

CASES 974-S-20 & 983-V-20

PRELIMINARY MEMORANDUM

September 9, 2020

Petitioner: James and Rhonda Cobb, d.b.a. Cobb Transport LLC

Request: Case 974-S-20
Authorize a Truck Terminal as a Special Use in the AG-2 Agriculture Zoning District, with the following waiver:

Authorize a waiver for not installing a six-foot tall wire mesh fence that is a Standard Condition for a Truck Terminal, per Section 6.1.3 of the Zoning Ordinance.

Case 983-V-20

Authorize the following variance on the Special Use Permit requested in related Zoning Case 974-S-20:

Part A: Authorize a variance for an existing building with 25 feet of separation from the Interstate 57 right-of-way in lieu of the minimum required 35 feet, per Section 4.3.2 of the Zoning Ordinance.

Part B: Authorize a variance for no loading berth in lieu of the minimum one loading berth required for commercial facilities with up to 9,999 square feet in floor area, per Section 7.4.2 C.5. of the Zoning Ordinance.

Part C: Authorize a variance to allow parking within 10 feet of the property line abutting the Interstate 57 right-of-way, within 10 feet of the front property line along East Leverett Road, and within 5 feet of the north property line, in lieu of not allowing parking in those areas, per Section 7.4.1 A. of the Zoning Ordinance.

Location: A 2.61-acre tract in the Northeast Quarter of the Northeast Quarter of Section 24, Township 20 North, Range 8 East of the Third Principal Meridian in Hensley Township, and commonly known as the Cobb residence and Cobb Transport with an address of 154 East Leverett Road, Champaign.

Site Area: 2.61 acres

Time Schedule for Development: Existing operation

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

BACKGROUND

Petitioners James and Rhonda Cobb own the subject property and Cobb Transport LLC. They are the sole officers and shareholders in the business. The Cobbs have owned and resided at the property since 2014. The P&Z Department became aware of the illegal truck terminal in 2014 and sent the petitioners information from Case 108-S-75, which approved a Truck Terminal with no more than three trucks on August 14, 1975.

The petitioners inquired about dividing the property later in 2014 and later about adding a pond in 2018, but never made changes to the property that would need a permit. P&Z Staff had time to review the case in late 2019, and sent a letter to the petitioners requiring a new Special Use Permit due to the number of semi-trucks parked at the property. The petitioners submitted a Special Use Permit application in January 2020, and have been cooperative in providing timely information. The case was originally docketed for April, but the COVID-19 shutdown postponed the case until now.

The 2017 aerials in the case maps (Attachment A) showed upwards of 18 semi-trucks without trailers and several other vehicles on the property. The petitioners use the 42 feet by 72 feet Shop for truck maintenance. Per a letter from the petitioners received January 15, 2020, the only improvements to the property have been to add gravel to an old concrete and gravel parking area, and to install an additional transformer to power heaters to keep diesel fuel from freezing in the winter.

Section 5.2: Table of Authorized Principal Uses states that Truck Terminals can be established with a Special Use Permit in the AG-2 Agriculture Zoning District. Standard Conditions for the Truck Terminal Special Use require a 6 feet tall wire mesh fence surrounding the Truck Terminal, and having 200 feet separation from any Residential district or residential use. There are no residences nearby.

No comments have been received to date.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential/Illegal Truck Terminal	AG-2 Agriculture
Northwest	Agriculture (NW of I-57)	AG-1 Agriculture
Northeast	IDOT Maintenance Facility	AG-1 Agriculture
East	Agriculture	AG-2 Agriculture
West	Vacant (W of I-57)	B-3 Highway Business
South	CIT Trucks (by-right Truck Terminal)	B-4 General Business

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality. The nearest municipality is the City of Champaign, which is 1.53 miles from the subject property.

The subject property is located within Hensley Township, which does have a Planning Commission. Townships with Plan Commissions do not have protest rights on a Special Use Permit case, but are provided notice of the hearing.

SPECIAL CONDITIONS FROM CASE 108-S-75

There were five approved special conditions for Case 108-S-75:

- A. No more than three work related vehicles are stored on the property at one time.

Currently, the owners have 20 working semi-trucks without trailers, and 6 more that are undergoing maintenance.

- B. The petitioner meets all the requirements related to side yards, rear yards, front yards, and height regulations established for truck terminals as stipulated by the Champaign County Zoning Ordinance.

The requested variance will bring yards into compliance.

- C. One building, forty by sixty feet in size, is constructed for storage of motor vehicles related to the petitioner's work activities. Any additional construction will require another special use permit.

The 42 feet by 72 feet building was constructed without a permit by a previous owner in 1977. There has been no new construction since then.

- D. The truck storage building or surrounding property is not used for storage of motor vehicles in such condition as to be not useable for business related activities.

The petitioners in Case 108-S-75 stated that their trucks would be stored inside the Shop building. The current petitioners park the vehicles outside and use the Shop for maintenance and repairs.

- E. No storage of materials, sand, gravel, rock or related items are allowed on the property, outside of being located in the trailers of the vehicles used by the petitioner for a work related activity.

The petitioners do not have trailers, just the semi-trucks. No materials or trailers are stored on site.

FENCING REQUIREMENT

There is no fencing around the Truck Terminal. The petitioners have requested a waiver from the fencing requirement. The following evidence was added for the requested waiver under Item 12.A. in the Summary of Evidence dated September 17, 2020:

- (1) The ZBA did not require a fence as part of approval for Case 108-S-75. A memo from P&Z Staff dated August 8, 1975 stated: "The requirement for a six-foot wire mesh fence indicates the desire for the Zoning Commission to separate a truck facility from other property uses. In an urban area a fence would be necessary to protect the public from traffic hazards as well as protect property from vandalism. The proposed site is in an agricultural setting, and a low-density area, and the public does not require fencing protection. The petitioner's vehicles will be placed inside the garage and the trucks will be protected from vandalism. Truck Terminals also store vehicles outside any buildings on the property while the petitioner, in this case, intends to store his vehicles inside a garage. The presence of the garage may be judged to preclude the necessity of a fence."

- (2) In a letter from the petitioners received January 15, 2020, the petitioners stated that the subject property is located between two terminals, CIT Trucks and the IDOT maintenance facility, and there are no nearby residences. The property is off the main Leverett Road and is only used by the three businesses.
- (3) CIT Trucks is the larger truck terminal to the south that does not have fencing. That company rezoned the property to B-4 General Business, which allows a Truck Terminal by-right and thus does not have the fencing requirement that the Special Use Permit does for the subject property. A rezoning to B-4 is not possible for the petitioners because a residence is not allowed in B-4.

NPDES REQUIREMENTS

Transportation facilities are subject National Pollutant Discharge Elimination System (NPDES) permit requirements, which is enforced by the Illinois EPA. Attachment G is a Fact Sheet by USEPA that identifies the types of industrial facilities required to obtain a NPDES permit, and the types of activities that warrant a permit.

These requirements are not covered by the County, but petitioners requesting approval for a Truck Terminal Special Use Permit should ensure compliance. If the ZBA believes that compliance with these regulations should be standard for Truck Terminal Special Use Permits, then P&Z Staff can propose a text amendment to the Environment and Land Use Committee.

PROPOSED SPECIAL CONDITIONS

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 974-S-20 by the Zoning Board of Appeals.**

The special condition stated above 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 Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

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

- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Letter to James & Rhonda Cobb from P&Z Staff dated November 7, 2019
- C Letter and photos submitted by petitioners, received January 15, 2020
- D Annotated aerial created by P&Z Staff on July 14, 2020
- E Email from Rhonda Cobb received July 16, 2020
- F Natural Resources Report dated July 18, 1975
- G USEPA NPDES Fact Sheet: *Industrial Stormwater for Sector P: Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities*
- H Site Visit Photos taken January 21, 2020
- I Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated September 17, 2020

