

CASE 966-S-19
PRELIMINARY MEMORANDUM
December 5, 2019

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

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

- Petitioners:** Gary Alan Perkinson, d.b.a. All Creation Landscapes, Inc., and David Swartzendruber
- 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-1 Agriculture Zoning District.
- Location:** A 4.37-acre tract in the Northeast Quarter of the Southeast Quarter of Section 15, Township 20 North, Range 8 East of the Third Principal Meridian in Hensley Township with an address of 2129 CR 1000E, Champaign.
- Site Area:** 4.37 acres, including 0.27 acre for the Special Use Permit area
- Time Schedule for Development:** As soon as possible
- Prepared by:** **Susan Burgstrom**, Senior Planner
John Hall, Zoning Administrator

BACKGROUND

David and Judy Swartzendruber own and live on the subject property. Petitioner Gary Alan Perkinson is the owner of All Creation Landscapes, Inc., currently located east of Savoy. The Swartzendrubers have no stake in Mr. Perkinson’s landscaping business. Mr. Perkinson plans to use approximately half of an existing shed and a small outdoor area on the subject property for storage of his business vehicles, equipment, and mulch. No new construction is proposed.

Section 5.2: Table of Authorized Principal Uses states that Contractors Facilities with outdoor storage and/or outdoor operations can be established with a Special Use Permit in the AG-1 Agriculture Zoning District. Rather than having the two principal uses, which is not allowed in the AG-1 zoning district, the existing residence would be considered a caretaker’s facility for the business, which would classify the landscaping business as a single principal use.

No comments have been received regarding the proposed use.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residence and ag production	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Hindu Temple	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

EXTRATERRITORIAL JURISDICTION

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

The subject property is located within Hensley 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.

PARKING REQUIREMENTS

All Creation Landscapes has four employees, two of whom would park their personal vehicles on the subject property during the day, leave in company vehicles, and return at the end of the day to go home in their personal vehicles. Mr. Perkinson has two company trucks, three trailers, and one skid steer that would be stored inside the shed and outside south of the shed. No clients would have reason to visit the subject property, as they have any meetings at other locations. Nonetheless, the Zoning Ordinance requires a visitor's parking space. With parking required for employees and visitors, one accessible parking space must also be provided.

PROPOSED SPECIAL CONDITIONS

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 966-S-19 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 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.

- C. **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.

- D. **The petitioners must plant sufficient evergreen screening on the subject property to screen the Special Use Permit outdoor storage area. Per standard Department**

practice, a Norway Spruce vegetative screen must be planted within six months of approval of Case 966-S-19 and must be:

- (1) four to six feet high at the time of planting; and**
- (2) if recommended spacing of a single row of the selected species will not provide 50% screen in 2 years, then the screen must be planted in staggered rows.**

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.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received November 4, 2019
- C Special Use Permit Area map created by P&Z Staff on November 21, 2019
- D Email from Alan Perkinson received November 22, 2019
- E Email from Alan Perkinson received November 27, 2019
- F Letter regarding Natural Resources Report from Champaign County Soil and Water Conservation District received November 14, 2019
- G Site Visit Photos taken November 20, 2019
- H Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated December 12, 2019

