require public sewer service for the proposed facility.
  - d. Should the Village of Mahomet annex this area, it is possible that all land currently in agricultural production on the site would be converted to urban uses.

- (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.
- a. Part of the subject property remains in agricultural production.

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b. Should the Village of Mahomet annex this area, it is possible that all land currently in agricultural production on the site would be converted to urban uses.

(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 has testified on the application: “N/A.”
  - B. The existing use on the property is not a nonconforming use.

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

- 12. Regarding proposed special conditions of approval:
  - A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 917-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 Use Permit or a Zoning Compliance Certificate for the proposed Contractor’s Facility with 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.**
  - C. **Certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed uses is a requirement for approval of the Zoning Use Permit.**

The special condition stated above is required to ensure the following:  
**That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.**



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

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

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

- E. **The petitioners must plant evergreen screening along the south and west lot lines to screen the proposed facility from the neighboring church, as indicated on the approved Site Plan. As per standard Department practice, a Norway Spruce vegetative screen must be four to six feet high at the time of planting and will be planted in staggered rows and must be planted as part of the Zoning Use Permit authorizing construction of the new building.**

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.**

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

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

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

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**DOCUMENTS OF RECORD**

1. Application for Special Use Permit received July 23, 2018, with attachments:
  - Preliminary Site Plan
  - Legal Description
  - Boundary and Limited Topo Survey Plat by Phoenix Consulting Engineers
  - Elevation Plans and 3D View by FBi Buildings
2. Letter from Living Word Omega Message Church received August 14, 2018
3. Revised Site Plan received September 13, 2018
4. Natural Resources Report from Champaign County Soil and Water Conservation District
5. Document 2003R42125 recorded September 15, 2003: Utility easement
6. Preliminary Memorandum dated September 20, 2018, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Revised Site Plan received September 13, 2018 (pictures of 3D model)
  - C Boundary and Limited Topo Survey Plat by Phoenix Consulting Engineers received July 23, 2018
  - D Elevation Plans and 3D View by FBi Buildings received July 23, 2018
  - E Annotated aerial created by staff on September 17, 2018
  - F Letter from Living Word Omega Message Church received August 14, 2018
  - G Natural Resources Report from Champaign County Soil and Water Conservation District received September 20, 2018
  - H Site Visit Photos taken September 13, 2018
  - I Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated September 27, 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 **917-S-18** held on **September 27, 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 917-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 Use Permit or a Zoning Compliance Certificate for the proposed Contractor's Facility with 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.**

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

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

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

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

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

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

- E. **The petitioners must plant evergreen screening along the south and west lot lines to screen the proposed facility from the neighboring church, as indicated on the**

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**approved Site Plan. As per standard Department practice, a Norway Spruce vegetative screen must be four to six feet high at the time of planting and will be planted in staggered rows and must be planted as part of the Zoning Use Permit authorizing construction of the new building.**

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.**

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

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

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

**PRELIMINARY DRAFT****FINAL DETERMINATION**

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

**The Special Use requested in Case 917-S-18 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant, Tim Culver d.b.a. Classic Plumbing Systems Inc, to authorize the following as a Special Use on land in the AG-2 Agriculture Zoning District:**

**Authorize a Special Use Permit for a Contractor's Facility with outdoor storage and outdoor operations in addition to an existing single-family dwelling 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 917-S-18 by the Zoning Board of Appeals.**
- B. **The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning Compliance Certificate for the proposed Contractor's Facility with Outdoor Storage and Operations until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- C. **Certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed uses is a requirement for approval of the Zoning Use Permit.**
- D. **The Zoning Administrator shall not authorize a Zoning Use Permit or 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.**
- E. **The petitioners must plant evergreen screening along the south and west lot lines to screen the proposed facility from the neighboring church, as indicated on the approved Site Plan. As per standard Department practice, a Norway Spruce vegetative screen must be four to six feet high at the time of planting and will be planted in staggered rows and must be planted as part of the Zoning Use Permit authorizing construction of the new building.**
- F. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the 2006 or later edition of the International Building Code; (B) the 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.**

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

SIGNED:

Catherine Capel, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date