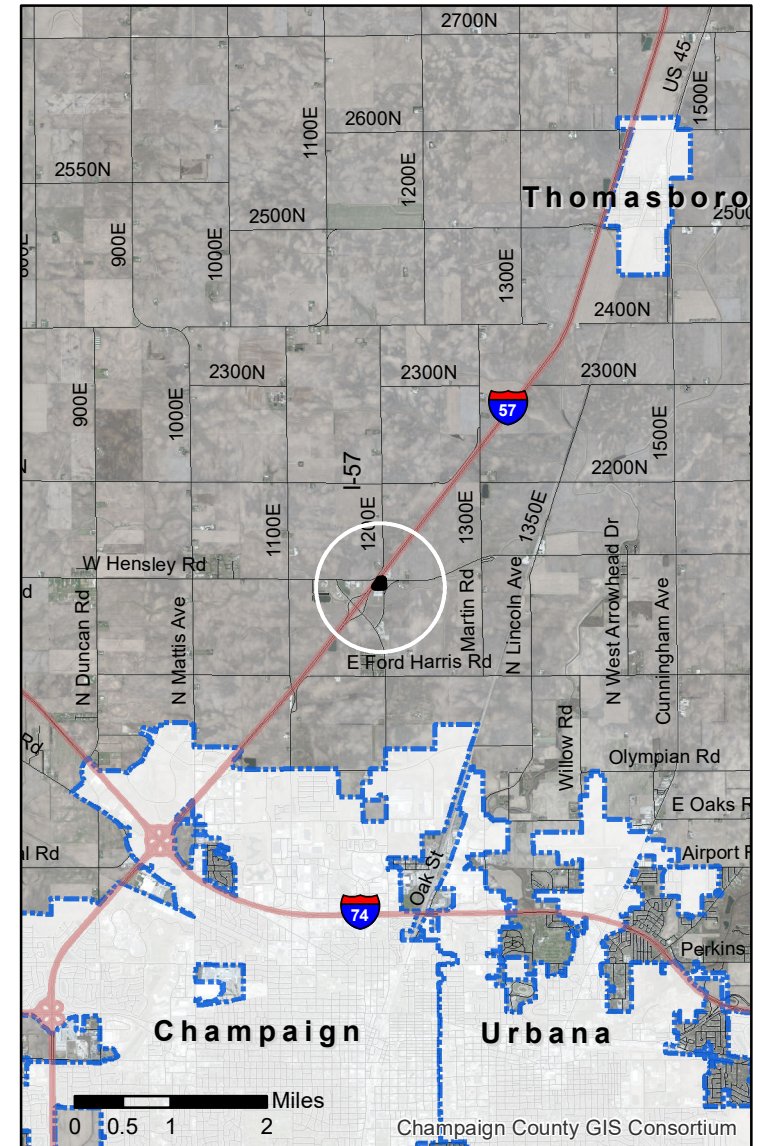
Location Map

Cases 974-S-20 & 983-V-20
September 17, 2020




Subject Property



Property location in Champaign County



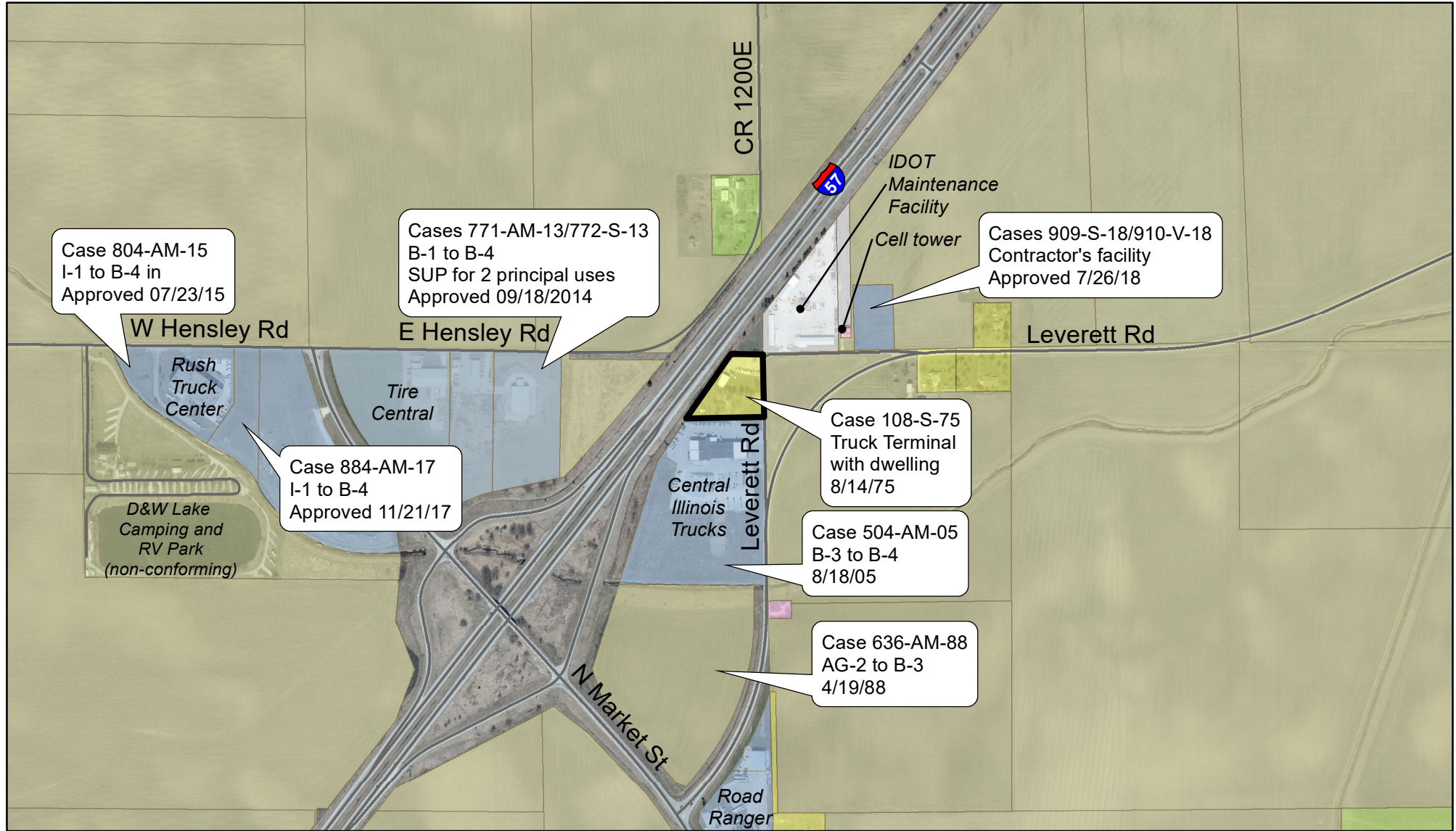
Legend

-  Subject Property
-  Municipal Boundary
-  Parcels










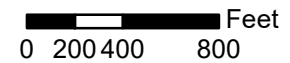
Land Use Map

Cases 974-S-20 & 983-V-20
September 17, 2020



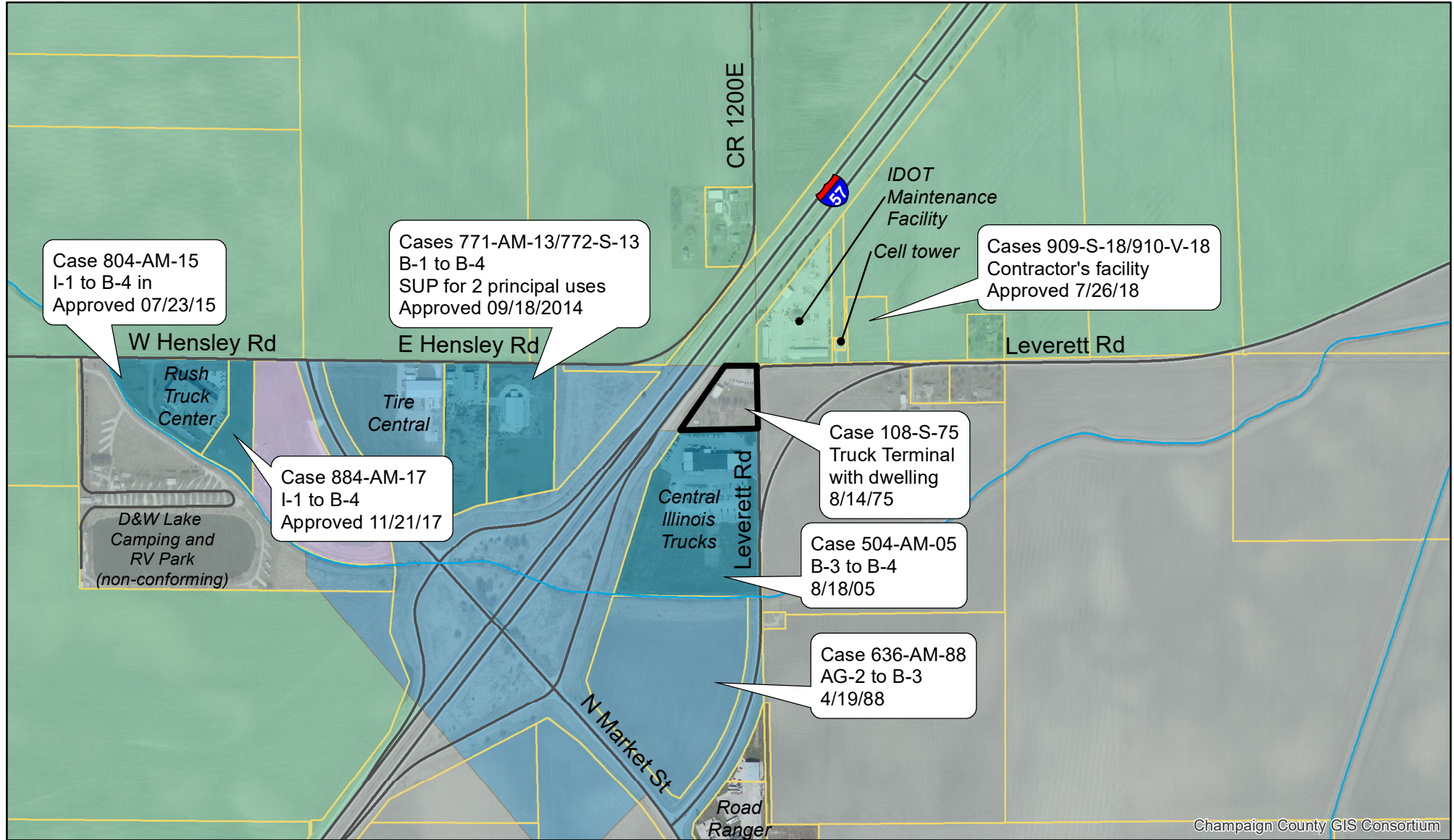
Legend

 Subject Property	 Agriculture/Residential	 Commercial
 Agriculture	 Residential	 Utilities
		 Tax Exempt