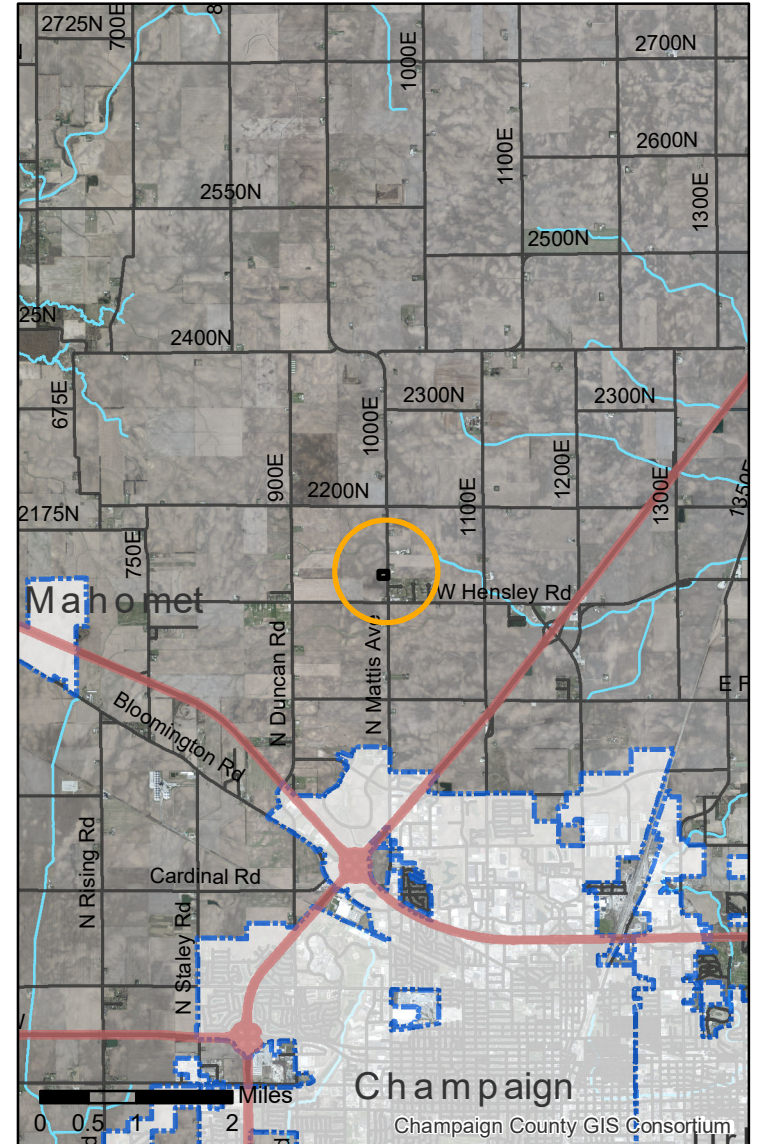
Location Map

Case 966-S-19
December 12, 2019




Subject Property



Property location in Champaign County



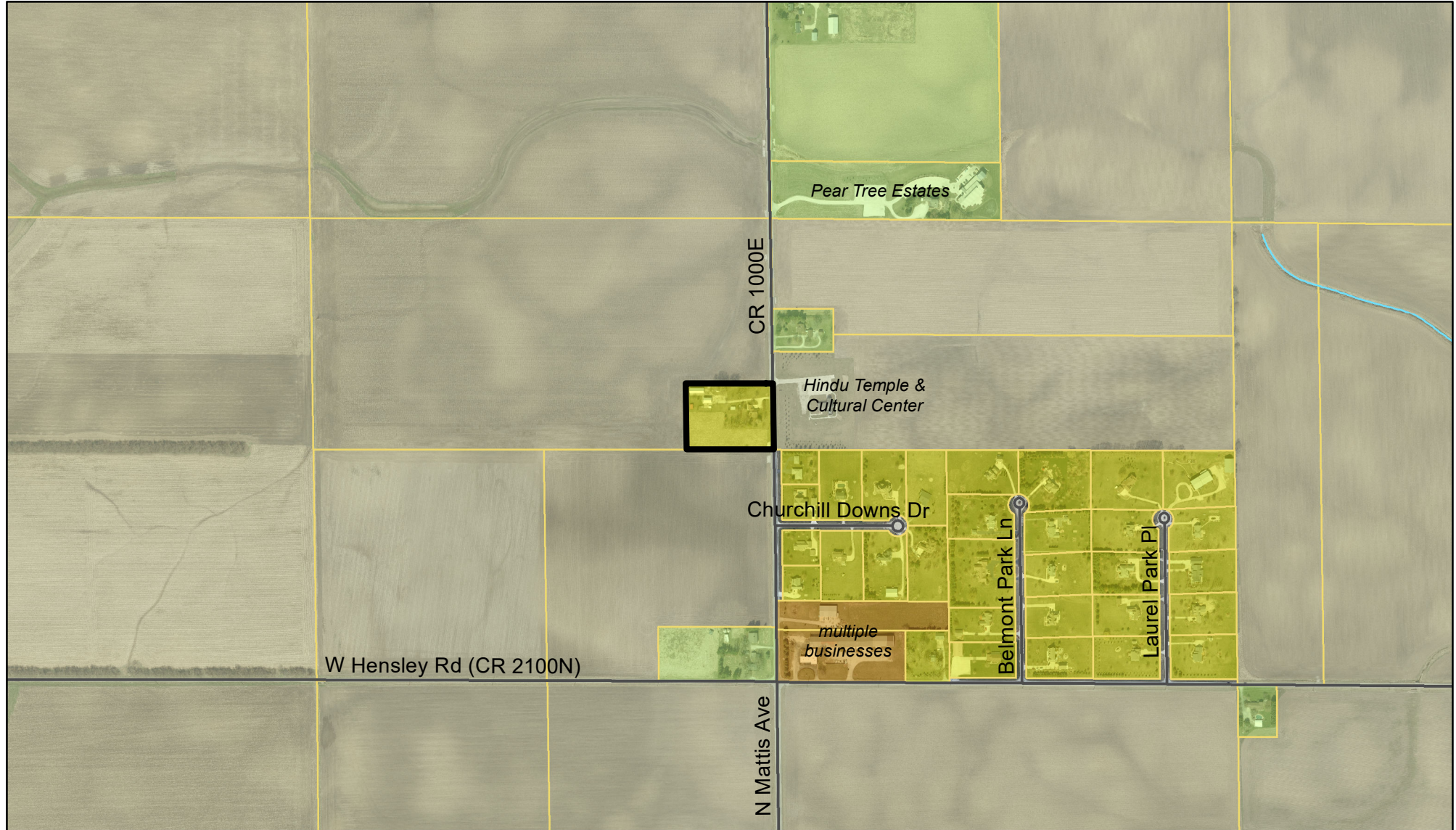
Legend

-  Subject Property
-  Parcels
-  Streams



Land Use Map

Case 966-S-19
December 12, 2019



Legend

-  Subject Property
-  Agriculture
-  Ag-Residential
-  Residential
-  Commercial