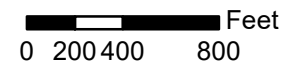
Zoning Map

Cases 974-S-20 & 983-V-20
September 17, 2020



Legend

- Subject Property
- B-3
- AG-1
- I-1
- Parcels
- B-4
- AG-2
- Streams



Champaign County
Department of
PLANNING &
ZONING

November 7, 2019

FILE COPY

Champaign
County
Department of



James and Rhonda Cobb
154 E Leverett Rd
Champaign, IL

RE: Special Use Permit requirement for a Truck Terminal
Parcel Identification Number (PIN): 12-14-24-200-006

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

(217) 384-3708

Dear Mr. and Mrs. Cobb,

The Champaign County Department of Planning & Zoning has been reviewing inquiries that have unresolved issues. Our files indicate that there is an existing Special Use Permit 108-S-75 for a Truck Terminal on your property, but your operations have exceeded what is allowed in that Special Use Permit. The purpose of this letter is to formally notify you that a new Special Use Permit is required for the Truck Terminal located at 154 E Leverett Rd.

All land uses in the rural area must comply with the Champaign County Zoning Ordinance. Unauthorized uses are a violation of the Champaign County Zoning Ordinance, but Champaign County generally allows unauthorized uses to continue in operation while they make progress towards receiving the necessary zoning approvals.

A Special Use Permit is a public hearing process before the Champaign County Zoning Board of Appeals (ZBA). The hearing process from time of application until the public hearing can take anywhere from one month to several months, depending on how many other cases are on the ZBA docket and how responsive petitioners are to Board requests. We are currently docketing for January 2020 meetings.

I have attached a Special Use Permit application for you to complete and return to the Planning and Zoning Department with the required fee of \$400. **The Special Use Permit application must be received in this Department no later than Friday, November 22, 2019, or you will receive a Notice of Violation.**

If the necessary application is not completed and a Notice of Violation is sent, this matter may also be referred to the Champaign County State's Attorney's Office for legal action. A complaint may be filed in the Champaign County Circuit Court naming you as defendant and fines from \$100 to \$500 per day may be imposed for each day that the violations continue to exist.

Please understand that approval of the Special Use Permit is not guaranteed. Application fees are non-refundable once the public hearings begin. If the Special Use Permit is not approved, the Truck Terminal must cease operations.

Please contact our office with any questions or concerns at (217) 384-3708.

Sincerely,

Susan Burgstrom
Senior Planner

Enclosure: Special Use Permit application

COBB TRANSPORT LLC
154 E LEVERETT RD
CHAMPAIGN, IL 61822
217-621-6406 217-714-9100



JAN.10, 2020

RE: SPECIAL USE PERMIT FOR A TRUCK TERMINAL

PARCEL (PIN) NUMBER 12-14-24-200-006

PLANNING AND ZONING

TO WHOM IT MAY CONCERN:

We are building any thing new all the buildings on the property was here at the time of purchase which had a Special Use Permit. The Permit has been in effect since 1975. I believe at the time of Permit the owners at that time only had 3 business trucks. The Permit does say if more trucks are parked outside it is Recommended not required to contact the Building and Zoning Department. We weren't building anything. Only added gravel to a parking lot that had gravel and old concrete. We called Ameren about the power and the installed another Transformer (which we paid over Six thousands dollars for) it was only installed because we had a electrical rale installed using an electrical company from Rantoul to help with installation. The reason for the rale is for in severely cold weather Diesel Fuel will freeze so we have a place to plug in heaters so the fuel will not freeze. Half of our trucks deliver groceries so very important to have them working.

We have a parking lot that is not in any way bothering residents no one close. We are located between to truck terminals CIT and State Garage. Our property is off the main road on a lane only used by the three businesses.

So I am not for sure why we are having to do this, also it said something about an attorney do we have to have one (that is something we have never had to use Thank God)?

Also, I was asked if I did business in our resident. I do pay the drivers from my home and I do the taxes but I do not claim the use of an office in the home on our taxes so I didn't think we have to report what I do on my computer sitting in my living room. I am not trying to be difficult or a smart a?? it just never entered my mind.

Sincerely
Rhonda Cobb
Office Manager

RECEIVED

JAN 15 2020

CHAMPAIGN CO. P & Z DEPARTMENT

Only Improved

Hobby
space
& another
transformer
also
electrical
pole by
electrician
(trucks)
not to freeze
in winter
we had
have a
special
permit
& we
didn't
build
~~any thing~~
new



154 E Lev

57

57

57

RECEIVED

JAN 15 2021

CHAM

Google

40°11'13"N 88°14'28"W 1320 ft



Google

40°11'26"N 88°14'29"W 2,812 ft

Not notified but for the
3 businesses

I don't believe
this is appropriate
Public Ed

D
R
F



Love to build any thing of improve

added gravel

Let us did cut down Problem Tree

RE

CHAMP

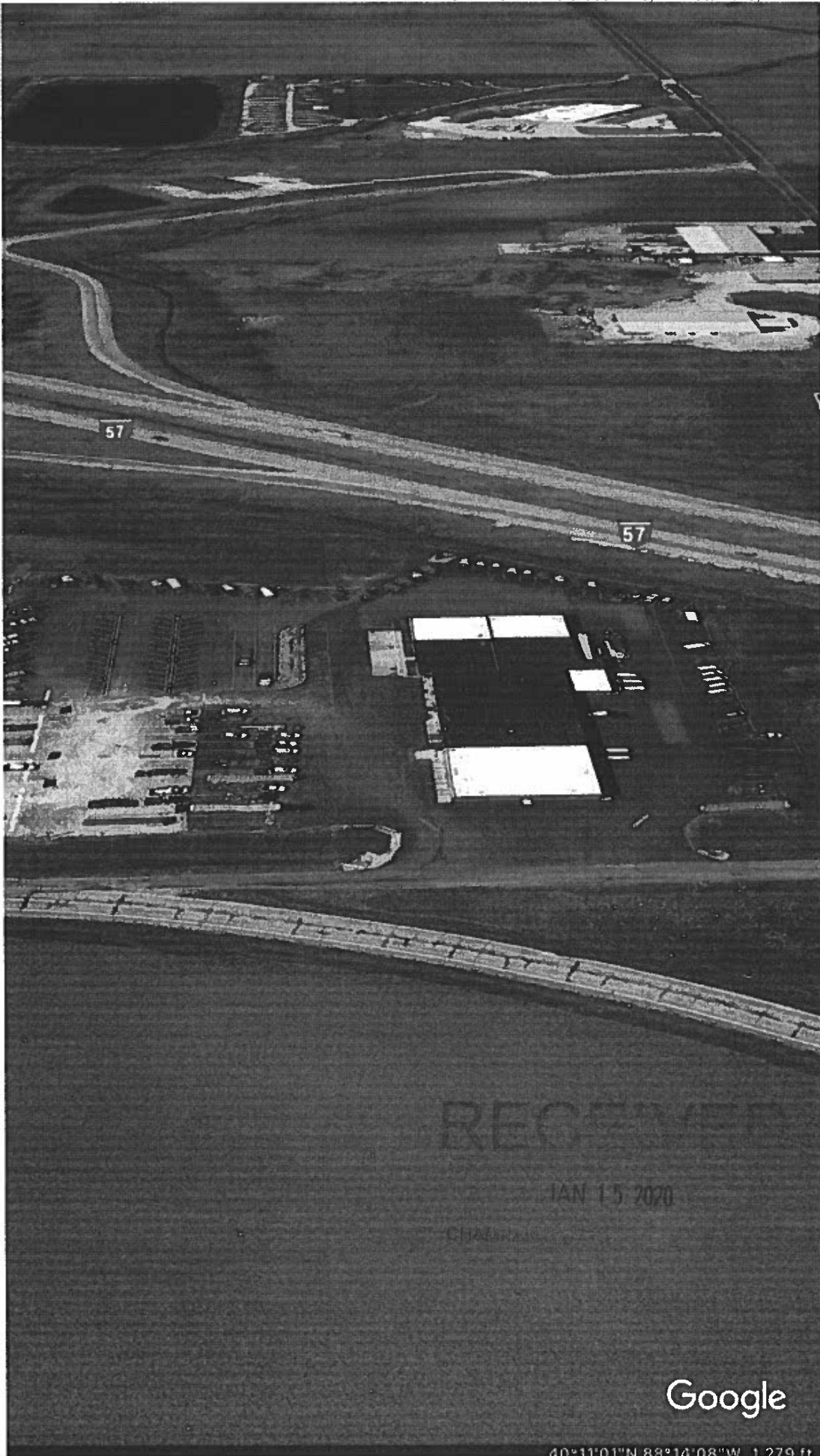
Google

*Starts
garage*



Google

40°11'00"N 88°14'14"W 1.053 ft



CLT

RECEIVED

JAN 15 2020

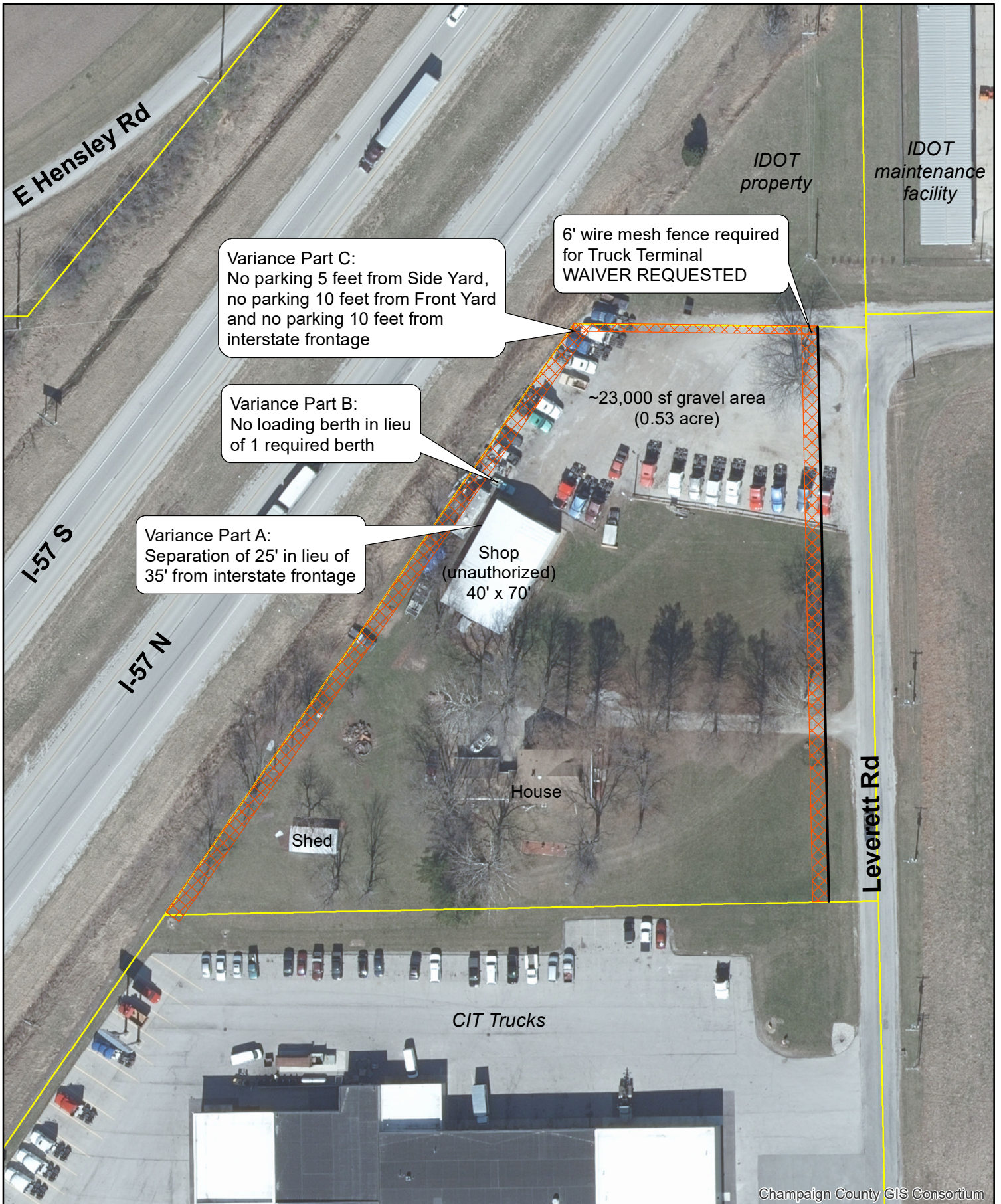
CHAMBERLAIN

Google

40°11'01"N 88°14'08"W 1,279 ft

Annotated 2017 Aerial Photo

Cases 974-S-20 & 983-V-20
September 17, 2020



Susan Burgstrom

From: Rhonda Cobb <rhondacobb70@aol.com>
Sent: Thursday, July 16, 2020 9:13 AM
To: Susan Burgstrom
Subject: Re: Zoning Case questions

RECEIVED

JUL 16 2020

CHAMPAIGN CO. P & Z DEPARTMENT

Susan

- 1 We DO NOT HAVE EMPLOYEES we have Independent Contractors they receive a 1099 14 of them are Independent Contract Drivers, 1 Operation Manager, 2 Maintenance Since our Driver's are Independent Contractors (we own the trucks but are leased to two different companies) lots of Drivers come and go
- 2 Yes some of them leave their personal vehicles on the lot while they are on their load not all of them.
- 3 All of the working trucks are used for business none of them are for personal use We own 26 trucks only 20 of them are ready for work at this time they other 6 have work to be done on them .
- 4 5 of them are leased at this time to Drake Refrigeration which hauls Food out of Super Valu, 9 are leased to GFT and haul general freight. All numbers are subject to change Our Drake Drivers are home Daily our GTF Drivers are long haul mostly home on weekends. **JUST A NOTE ALL OUR LOADS WERE CALLED ESSENTIAL DURING THEY VIRUS SHUT DOWN WE WORKED EVERY DAY! (THANK YOU JESUS)**
- 5 The activities that occur in the shop are repairs and maintenance to our Trucks , 90 day and annual inspections. The hours posted on the shop door say 7 to 3 posted by our Sr Maintenance Man they are Independent so we can't really give mandatory hours. No personal use during shop hours. After hours and weekends we do once in awhile change brakes or minor work on personal cars but its by the owners not our Independent Workers It said something about activities we have had birthday parties in shop to stay out of weather one of drivers actually got married in shop (lol) but this is very rare

I hope this answers all your questions but if you have any more feel free to contact me.

Rhonda Cobb

-----Original Message-----

From: Susan Burgstrom <sburgstrom@co.champaign.il.us>
To: 'rhondacobb70@aol.com' <rhondacobb70@aol.com>
Sent: Tue, Jul 14, 2020 3:26 pm
Subject: Zoning Case questions

Hi Rhonda,

I have a few questions about Cobb Transport. Could you please respond at your earliest convenience?

- How many employees does Cobb Transport have?
- Do employees come to your property in their own vehicles, pick up a truck, and leave their personal vehicles there for the day/overnight until their haul is done?
- How many trucks are based from the property that are used for the business?
- What types of products do your trucks carry?
- What activities occur in the shop building? Please identify which activities are for personal use and which are for business use.

Thanks,
Susan

Susan Burgstrom, AICP

FILE

NATURAL RESOURCE REPORT
CHAMPAIGN COUNTY
SOIL AND WATER CONSERVATION DISTRICT

Number 108s75 Date Received 7/18/75 Date Reviewed 7/18/75

Name of applicant (s) John & Irma J. Cain

Address 2604 E. Main St.
Urbana, IL. 61801

Location of Property In NE¹, Sec. 24, Hensley Twp.

Zoning change requested: ~~At/At~~ Special Use Permit

The Soil and Water Conservation District Board has reviewed this petition for zoning amendment. The following reflects the reaction of the Board.

This area is not within the boundary of the Soil and Water Conservation District, and therefore requires no action by this Board.

The Board has the following comments:

This site lies in Soil Association #3. Fifty percent of this soil association is a lowland soil type - Drummer. The other half of this soil grouping is made up of the more upland soil types of Brenton, Elburn, Plano, Proctor and others. The upland soil types in this association have slight to moderate limitations in the areas of building sites, septic fields, and drainage. The lowland soil, Drummer, is rated as severe in those categories.

Table 1 of the 1970 General Soil Map of Champaign County, shows in detail the suitabilities and limitations of Soil Association #3.

Signed: Kenneth Deaton
Chairman
Soil and Water Conservation District

INDUSTRIAL STORMWATER

FACT SHEET SERIES

Sector P: Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities



U.S. EPA Office of Water
EPA-833-F-06-031
December 2006

What is the NPDES stormwater permitting program for industrial activity?

Activities, such as material handling and storage, equipment maintenance and cleaning, industrial processing or other operations that occur at industrial facilities are often exposed to stormwater. The runoff from these areas may discharge pollutants directly into nearby waterbodies or indirectly via storm sewer systems, thereby degrading water quality.

In 1990, the U.S. Environmental Protection Agency (EPA) developed permitting regulations under the National Pollutant Discharge Elimination System (NPDES) to control stormwater discharges associated with eleven categories of industrial activity. As a result, NPDES permitting authorities, which may be either EPA or a state environmental agency, issue stormwater permits to control runoff from these industrial facilities.

What types of industrial facilities are required to obtain permit coverage?