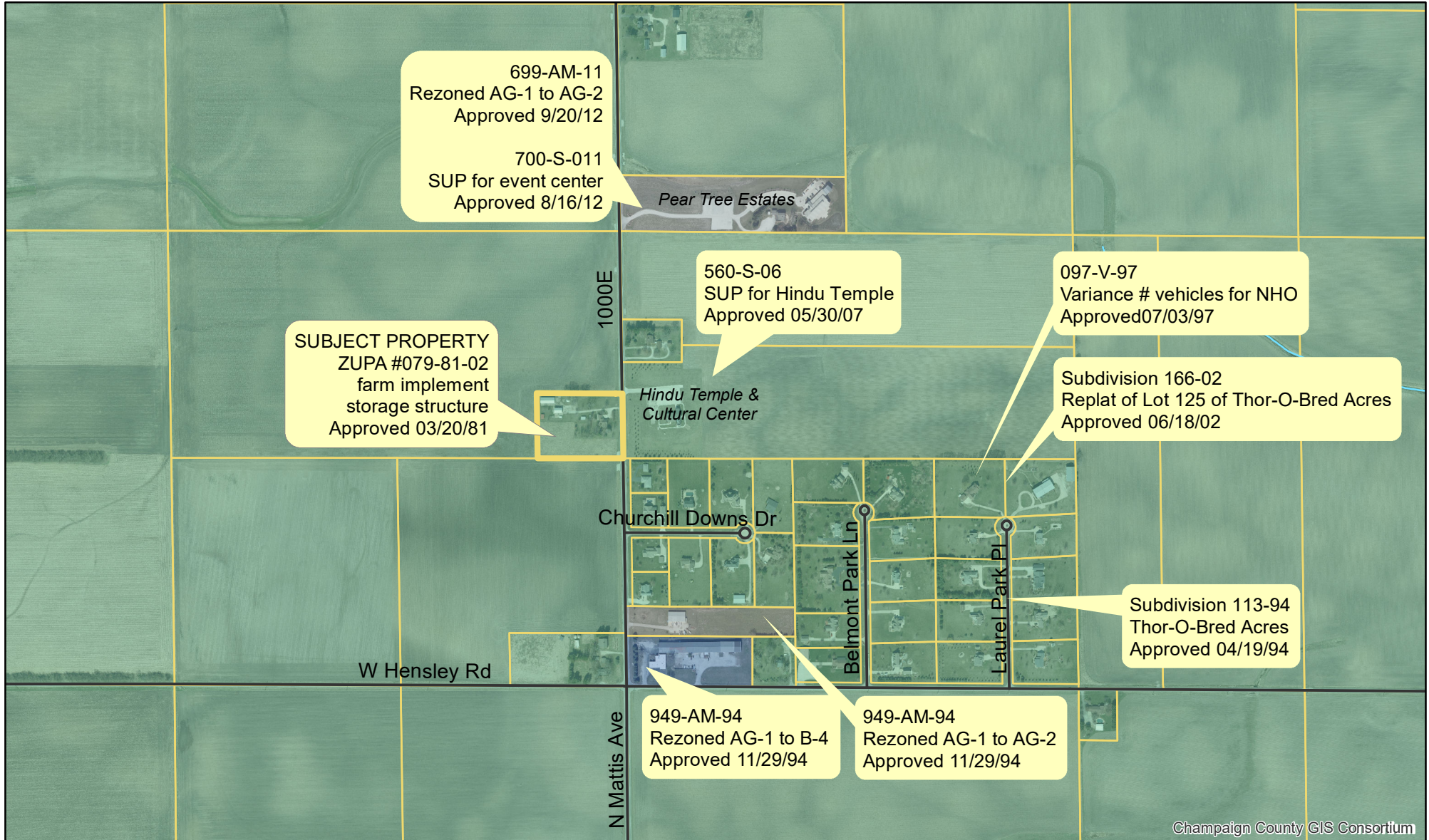
0 200 400 800 Feet



Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 966-S-19
December 12, 2019



Legend

- Subject Property
- Parcels
- AG-1 Agriculture
- AG-2 Agriculture
- B-4 General Business

0 200 400 800 Feet





70

Feet

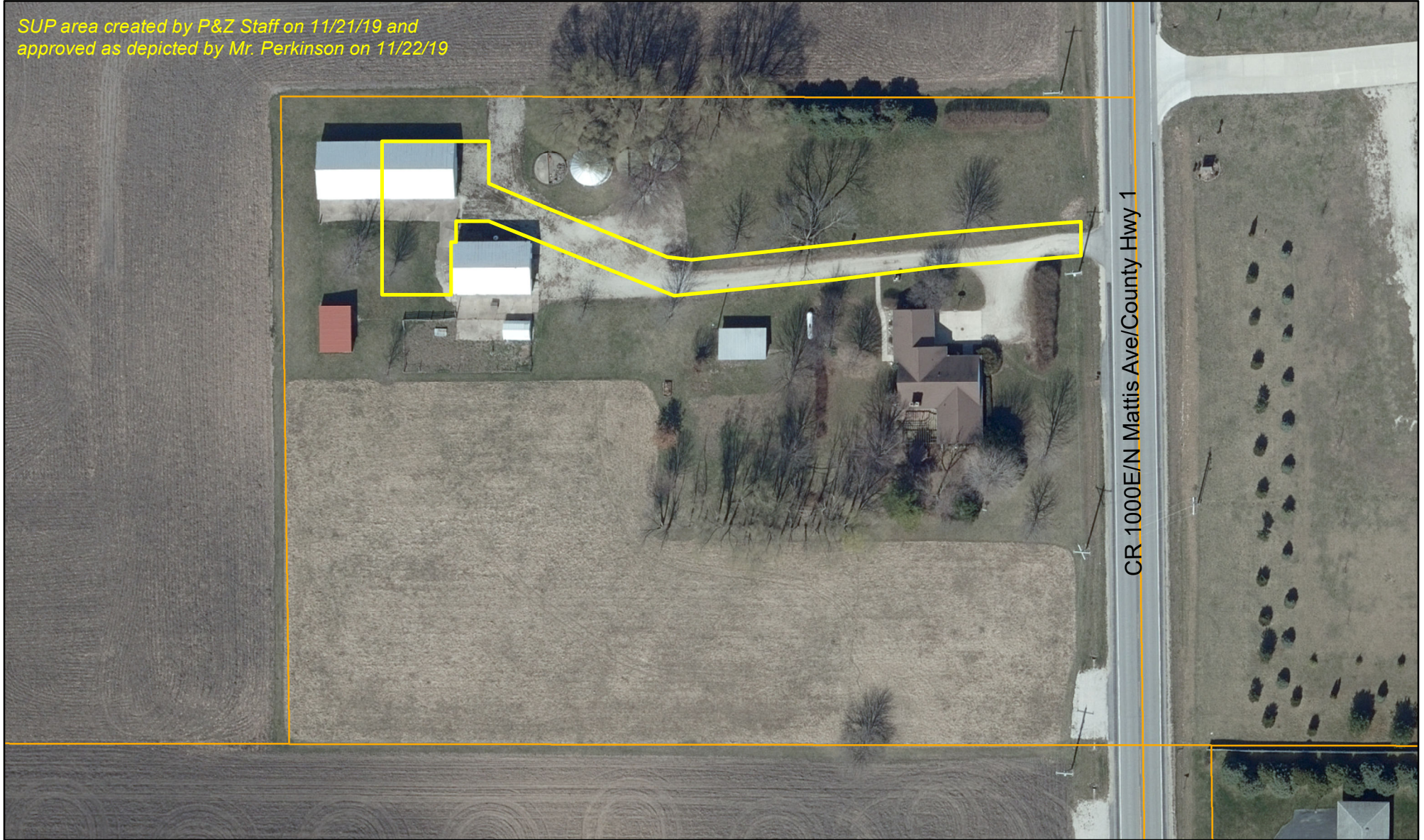
This map was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), or other CCGISC member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this map is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this map and information contained herein. The use of this map constitutes acknowledgement of this disclaimer.





Special Use Permit Area

Case 966-S-19
December 12, 2019

SUP area created by P&Z Staff on 11/21/19 and approved as depicted by Mr. Perkinson on 11/22/19



Legend

-  Special Use Permit area
-  Parcels

0 20 40 80 Feet



Susan Burgstrom

From: alan perkinson <allcreationlandscapes@gmail.com>
Sent: Thursday, November 21, 2019 5:22 PM
To: Susan Burgstrom
Cc: David Swartzendruber
Subject: Re: zoning case for contractor's facility

Hi Susan,

Thank you for your email. I have cc'd Dave & Judy Swartzendruber to this reply so they stay in direct communication as the land owners. Below are answers/comments to your questions:

1. Your yellow lined parameters are right on the money. The Swartzendrubers and I have agreed to not plan more than two years out. At a hypothetical five year benchmark, I don't expect to need more than what your yellow line indicates. This area is greater than my current area so it gives us room for growth.
2. We only store only 80 cubic yards (one semi load) of mulch at a time. This is typically from March 20-Nov 15. All other materials we conserve space by using direct ship methods. We aim to achieve efficiency for our clients by handling materials as little as possible. We perform snow management services for clients. We do not store any bulk ice melt product at our shop. We have two pallets of bagged material that stays within our current building that we'll use for small sites and sidewalks. Any bulk material is retrieved from an offsite wholesaler at the time of need.
3. Our typical hours at the shop are: 6:30a-7:00a, then again 3:30p-4:30p. The shop area is really only used as a storage facility and not an area of operation. We don't work at the shop space as our projects are carried out at the project sites. We don't invite clients to our shop because there is not need for meeting time there. Again, team meetings or meetings with vendors occur offsite.

Thank you very much. If you have any other questions or need anything additional from me please let me know. As a courtesy, if you would please include Dave & Judy on any future communications I would appreciate it. Thanks again!

Best Regards,

Alan Perkinson



1153 CR 1200 East Suite 1
Champaign, IL 61822
www.allcreation.net
[217-778-8732 \(O\)](tel:217-778-8732)
[815-836-0540 \(M\)](tel:815-836-0540)

RECEIVED

NOV 22 2019

CHAMPAIGN CO. P & Z DEPARTMENT

Susan Burgstrom

From: All Creation <allcreationlandscapes@gmail.com>
Sent: Tuesday, November 26, 2019 3:58 PM
To: Susan Burgstrom
Cc: David Swartzendruber
Subject: Re: how many employees?

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Susan,

4 total. One of those drives a company truck that will leave each day on projects. One direct reports to the project site and therefore won't park at Swartzendruber's. The other two will park their cars adjacent to the north building within the yellow boundary. Thanks again.

Best Regards,

Alan Perkinson



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815-836-0540 (M)

RECEIVED
NOV 27 2019

CHAMPAIGN CO. P & Z DEPARTMENT

On Nov 26, 2019, at 2:18 PM, Susan Burgstrom <sburgstrom@co.champaign.il.us> wrote:

Hi Alan,

Could you please tell me how many employees (including you) would park their personal vehicles on the site, and where you anticipate having them park their cars?

Thanks,
Susan

Susan Burgstrom, AICP
Senior Planner
Champaign County Department of Planning & Zoning
1776 East Washington Street
Urbana, IL 61802

P: 217-384-3708
F: 217-819-4021



CHAMPAIGN COUNTY
SOIL AND WATER CONSERVATION DISTRICT

2110 W. Park Court, Suite C
Champaign, IL 61821
217-352-3536 ext. 3 www.ccswcd.com

November 14, 2019

Susan Burgstrom
Champaign County Planning & Zoning
1776 E Washington St.
Urbana, IL 61802

RECEIVED

NOV 14 2019

CHAMPAIGN CO. P & Z DEPARTMENT

Dear Ms. Burgstrom,

The Champaign County Soil & Water Conservation District received a Natural Resources Information Report (NRIR) application for David Swartzendruber's addition to his equipment storage. The property is located in the SE ¼ of the NE ¼ of the SE ¼ of section 15, T20N, R8E. Mr. Swartzendruber will be adding equipment storage for 2 trucks and 3 trailers on his 4.37 acres of property at his residence. There will be no zoning changes, no addition of buildings, no change in farmland/residential area, and no changes in water use. Therefore, it was determined that a full NRIR is not necessary at this time.

The Champaign County SWCD has reviewed the project site and would like to note the following in regard to natural resource considerations:

- Based on in office review of existing FEMA Flood Insurance Rate Map, it does not appear that this subject property is located within the 100-year floodplain. Additionally, based upon review of the National Wetland Inventory Map, wetlands do not appear to be identified on the project site.
- If there is to be any construction or dirtwork, a soil erosion and sediment control plan should be prepared and implemented onsite from initiation to completion.