This fact sheet specifically discusses stormwater discharges from land transportation and warehousing activities as defined by Standard Industrial Classification (SIC) Major Groups 40, 41, 42, 43, and SIC 5171. Facilities and products in this group fall under the following categories, all of which require coverage under an industrial stormwater permit:

- ◆ Motor freight transportation facilities (SIC 4212-4231)
- ◆ Passenger transportation facilities (SIC 4111-4173)
- ◆ Petroleum bulk oil stations and terminals (SIC 5171)
- ◆ Rail transportation facilities (SIC 4011, 4013)
- ◆ United States Postal Service facilities (SIC 4311)

Vehicle and equipment maintenance is a broad term used to include the following activities:

- ◆ Vehicle and equipment fluid changes
- ◆ Mechanical repairs
- ◆ Parts cleaning
- ◆ Sanding
- ◆ Refinishing
- ◆ Painting and/or fueling
- ◆ Locomotive sanding (loading sand for traction)
- ◆ Storage of vehicles and equipment waiting for repair or maintenance
- ◆ Storage of the related materials and waste materials, such as oil, fuel, batteries, tires, or oil filters

INDUSTRIAL STORMWATER FACT SHEET SERIES

Sector P: Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities

Equipment cleaning operations include areas where the following types of activities take place:

- ◆ Vehicle exterior wash down
- ◆ Interior trailer washouts
- ◆ Tank washouts
- ◆ Rinsing of transfer equipment

What does an industrial stormwater permit require?

Common requirements for coverage under an industrial stormwater permit include development of a written stormwater pollution prevention plan (SWPPP), implementation of control measures, and submittal of a request for permit coverage, usually referred to as the Notice of Intent or NOI. The SWPPP is a written assessment of potential sources of pollutants in stormwater runoff and control measures that will be implemented at your facility to minimize the discharge of these pollutants in runoff from the site. These control measures include site-specific best management practices (BMPs), maintenance plans, inspections, employee training, and reporting. The procedures detailed in the SWPPP must be implemented by the facility and updated as necessary, with a copy of the SWPPP kept on-site. The industrial stormwater permit also requires collection of visual, analytical, and/or compliance monitoring data to determine the effectiveness of implemented BMPs. For more information on EPA's industrial stormwater permit and links to State stormwater permits, go to www.epa.gov/npdes/stormwater and click on "Industrial Activity."

What pollutants are associated with activities at my facility?

Pollutants conveyed in stormwater discharges from land transportation and warehousing activities will vary. There are a number of factors that influence to what extent industrial activities and significant materials can affect water quality.

- ◆ Geographic location
- ◆ Topography
- ◆ Hydrogeology
- ◆ Extent of impervious surfaces (e.g., concrete or asphalt)
- ◆ Type of ground cover (e.g., vegetation, crushed stone, or dirt)
- ◆ Outdoor activities (e.g., material storage, loading/unloading, vehicle maintenance)
- ◆ Size of the operation
- ◆ Type, duration, and intensity of precipitation events

The activities, pollutant sources, and pollutants detailed in Table 1 are commonly found at facilities with vehicle and equipment maintenance and equipment cleaning operations and Table 1A details activities, pollutant sources, and pollutants commonly found at petroleum bulk oil stations and terminals.

Table 1. Common Activities, Pollutant Sources, and Associated Pollutants at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Rail Transportation Facilities, and United States Postal Service Transportation Facilities

Activity	Pollutant Source	Pollutant
Fueling	Spills and leaks during fuel delivery	Fuel, oil, heavy metals
	Spills caused by "topping off" fuel tanks	
	Rainfall falling on the fuel area or stormwater running onto the fuel area	
	Hosing or washing down fuel area	
	Leaking storage tanks	

INDUSTRIAL STORMWATER FACT SHEET SERIES**Sector P: Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities****Table 1. Common Activities, Pollutant Sources, and Associated Pollutants at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Rail Transportation Facilities, and United States Postal Service Transportation Facilities (continued)**

Activity	Pollutant Source	Pollutant
Vehicle washing and maintenance	Parts cleaning	Chlorinated solvents, oil, heavy metals, acid/alkaline wastes
	Waste disposal of greasy rags, oil filters, air filters, batteries, hydraulic fluids, transmission fluid, radiator fluids, degreasers	Oil, heavy metals, chlorinated solvents, acid/alkaline wastes, ethylene glycol
	Spills of oil, degreasers, hydraulic fluids, transmission fluid, radiator fluids	Oil, arsenic, heavy metals, organics, chlorinated solvents, ethylene glycol
	Fluids replacement, including oil, hydraulic fluids, transmission fluid, radiator fluids	Oil, arsenic, heavy metals, organics, chlorinated solvents, ethylene glycol
	Washing or steam cleaning	Oil, detergents, heavy metals, chlorinated solvents, phosphorus, salts, suspended solids
Outdoor vehicle and equipment storage and parking	Leaking vehicle fluids including hydraulic lines and radiators, leaking or improperly maintained locomotive on-board drip collection systems, brake dust	Oil, hydraulic fluids, arsenic, heavy metals, organics, fuel
Painting areas	Paint and paint thinner spills	Paint, spent chlorinated solvents, heavy metals
	Spray painting	Paint solids, heavy metals
	Sanding or paint stripping	Dust, paint solids, heavy metals
	Paint clean up	Paint, spent chlorinated solvents, heavy metals
Railroad locomotive sanding	Loading traction sand on locomotives	Sediment
Liquid storage in above ground storage	External corrosion and structural failure	Oil, grease, heavy metals, materials being stored
	Installation problems	
	Spills and overfills due to operator error	
	Failure of piping systems (pipes, pumps, flanges, couplings, hoses, and valves)	

Table 1A. Common Activities, Pollutant Sources, and Pollutants at Petroleum Bulk Oil Stations and Terminals

Activity	Pollutant Source	Pollutant
Liquid storage in above ground storage	External corrosion and structural failure	Oil, grease, heavy metals, materials being stored
	Installation problems	
	Spills and overfills due to operator error	
	Failure of piping systems (pipes, pumps, flanges, couplings, hoses, and valves)	
Petroleum loading/unloading	Spills and overfills due to operator error	Oil, grease

INDUSTRIAL STORMWATER FACT SHEET SERIES

Sector P: Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities

What BMPs can be used to minimize contact between stormwater and potential pollutants at my facility?

A variety of BMP options may be applicable to eliminate or minimize the presence of pollutants in stormwater discharges from land transportation and warehousing activities. You will likely need to implement a combination or suite of BMPs to address stormwater runoff at your facility. Your first consideration should be for pollution prevention BMPs, which are designed to prevent or minimize pollutants from entering stormwater runoff and/or reduce the volume of stormwater requiring management. Prevention BMPs can include regular cleanup, collection and containment of debris in storage areas, and other housekeeping practices, spill control, and employee training. It may also be necessary to implement treatment BMPs, which are engineered structures intended to treat stormwater runoff and/or mitigate the effects of increased stormwater runoff peak rate, volume, and velocity. Treatment BMPs are generally more expensive to install and maintain and include oil-water separators, wet ponds, and proprietary filter devices.

BMPs must be selected and implemented to address the following:

Good Housekeeping Practices

Good housekeeping is a practical, cost-effective way to maintain a clean and orderly facility to prevent potential pollution sources from coming into contact with stormwater. It includes establishing protocols to reduce the possibility of mishandling materials or equipment and training employees in good housekeeping techniques. Common areas where good housekeeping practices should be followed include trash containers and adjacent areas, material storage areas, vehicle and equipment maintenance areas, and loading docks. Good housekeeping practices must include a schedule for regular pickup and disposal of garbage and waste materials and routine inspections of drums, tanks, and containers for leaks and structural conditions. Practices also include containing and covering garbage, waste materials, and debris. Involving employees in routine monitoring of housekeeping practices has proven to be an effective means of ensuring the continued implementation of these measures.

Minimizing Exposure

Where feasible, minimizing exposure of potential pollutant sources to precipitation is an important control option. Minimizing exposure prevents pollutants, including debris, from coming into contact with precipitation and can reduce the need for BMPs to treat contaminated stormwater runoff. It can also prevent debris from being picked up by stormwater and carried into drains and surface waters. Examples of BMPs for exposure minimization include covering materials or activities with temporary structures (e.g., tarps) when wet weather is expected or moving materials or activities to existing or new permanent structures (e.g., buildings, silos, sheds). Even the simple practice of keeping a dumpster lid closed can be a very effective pollution prevention measure.

Erosion and Sediment Control

BMPs must be selected and implemented to limit erosion on areas of your site that, due to topography, activities, soils, cover, materials, or other factors are likely to experience erosion. Erosion control BMPs such as seeding, mulching, and sodding prevent soil from becoming dislodged and should be considered first. Sediment control BMPs such as silt fences, sediment ponds, and stabilized entrances trap sediment after it has eroded. Sediment control BMPs should be used to back-up erosion control BMPs.

Management of Runoff

Your SWPPP must contain a narrative evaluation of the appropriateness of stormwater management practices that divert, infiltrate, reuse, or otherwise manage stormwater runoff so as to reduce the discharge of pollutants. Appropriate measures are highly site-specific, but may include, among others,

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vegetative swales, collection and reuse of stormwater, inlet controls, snow management, infiltration devices, and wet retention measures.