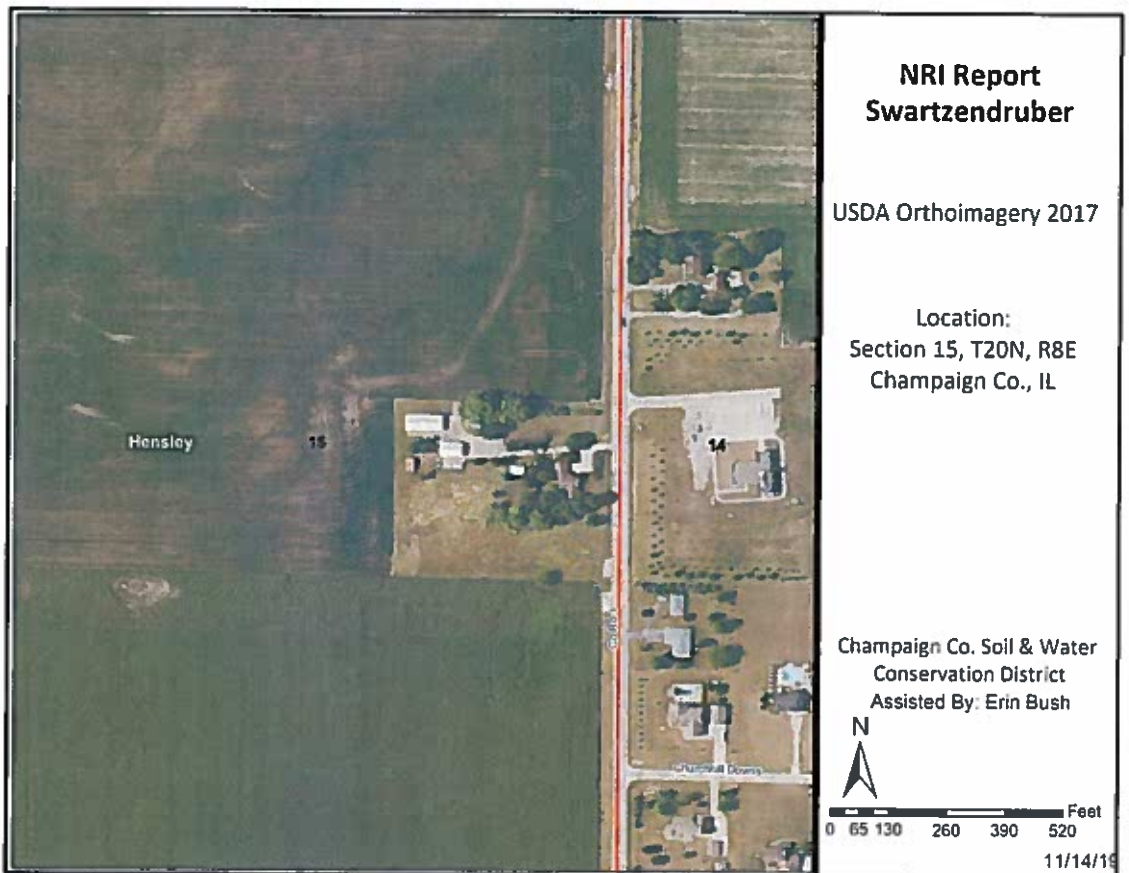
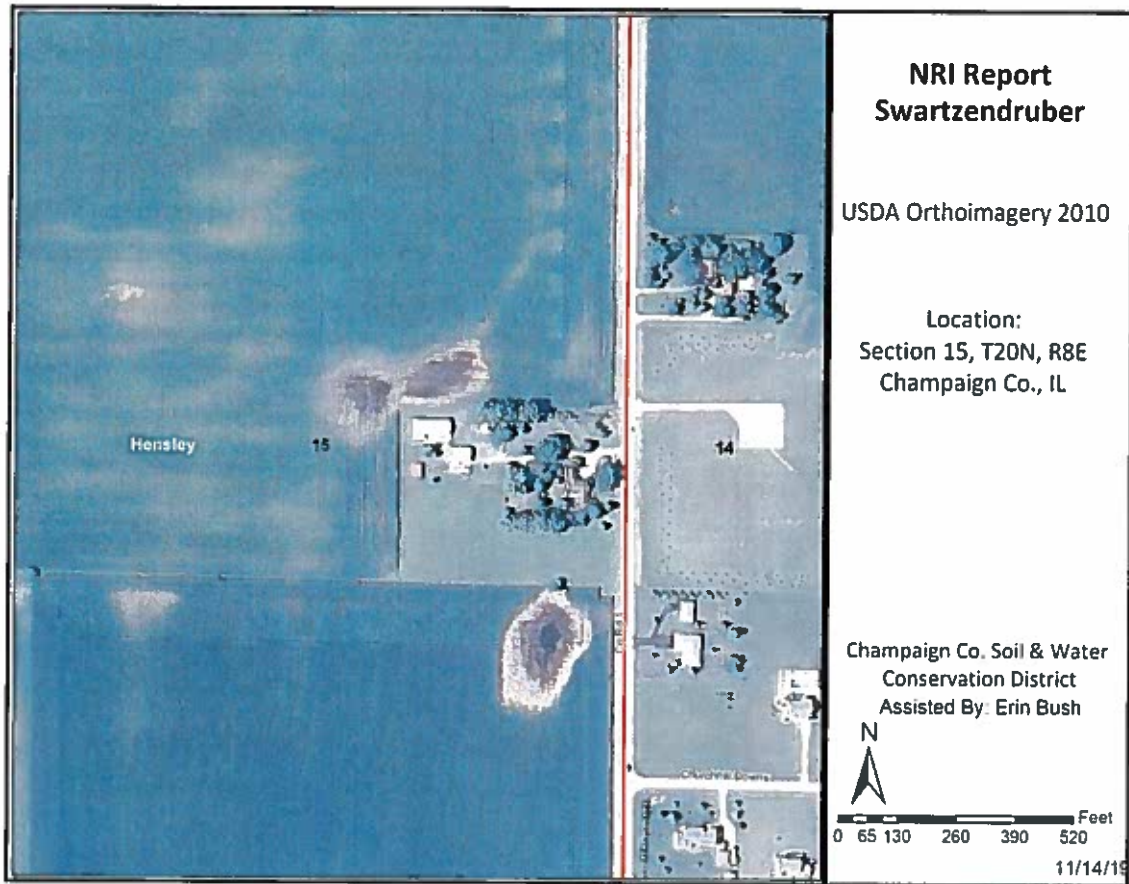
Included with this letter are two dates of aerial imagery for reference.