A combination of preventive and treatment BMPs will yield the most effective stormwater management for minimizing the offsite discharge of pollutants via stormwater runoff. Though not specifically outlined in this fact sheet, BMPs must also address preventive maintenance records or logbooks, regular facility inspections, spill prevention and response, and employee training.

All BMPs require regular maintenance to function as intended. Some management measures have simple maintenance requirements, others are quite involved. You must regularly inspect all BMPs to ensure they are operating properly, including during runoff events. As soon as a problem is found, action to resolve it should be initiated immediately.

Implement BMPs, such as those listed below in Table 2 and 2A for the control of pollutants at land transportation and warehousing facilities, to minimize and prevent the discharge of pollutants in stormwater. Identifying weaknesses in current facility practices will aid the permittee in determining appropriate BMPs that will achieve a reduction in pollutant loadings. BMPs listed in Table 2 and 2A are broadly applicable to land transportation and warehousing facilities; however, this is not a complete list and you are recommended to consult with regulatory agencies or a stormwater engineer/consultant to identify appropriate BMPs for your facility.

Table 2. BMPs for Potential Pollutant Sources at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Rail Transportation Facilities, and United States Postal Service Transportation Facilities

Pollutant Source	BMPs
Fueling	<p data-bbox="423 1045 667 1073">Stationary fueling areas</p> <ul style="list-style-type: none"> <li data-bbox="423 1094 1417 1178"><input type="checkbox"/> Conduct fueling operations (including the transfer of fuel from tank trucks) on an impervious or contained pad or under a roof or canopy where possible. Covering should cover extend beyond spill containment pad to prevent rain from entering. <li data-bbox="423 1192 1357 1251"><input type="checkbox"/> When fueling in uncovered area, use concrete pad (not asphalt, which is not chemically resistant to the fuels being handled). <li data-bbox="423 1266 1393 1325"><input type="checkbox"/> Use drip pans where leaks or spills of fuel can occur, and where making and breaking hose connections. <li data-bbox="423 1339 1214 1367"><input type="checkbox"/> Use fueling hoses with check valves to prevent hose drainage after filling. <li data-bbox="423 1381 1312 1409"><input type="checkbox"/> Keep spill cleanup materials readily available. Clean up spills and leaks immediately. <li data-bbox="423 1423 1360 1482"><input type="checkbox"/> Minimize/eliminate run-on to fueling areas with diversion dikes, berms, curbing, surface grading or other equivalent measures. <li data-bbox="423 1497 1092 1524"><input type="checkbox"/> Collect stormwater runoff and provide treatment or recycling. <li data-bbox="423 1539 1344 1598"><input type="checkbox"/> Use dry cleanup methods for fuel area rather than hosing down the fuel area. Perform preventive maintenance on storage tanks to detect potential leaks before they occur. <li data-bbox="423 1612 906 1640"><input type="checkbox"/> Inspect the fueling area for leaks and spills. <li data-bbox="423 1654 1393 1713"><input type="checkbox"/> Provide curbing or posts around fuel pumps to prevent collisions during vehicle ingress and egress. <li data-bbox="423 1728 870 1755"><input type="checkbox"/> Discourage "topping off" of fuel tanks. <p data-bbox="423 1791 626 1818">Mobile fueling area</p> <ul style="list-style-type: none"> <li data-bbox="423 1833 846 1860"><input type="checkbox"/> Use drip pan under the transfer hose. <li data-bbox="423 1875 1214 1902"><input type="checkbox"/> Use fueling hoses with check valves to prevent hose drainage after filling.

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Table 2. BMPs for Potential Pollutant Sources at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Rail Transportation Facilities, and United States Postal Service Transportation Facilities (continued)

Pollutant Source	BMPs
Fueling (continued)	<p>Mobile fueling areas (continued)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Ensure the fueling vehicle is equipped with a manual shutoff valve. <input type="checkbox"/> Discourage “topping off” of fuel tanks. <input type="checkbox"/> Train personnel on vehicle fueling BMPs.
Vehicle and equipment maintenance	<p>Good Housekeeping</p> <ul style="list-style-type: none"> <input type="checkbox"/> Eliminate floor drains that are connected to the storm or sanitary sewer. If necessary, install a sump that is pumped regularly. Collected wastes should be properly treated or disposed of by a licensed waste disposal company. <input type="checkbox"/> Do all cleaning at a centralized station so the solvents stay in one area. <input type="checkbox"/> If parts are dipped in liquid, remove them slowly to avoid spills. <input type="checkbox"/> Use drip pans, drain boards, and drying racks to direct drips back into a fluid holding tank for reuse. <input type="checkbox"/> Drain all parts of fluids into appropriate containers for waste disposal or re-use prior to disposal. Oil filters can be crushed and recycled. <input type="checkbox"/> Promptly transfer used fluids to the proper container; do not leave full drip pans or other open containers around the shop. Empty and clean drip pans and containers. Washwater should also generally be treated as a waste material and disposed of appropriately. <input type="checkbox"/> Clean up leaks, drips, and other spills without using large amounts of water. Use absorbents for dry cleanup whenever possible. <input type="checkbox"/> Prohibit the practice of hosing down an area where the practice would result in the discharge of pollutants to a storm sewer system. <input type="checkbox"/> Do not pour liquid waste into floor drains, sinks, outdoor storm drain inlets, or other storm drains or sewer connections. Liquid wastes should be collected in a properly labeled container, and disposed of by a licensed waste hauler or other appropriate method. <input type="checkbox"/> Maintain an organized inventory of materials. <input type="checkbox"/> Eliminate or reduce the number and amount of hazardous materials and waste by substituting nonhazardous or less hazardous materials. <input type="checkbox"/> Label and track the recycling of waste material (e.g., used oil, spent solvents, batteries). <input type="checkbox"/> Store batteries and other significant materials inside. <input type="checkbox"/> Dispose of greasy rags, oil filters, air filters, batteries, spent coolant, and degreasers in compliance with RCRA regulations. <input type="checkbox"/> Request and keep manifests of all waste materials hauled away from your facility. <p>Minimizing Exposure</p> <ul style="list-style-type: none"> <input type="checkbox"/> Perform all cleaning operations indoors or under cover when possible. Conduct the cleaning operations in an area with a concrete floor with no floor drain other than to sanitary sewers or treatment facilities. Notable discharges to sanitary sewer systems must be done in compliance with rules and policies of the POTW operator. <input type="checkbox"/> If operations are outside and exposed to stormwater, perform them on a concrete pad that is impervious and contained. <input type="checkbox"/> Park vehicles and equipment indoors or under a roof whenever possible. <input type="checkbox"/> Check vehicles closely for leaks and use pans to collect fluid when leaks occur.

INDUSTRIAL STORMWATER FACT SHEET SERIES**Sector P: Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities****Table 2. BMPs for Potential Pollutant Sources at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Rail Transportation Facilities, and United States Postal Service Transportation Facilities (continued)**

Pollutant Source	BMPs
Vehicle and equipment maintenance (continued)	<p>Management of Runoff</p> <ul style="list-style-type: none"> <input type="checkbox"/> Use berms, curbs, grassed swales or other diversion measures to ensure that stormwater runoff from other parts of the facility does not flow over the maintenance area. <input type="checkbox"/> Collect the stormwater runoff from the cleaning area and provide treatment or recycling. <input type="checkbox"/> Discharge vehicle wash or rinse water to the sanitary sewer (if allowed by sewer authority), wastewater treatment, a land application site, or recycle on-site. DO NOT discharge washwater to a storm drain or to surface water. <p>Inspections and Training</p> <ul style="list-style-type: none"> <input type="checkbox"/> Inspect the maintenance area regularly to ensure BMPs are implemented. <input type="checkbox"/> Train employees on waste control and disposal procedures.
Outdoor vehicle and equipment storage and parking	<ul style="list-style-type: none"> <input type="checkbox"/> Store vehicles and equipment indoors when possible. <input type="checkbox"/> Cover the storage area with a roof. <input type="checkbox"/> Provide diversion berms, dikes or grassed swales around the perimeter of the area to limit run-on. <input type="checkbox"/> Use drip pans under all vehicles and equipment waiting for maintenance. <input type="checkbox"/> Use absorbents for dry cleanup for spills and leaks. <input type="checkbox"/> Clean pavement surface to remove oil and grease without using large amounts of water. <input type="checkbox"/> Regularly sweep area to minimize debris on the ground. <input type="checkbox"/> Provide dust control if necessary. When controlling dust, sweep and/or apply water or materials that will not impact surface or ground water. <input type="checkbox"/> Inspect the storage yard for filling drip pans and regularly to ensure BMPs are implemented. <input type="checkbox"/> Train employees on procedures for storage and inspection items.
Locomotive sanding areas	<ul style="list-style-type: none"> <input type="checkbox"/> Cover sand storage piles. <input type="checkbox"/> Confine storage to areas outside of drainage pathways and away from surface waters. <input type="checkbox"/> Divert stormwater around storage areas with vegetated swales, and/or berms. <input type="checkbox"/> Practice good housekeeping measures such as frequent removal of dust and debris. Cleanup methods may include sweepers, scrapers, or scoops. <input type="checkbox"/> Use properly designed basins for containment and collection, <input type="checkbox"/> Use control measures such as berms, silt fences, waddles or sediment traps to control sediment from leaving storage area. <input type="checkbox"/> Inspect the area regularly to ensure BMPs are implemented. <input type="checkbox"/> Train employees on BMP inspection and maintenance procedures.
Painting areas	<ul style="list-style-type: none"> <input type="checkbox"/> Confine activities to designated areas outside drainage pathways and away from surface waters. <input type="checkbox"/> Enclose, cover, or contain painting activities to the maximum extent practical to prevent overspray from reaching surface waters. <input type="checkbox"/> Hang plastic barriers or tarpaulins during blasting or painting operations to contain debris <input type="checkbox"/> Prohibit uncontained spray painting activities.