A copy of this letter has also been sent to Mr. Swartzendruber. Should you have any questions please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Bush".

Erin Bush
Resource Conservationist
Champaign County Soil & Water Conservation District



966-S-19 Site Images



From driveway adjacent to house facing west to proposed SUP area



SUP building is the medium sized shed at right

966-S-19 Site Images



Inside storage shed to be partially used for landscape business



Leased shed at right; outdoor storage area for landscape company is concrete area

966-S-19 Site Images



From shed facing NE – dwelling on east side of CR 1000E at right beyond trees



From south of shed facing south

966-S-19 Site Images



Hindu Temple across CR 1000E, east of subject property



From Hindu Temple facing west to subject property

966-S-19 Site Images



From dwelling NE of subject property facing SW to subject property shed is to right of tall trees



From Thoroughbred Acres facing NW to subject property on far side of CR 1000E (Mattis Ave)

PRELIMINARY DRAFT

966-S-19

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

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

Date: ***{December 12, 2019}***

Petitioners: **Gary Alan Perkinson, d.b.a. All Creation Landscapes, Inc.,
and David Swartzendruber**

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-1 Agriculture Zoning District.**

Table of Contents

General Application Information..... 2 - 4
Specific Ordinance Requirements..... 4 - 10
Special Use and Variance Evidence 10 - 18
Documents of Record..... 19
Case 966-S-19 Finding of Fact 20 - 21
Case 966-S-19 Final Determination.....22

PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **December 12, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. Co-petitioner Gary Perkinson, d.b.a. All Creation Landscapes, Inc., plans to lease indoor and outdoor storage areas on the subject property, contingent upon the approval of a Special Use Permit in this case. David Swartzendruber owns the subject property and is a cosigner on the Special Use Permit application.
2. The subject property is a 4.37-acre tract in the Northeast Quarter of the Southeast Quarter of Section 15, Township 20 North, Range 8 East of the Third Principal Meridian in Hensley Township with an address of 2129 CR 1000E, Champaign.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - B. The subject property is located within Hensley 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 4.37-acre subject property is zoned AG-1 Agriculture and is a farmstead. The proposed contractor's facility is authorized only by Special Use Permit in the AG-1 Zoning District. For zoning purposes, the proposed contractor's facility would be the principal use, with the Swartzendruber residence considered a caretaker's dwelling.
 - B. Land to the north, west, and south of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - C. Land to the east of the subject property is zoned AG-1 Agriculture and is the Hindu Temple and Cultural Center with land in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The preliminary site plan received November 4, 2019, includes the following existing and proposed features:
 - (1) Existing features include:
 - a. Building 1: single-family residence;
 - b. Building 2: A 28-feet by 18-feet detached shed (used for woodworking);
 - c. Building 3: A 30-feet by 46-feet detached garage (used for storing/working on two hobby cars);

PRELIMINARY DRAFT**Case 966-S-19****Page 3 of 22**

- d. Building 4: A 34 feet by 80 feet (2,720 square feet) detached shed, of which about half would be leased to Mr. Perkinson and the rest for storage by Mr. Swartzendruber;
 - e. Building 5: A 27 feet by 18 feet “livestock lean-to” (used for storage);
 - f. A ten feet by 15 feet (150 square foot) storage shed;
 - g. A 20 feet diameter grain bin; and
 - h. A 12 feet wide gravel driveway.
- (2) Proposed features include:
- a. A “proposed storage” area to include part of Building 4 and an outside area extending behind Building 3.
- (3) P&Z Staff created a map showing the proposed Special Use Permit area, which includes the driveway and storage areas roughly as shown on the Site Plan received November 4, 2019. This area measures approximately 0.27 acre.
- a. In an email received November 22, 2019, Mr. Perkinson verified that the yellow boundary created by P&Z Staff is accurate for the Special Use Permit area.
- B. In an email received November 22, 2019, Mr. Perkinson provided the following information regarding operations:
- (1) The Swartzendrubers and I have agreed to not plan more than two years out. At a hypothetical five year benchmark, I don't expect to need more than what your yellow line indicates. This area is greater than my current area so it gives us room for growth.
 - (2) We only store only 80 cubic yards (one semi load) of mulch at a time. This is typically from March 20-Nov 15. All other materials we conserve space by using direct ship methods. We aim to achieve efficiency for our clients by handling materials as little as possible. We perform snow management services for clients. We do not store any bulk ice melt product at our shop. We have two pallets of bagged material that stays within our current building that we'll use for small sites and sidewalks. Any bulk material is retrieved from an offsite wholesaler at the time of need.
 - (3) Our typical hours at the shop are: 6:30a-7:00a, then again 3:30p-4:30p. The shop area is really only used as a storage facility and not an area of operation. We don't work at the shop space as our projects are carried out at the project sites. We don't invite clients to our shop because there is no need for meeting time there. Again, team meetings or meetings with vendors occur offsite.
- C. In an email received November 27, 2019, Mr. Perkinson stated that there are four employees, including himself, and “one of those drives a company truck that will leave each day on projects. One direct reports to the project site and therefore won't park at Swartzendruber's. The other two will park their cars adjacent to the north building within the yellow boundary.”