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Sector P: Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities**Table 2. BMPs for Potential Pollutant Sources at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Rail Transportation Facilities, and United States Postal Service Transportation Facilities (continued)**

Pollutant Source	BMPs
Painting areas (continued)	<ul style="list-style-type: none"> <input type="checkbox"/> Prohibit spray painting activities during windy conditions which render containment ineffective. <input type="checkbox"/> Use spray equipment that delivers more paint to the target and less overspray. <input type="checkbox"/> Mix paints and solvents in designated areas away from drains, ditches, piers, and surface waters, preferably indoors or under cover. <input type="checkbox"/> Have absorbent and other cleanup items readily available for immediate cleanup of spills. <input type="checkbox"/> Allow empty paint cans to dry before disposal. <input type="checkbox"/> Store paint and paint thinner away from traffic areas to avoid spills. <input type="checkbox"/> Recycle paint, paint thinner, and solvents. <input type="checkbox"/> Establish and implement effective inventory control to reduce paint waste, including tracking date received and expiration dates. <input type="checkbox"/> Store waste paint, solvents, and rags in covered containers to prevent evaporation to the atmosphere. <input type="checkbox"/> Use solvents with low volatility and coatings with low VOC content; use high transfer efficiency coating techniques such as brushing and rolling to reduce overspray and solvent emissions. <input type="checkbox"/> Inspect painting procedures to ensure that they are conducted properly. <input type="checkbox"/> Train employees on proper sanding, painting, and spraying techniques. <input type="checkbox"/> Wash paint brushes, rollers and other equipment in utility sinks or other locations where wash water is treated or hauled. Do not wash equipment outside on pavement or into storm drains.
Vehicle washing	<ul style="list-style-type: none"> <input type="checkbox"/> Avoid washing parts or equipment outside. <input type="checkbox"/> Confine activities to designated areas outside drainage pathways and away from surface waters. <input type="checkbox"/> If washing outdoors, cover the cleaning operation and ensure that all washwaters drain to the intended collection system. <input type="checkbox"/> Use phosphate-free biodegradable detergents. <input type="checkbox"/> Contain and recycle washwaters. <input type="checkbox"/> Collect stormwater runoff from the cleaning area and provide treatment or recycling. <input type="checkbox"/> Inspect cleaning area regularly to ensure BMPs are implemented and maintained. <input type="checkbox"/> Train employees on proper washing procedures.
Liquid storage in above ground storage tanks	<ul style="list-style-type: none"> <input type="checkbox"/> Store materials inside. <input type="checkbox"/> If area is uncovered, connect sump outlet to sanitary sewer (if possible) or an oil/water separator, catch basin filter, etc. If connecting to a sanitary sewer check with the system operator to ensure that the discharge is acceptable. If implementing separator or filter technologies ensure that regular inspections and maintenance procedures are in place. <input type="checkbox"/> Develop and implement spill plans. <input type="checkbox"/> Train employees in spill prevention and control. <p>Above ground tanks</p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide secondary containment, such as dikes, with a height sufficient to contain a spill (the greater of 10 percent of the total enclosed tank volume or 110 percent of the volume contained in the largest tank).

INDUSTRIAL STORMWATER FACT SHEET SERIES**Sector P: Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities****Table 2. BMPs for Potential Pollutant Sources at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Rail Transportation Facilities, and United States Postal Service Transportation Facilities (continued)**

Pollutant Source	BMPs
Liquid storage in above ground storage tanks (continued)	<p>Above ground tanks (continued)</p> <ul style="list-style-type: none"> <input type="checkbox"/> If containment structures have drains, ensure that the drains have valves, and that valves are maintained in the closed position. Institute protocols for checking/testing stormwater in containment areas prior to discharge. <input type="checkbox"/> Use double-walled tanks with overflow protection. <input type="checkbox"/> Keep liquid transfer nozzles/hoses in secondary containment area. <p>Portable containers/drums</p> <ul style="list-style-type: none"> <input type="checkbox"/> Store drums indoors when possible. <input type="checkbox"/> Store drums, including empty or used drums, in secondary containment with a roof or cover (including temporary cover such as a tarp that prevents contact with precipitation). <input type="checkbox"/> Provide secondary containment, such as dikes or portable containers, with a height sufficient to contain a spill (the greater of 10 percent of the total enclosed tank volume or 110 percent of the volume contained in the largest tank). <input type="checkbox"/> Clearly label drum with its contents. <input type="checkbox"/> Train employees on proper filling and transfer procedures.
Cold weather activities	<ul style="list-style-type: none"> <input type="checkbox"/> Minimize salt and abrasive application. <input type="checkbox"/> When abrasives are necessary, use uncontaminated sand or ash. <input type="checkbox"/> Train employees on salt and abrasive application.
Improper connections to storm sewer (illicit connections)	<ul style="list-style-type: none"> <input type="checkbox"/> Plug all floor drains connected to sanitary or storm sewer or if connection is unknown. Alternatively, install a sump that is pumped regularly. <input type="checkbox"/> Perform smoke or dye testing to determine if interconnections exist between sanitary water system and storm sewer system. <input type="checkbox"/> Update facility schematics to accurately reflect all plumbing connections. <input type="checkbox"/> Install a safeguard against vehicle washwaters entering the storm sewer unless permitted. <input type="checkbox"/> Inspect and maintain the integrity of all underground storage tanks; replace when necessary. <input type="checkbox"/> Train employees on BMP disposal practices for all materials.

Table 2A. BMPs for Potential Pollutant Sources at Petroleum Bulk Oil Stations and Terminals

Pollutant Source	BMPs
Liquid storage in above ground storage	<ul style="list-style-type: none"> <input type="checkbox"/> If area is uncovered, connect sump outlet to sanitary sewer (if possible) or an oil/water separator, catch basin filter, etc. If connecting to a sanitary sewer check with the system operator to ensure that the discharge is acceptable. If implementing separator or filter technologies ensure that regular inspections and maintenance procedures are in place. <input type="checkbox"/> Provide secondary containment, such as dikes, with a height sufficient to contain a spill (the greater of 10 percent of the total enclosed tank volume or 110 percent of the volume contained in the largest tank). <input type="checkbox"/> If containment structures have drains, ensure that the drains have valves, and that valves are maintained in the closed position. Institute protocols for checking/testing stormwater in containment areas prior to discharge. <input type="checkbox"/> Use double-walled tanks with overflow protection

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Sector P: Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities

Table 2A. BMPs for Potential Pollutant Sources at Petroleum Bulk Oil Stations and Terminals (continued)

Pollutant Source	BMPs
Liquid storage in above ground storage (continued)	<ul style="list-style-type: none"> <input type="checkbox"/> Keep liquid transfer nozzles/hoses in secondary containment area. <input type="checkbox"/> Develop and implement spill plans and spill prevention, containment and countermeasures (SPCC). <input type="checkbox"/> Train employees in spill prevention and control.
Petroleum loading/unloading	<ul style="list-style-type: none"> <input type="checkbox"/> Confine loading/unloading activities to designated areas outside drainage pathways and away from surface waters. <input type="checkbox"/> Provide diversion berms, dikes or grassed swales around the perimeter of the area to limit run-on. <input type="checkbox"/> Avoid loading/unloading materials in the rain or provide cover or other protection for loading docks. <input type="checkbox"/> Cover loading and unloading areas and perform these activities on an impervious pad to enable easy collection of spilled materials. <input type="checkbox"/> Provide overhangs at truck loading/unloading docks. <input type="checkbox"/> Slope the impervious concrete floor to collect spills and leaks and convey them to proper containment and treatment. <input type="checkbox"/> For rail transfer, a drip pan shall be installed within the rails to collect spillage from the tank. <input type="checkbox"/> For transfer to/from truck or rail cars, ensure hose connection points at storage containers are inside containment areas, or drip pans are used in areas where spillage may occur which are not in a containment area. <input type="checkbox"/> Regularly sweep area to minimize debris on the ground. <input type="checkbox"/> Develop and implement spill prevention, containment, and countermeasure (SPCC) plans. <input type="checkbox"/> Train employees in spill prevention, control, cleanup and transfer techniques.

What if activities and materials at my facility are not exposed to precipitation?