PRELIMINARY DRAFT

- D. There is one previous Zoning Use Permit on the subject property:
- (1) Permit #079-81-02 was approved on March 20, 1981, for construction of a farm implement storage structure.
- E. Previous Zoning Cases in the area are shown on the Zoning Map and include:
- (1) Case 699-AM-11 for Pear Tree Estates was approved on September 20, 2012, for rezoning from AG-1 to AG-2.
 - (2) Case 700-S-11 for Pear Tree Estates was approved on August 16, 2012, for a Special Use Permit for an event center.
 - (3) Case 560-S-06 for the Hindu Temple was approved on May 30, 2007 for construction and use of a temple and cultural center.
 - (4) Subdivision Case 166-02 was approved on June 18, 2002, for a 2-lot replat of Lot 125 in Thor-O-Bred Acres Subdivision.
 - (5) Case 097-V-97 for Delton Teuscher was approved on July 3, 1997, for a variance for a detached storage building.
 - (6) Case 949-AM-94 was approved on November 29, 1994 to rezone one part of a property from AG-1 to B-4, and the other from AG-1 to AG-2.
 - (7) Subdivision Case 113-94 was approved on April 19, 1994, for the 30-lot Thor-O-Bred Acres Subdivision.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for contractors' facilities both with and without outdoor operations and storage in the AG-1 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
 - (2) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (3) "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.
 - (4) "BEST PRIME FARMLAND" is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop*

PRELIMINARY DRAFT**Case 966-S-19****Page 5 of 22**

Productivity Ratings for Illinois Soils. Best Prime Farmland consists of the following:

- a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (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) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
 - (7) “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.
 - (8) “LOT LINES” are the lines bounding a LOT.
 - (9) “OPERATIONS” are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
 - (10) “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.
 - (11) “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.
 - (12) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
 - (13) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
 - (14) “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.
 - (15) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:

PRELIMINARY DRAFT

- (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.
- (16) “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.
- (17) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (18) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- (19) “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-1, 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-1 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:

PRELIMINARY DRAFT**Case 966-S-19****Page 7 of 22**

- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.

- (2) Subsection 6.1.3 establishes the following standard conditions for 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

PRELIMINARY DRAFT

and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.

- (b) Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.
- (6) Section 7.4.2 refers to off-street LOADING BERTHS:
- a. All LOADING BERTHS shall have vertical clearance of at least 14 feet.
 - b. All LOADING BERTHS shall be designed with appropriate means of vehicular access to a STREET or ALLEY in a manner which will least interfere with traffic movement.
 - c. No VEHICLE repair or service work shall be performed on any LOADING BERTH.
 - d. No LOADING BERTH shall be located less than 10 feet from any FRONT LOT LINE and less than five feet from any side or REAR LOT LINE.
 - e. Section 7.4.2 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.

PRELIMINARY DRAFT**Case 966-S-19****Page 9 of 22**

- 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; 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.

PRELIMINARY DRAFT

- (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.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, “N/A.”
- B. Mr. Perkinson provides landscaping services in the Champaign-Urbana area.
- C. The Swartzendrubers have offered the Special Use Permit area to Mr. Perkinson for his business, and checked with the P&Z Department on required permissions for this use.

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 change in current property presentation or function. Business will use as storage area of equipment. No development or change to buildings or property proposed.”**
- B. Regarding surface drainage:
- (1) The Champaign County Soil and Water Conservation District Natural Resource letter received November 14, 2019, does not address concerns related to surface drainage because no additional construction is proposed.
- (2) The subject property generally drains to the west.
- C. Regarding traffic in the subject property area:
- (1) The subject property has an existing driveway for the residence accessed from the west side of CR 1000E (N. Mattis Ave./County Highway 1). The petitioner plans to use the existing driveway.
- (2) CR 1000E is a two-lane marked and paved highway that is 24 feet wide with 4 feet wide paved shoulders.
- (3) The subject property is located about one road mile northwest of the I-57 Interchange at Market Street north of Champaign.

PRELIMINARY DRAFT**Case 966-S-19****Page 11 of 22**

- (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 2016 in the vicinity of the subject property. CR 1000E (N. Mattis Ave./County Highway 1) had an ADT of 3,800 adjacent to the subject property.
- a. The petitioner has indicated that there are four employees and two company pickup trucks, which would generally leave the site at the beginning of the day and return at the end. P&Z Staff estimate that the business might add around 15 to 20 vehicle trips on a work day, which is an insignificant increase on a collector street with an ADT of 3,800.
- (5) The Hensley 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 about 8.3 road miles from the Thomasboro Fire Protection District station in Thomasboro. 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, Raub silt loam 481A, and Dana silt loam 56B, and has an average LE of 93.
- (1) No land will be removed from agricultural production.
- 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) The residence is connected to a septic system.
 - (2) No septic system or restrooms are 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.

PRELIMINARY DRAFT

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

PRELIMINARY DRAFT**Case 966-S-19****Page 13 of 22****GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT**

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“Yes.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-1, I-1, and I-2 Zoning DISTRICTS and by right in the B-4 DISTRICT provided that all Outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN. They are authorized with a Special Use Permit in the AG-1, AG-2, B-4 (except as noted above), and B-5 Zoning DISTRICTS.
 - (2) Regarding parking on the subject property for the proposed Special Use:
 - a. For parking purposes, the Zoning Administrator has determined that a Contractor’s Facility is most similar to the requirements for industrial uses.
 - (a) The business has four employees. One parking space is required for every three employees in the industrial land use, for a total of two required employee parking spaces.
 - (b) The business has two company vehicles, so two parking spaces are required for these vehicles.
 - (c) Industrial uses also require one visitor parking space, for a total of five required parking spaces.
 - (d) Commercial uses of less than 9,999 square feet require one 12 feet by 40 feet loading berth.
 - b. In an email received November 27, 2019, Mr. Perkinson stated that there are four employees, including himself, and “one of those drives a company truck that will leave each day on projects. One direct reports to the project site and therefore won't park at Swartzendruber’s. The other two will park their cars adjacent to the north building within the yellow boundary.”
 - c. The petitioner plans to provide the five required spaces and one loading berth in the following manner:
 - (a) The two company vehicles would be parked inside the shed.
 - (b) There is more than sufficient gravel area for two employee spaces and a visitor parking space.
 - (c) There is a 14 feet by 80 feet concrete area on the south side of the shed that can be used as a loading berth.

PRELIMINARY DRAFT

- (d) No screening is required for four vehicles or fewer parked outside.
 - (e) One parking space must be accessible in compliance with the Illinois Accessibility Code. A special condition has been added.
- C. Regarding screening requirements established in Section 7.6:
- (1) The outdoor storage area south of the shed is approximately 650 feet from and visible the Hindu Temple, thus requiring a Type D SCREEN. A special condition has been added to ensure compliance with this requirement.
- D. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*: the proposed project is exempt from the SWMEC ordinance because no new construction is proposed.
- E. Regarding the *Special Flood Hazard Areas Ordinance*, no portion of the subject property is located within the mapped floodplain.
- F. Regarding the Subdivision Regulations, the subject property is located in the County subdivision jurisdiction and the subject property is in compliance.
- G. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
- (1) Contractors Facilities with or without Outdoor Storage and/or Operations are allowed with a Special Use Permit in the AG-1 Agriculture Zoning District.
- H. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

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-1 Agriculture Zoning District.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.1 of the Ordinance states the AG-1 Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
 - (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by

PRELIMINARY DRAFT**Case 966-S-19****Page 15 of 22**

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, the Swartzendrubers would have increased income from the lease agreement with Mr. Perkinson.
- (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 CR 1000E (North Mattis Avenue/County Highway 1), 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. The subject property is not in the mapped floodplain.
- b. The subject property is exempt from the Champaign County *Stormwater Management and Erosion Control Ordinance* because no new construction is proposed.
- (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.

PRELIMINARY DRAFT

- 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.

- (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.

PRELIMINARY DRAFT

**Case 966-S-19
Page 17 of 22**

- 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. No construction is proposed, and no land will be removed from agricultural production.
- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The 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.

No construction is proposed, and no land will be removed from agricultural production.

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

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: “N/A.”
 - B. The existing use on the property is not a nonconforming use.

PRELIMINARY DRAFT

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 966-S-19 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 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.

- C. **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.

- D. **The petitioners must plant sufficient evergreen screening on the subject property to screen the Special Use Permit outdoor storage area. Per standard Department practice, a Norway Spruce vegetative screen must be planted within six months of approval of Case 966-S-19 and must be:**
- (1) four to six feet high at the time of planting; and**
 - (2) if recommended spacing of a single row of the selected species will not provide 50% screen in 2 years, then the screen must be planted in staggered rows.**

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.

PRELIMINARY DRAFT

Case 966-S-19
Page 19 of 22

DOCUMENTS OF RECORD

1. Application for Special Use Permit received November 4, 2019, with attachments:
 - A Site Plan
2. Letter regarding Natural Resources Report from Champaign County Soil and Water Conservation District received November 14, 2019
3. Email from Alan Perkinson received November 22, 2019
4. Email from Alan Perkinson received November 27, 2019
5. Preliminary Memorandum dated December 5, 2019, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received November 4, 2019
 - C Special Use Permit Area map created by P&Z Staff on November 21, 2019
 - D Email from Alan Perkinson received November 22, 2019
 - E Email from Alan Perkinson received November 27, 2019
 - F Letter regarding Natural Resources Report from Champaign County Soil and Water Conservation District received November 14, 2019
 - G Site Visit Photos taken November 20, 2019
 - H Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated December 12, 2019

PRELIMINARY DRAFT**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **966-S-19** held on **December 12, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*:
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because*}*:
 - h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because*}*:
 - i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because*}*:

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

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

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
 - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it

PRELIMINARY DRAFT**Case 966-S-19****Page 21 of 22**

{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 966-S-19 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 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.

- C. **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.

- D. **The petitioners must plant sufficient evergreen screening on the subject property to screen the Special Use Permit outdoor storage area. Per standard Department practice, a Norway Spruce vegetative screen must be planted within six months of approval of Case 966-S-19 and must be:**
- (1) **four to six feet high at the time of planting; and**
 - (2) **if recommended spacing of a single row of the selected species will not provide 50% screen in 2 years, then the screen must be planted in staggered rows.**

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.

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 966-S-19 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Gary Perkinson, d.b.a. All Creation Landscapes, Inc., and David Swartzendruber**, to authorize the following as a Special Use on land in the AG-1 Agriculture Zoning District:

Authorize a Special Use Permit for a Contractor’s Facility with outdoor storage and outdoor operations in addition to an existing single-family dwelling in the AG-1 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 966-S-19 by the Zoning Board of Appeals.**
- B. **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.**
- C. **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.**
- D. **The petitioners must plant sufficient evergreen screening on the subject property to screen the Special Use Permit outdoor storage area. Per standard Department practice, a Norway Spruce vegetative screen must be planted within six months of approval of Case 966-S-19 and must be:**
 - (1) **four to six feet high at the time of planting; and**
 - (2) **if recommended spacing of a single row of the selected species will not provide 50% screen in 2 years, then the screen must be planted in staggered rows.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date