The industrial stormwater program requires permit coverage for a number of specified types of industrial activities. However, when a facility is able to prevent the exposure of ALL relevant activities and materials to precipitation, it may be eligible to claim no exposure and qualify for a waiver from permit coverage.

If you are regulated under the industrial permitting program, you must either obtain permit coverage or submit a no exposure certification form, if available. Check with your permitting authority for additional information as not every permitting authority program provides no exposure exemptions.

Where do I get more information?

For additional information on the industrial stormwater program see www.epa.gov/npdes/stormwater/msgp.

A list of names and telephone numbers for each EPA Region or state NPDES permitting authority can be found at www.epa.gov/npdes/stormwatercontacts.

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References

Information contained in this Fact Sheet was compiled from EPA's past and current Multi-Sector General Permits and from the following sources:

- ◆ City of Phoenix, Arizona, Street Transportation Department. 2004. Prevent Storm Water Contamination: Best Management Practices for Section P - Motor Freight, Freight Transportation, Petroleum Bulk Stations & Terminals, Rail Transportation, & U.S. Postal Service Transportation. SIC Codes Major Groups 40, 41, 42, 43, and 5171.
<http://phoenix.gov/STREETS/motfrei.pdf>
- ◆ U.S. EPA, Office of Science and Technology. 1999. Preliminary Data Summary of Urban Stormwater Best Management Practices. EPA-821-R-99-012
www.epa.gov/OST/stormwater/
- ◆ U.S. EPA, Office of Wastewater Management. *NPDES Stormwater Multi-Sector General Permit for Industrial Activities (MSGP)*.
www.epa.gov/npdes/stormwater/msgp

974-S-20 & 983-V-20 Site Images



From Leverett Road facing NW



Gravel parking lot north of residence

974-S-20 & 983-V-20 Site Images



From north side of gravel parking lot facing SW toward residence



CIT Trucks facility located just south of subject property

974-S-20 & 983-V-20 Site Images



IDOT District 5 Maintenance Facility located northeast of subject property



From Leverett Road in front of IDOT facility facing west

PRELIMINARY DRAFT

Cases 974-S-20 & 983-V-20

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

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

Date: ***{September 17, 2020}***

Petitioners: **James & Rhonda Cobb**

Request: **Case 974-S-20**

Authorize a Truck Terminal as a Special Use in the AG-2 Agriculture Zoning District, with the following waiver:

Authorize a waiver for not installing a six-foot tall wire mesh fence that is a Standard Condition for a Truck Terminal, per Section 6.1.3 of the Zoning Ordinance.

Case 983-V-20

Authorize the following variance on the Special Use Permit requested in related Zoning Case 974-S-20:

Part A: Authorize a variance for an existing building with 25 feet of separation from the Interstate 57 right-of-way in lieu of the minimum required 35 feet, per Section 4.3.2 of the Zoning Ordinance.

Part B: Authorize a variance for no loading berth in lieu of the minimum one loading berth required for commercial facilities with up to 9,999 square feet in floor area, per Section 7.4.2 C.5. of the Zoning Ordinance.

Part C: Authorize a variance to allow parking within 10 feet of the property line abutting the Interstate 57 right-of-way, within 10 feet of the front property line along East Leverett Road, and within 5 feet of the north property line, in lieu of not allowing parking in those areas, per Section 7.4.1 A. of the Zoning Ordinance.

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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 17, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. James & Rhonda Cobb, d.b.a. Cobb Transport LLC, have owned the subject property since 2014.
2. The subject property is a 2.61-acre tract in the Northeast Quarter of the Northeast Quarter of Section 24, Township 20 North, Range 8 East of the Third Principal Meridian in Hensley Township, and commonly known as the Cobb residence and Cobb Transport with an address of 154 East Leverett Road, 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. The nearest municipality is the City of Champaign, which is 1.53 miles from the subject property.
 - B. The subject property is located within Hensley Township, which does have a Planning Commission. Townships with Plan Commissions do not have protest rights on a Special Use Permit case, but are provided notice of the hearing.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 2.61-acre tract and is currently zoned AG-2 Agriculture. Land use is a single-family residence and a Truck Terminal.
 - (1) Zoning Case 108-S-75, approved August 14, 1975, authorized a Special Use Permit for a Truck Terminal on the subject property, limited to a maximum of three trucks.
 - B. Land to the northwest is zoned AG-1 Agriculture; northwest of Interstate 57, land is in agriculture production.
 - C. Land to the northeast is zoned AG-1 Agriculture and is in use as an IDOT maintenance facility.
 - D. Land to the west is zoned B-3 Highway Business; northwest of Interstate 57, land is vacant.
 - E. Land to the south is zoned B-4 General Business, and is in use as a Truck Terminal (CIT Trucks).
 - F. Land to the east is zoned AG-2, and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The petitioners did not submit a Site Plan, but indicated property features using aerial photos and documents from Case 108-S-75 received on January 15, 2020. P&Z Staff

PRELIMINARY DRAFT

annotated an aerial photograph to illustrate items from those documents, which will be used as the official Site Plan for this case.

- (1) Existing buildings include:
 - a. A residence that was constructed prior to adoption of the Zoning Ordinance on October 10, 1973;
 - b. A 40 feet by 70 feet Shop north of the residence, constructed by a previous owner in 1977 without a permit; and
 - c. A 30 feet by 16 feet storage shed located southwest of the residence, constructed prior to adoption of the Zoning Ordinance on October 10, 1973.
- (2) There is no construction proposed for the subject property.

B. Regarding operations, Rhonda Cobb submitted the following information via an email received July 16, 2020 based on a request for information from Susan Burgstrom:

- (1) How many employees does Cobb Transport have?
 - a. The petitioner responded: **“We do not have employees, we have Independent Contractors. They receive a 1099. 14 of them are Independent Contract Drivers, 1 Operation Manager, 2 Maintenance. Since our Drivers are Independent Contractors (we own the trucks but are leased to two different companies) lots of Drivers come and go.”**
- (2) Do employees come to your property in their own vehicles, pick up a truck, and leave their personal vehicles there for the day/overnight until their haul is done?
 - a. The petitioner responded: **“Yes, some of them leave their personal vehicles on the lot while they are on their load, not all of them.”**
- (3) How many trucks are based from the property that are used for the business?
 - a. The petitioner responded: **“All of the working trucks are used for business, none of them are for personal use. We own 26 trucks. Only 20 of them are ready for work at this time. The other 6 have work to be done on them.”**
- (4) What types of products do your trucks carry?
 - a. The petitioner responded: **“5 of them are leased at this time to Drake Refrigeration which hauls Food out of Super Valu, 9 are leased to GFT and haul general freight. All numbers are subject to change. Our Drake Drivers are home daily, our GTF Drivers are long haul mostly home on weekends. Just a note, all our loads were called essential during they virus shut down, we worked every day! (Thank you Jesus).”**
- (5) What activities occur in the shop building? Please identify which activities are for personal use and which are for business use.
 - a. The petitioner responded: **“The activities that occur in the shop are repairs and maintenance to our Trucks, 90 day and annual**

PRELIMINARY DRAFT**Cases 974-S-20 & 983-V-20**

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inspections. The hours posted on the shop door say 7 to 3 posted by our Sr Maintenance Man. They are Independent so we can't really give mandatory hours. No personal use during shop hours. After hours and weekends we do once in a while change brakes or minor work on personal cars, but it's by the owners not our Independent Workers. It said something about activities, we have had birthday parties in shop to stay out of weather. One of drivers actually got married in shop (lol) but this is very rare."

- C. There is one previous zoning case on the subject property. Case 108-S-75 was approved on August 14, 1975, for a Truck Terminal having no more than 3 trucks as a Special Use in the AG-2 zoning district.
- D. There are no previous Zoning Use Permits on the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

- 6. Regarding authorization for a "Truck Terminal" 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) "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) "AGRICULTURE" is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
 - (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.

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- (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 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) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations
- (7) “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) “OPERATIONS” are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
- (9) “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.
- (10) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (11) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (12) “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:

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- (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.
- (13) “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.
- (14) “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.
- (15) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- B. 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.

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- d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- (2) Subsection 6.1.3 establishes the following standard conditions for Truck Terminals:
- a. A minimum 6 feet tall wire mesh fence, with the specific location and area to be enclosed by required fencing shall be determined by the BOARD.
 - b. A separation distance of 200 feet between any R DISTRICT or residential USE.
- C. Section 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS:
- (1) Section 7.4.1 A. establishes general provisions for off-street parking.
 - a. Section 7.4.1 A.1. states, "All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served."
 - b. Section 7.4.1 A.2. states, "All spaces for the accommodation of an AUTOMOBILE shall total at least 300 square feet including both parking and maneuvering area."
 - c. Section 7.4.1 A.3.a. states, "No such space shall be located less than 10 feet from any FRONT LOT LINE."
 - d. Section 7.4.1 A.3.b. states, "No such space shall be located less than five feet from any side or REAR LOT LINE."
 - (2) Section 7.4.1 B. establishes the minimum size of off-street PARKING SPACES shall be at least nine feet wide by 20 feet long.
 - (3) For parking purposes, the Zoning Administrator has determined that a Truck Terminal is most similar to the parking requirements for commercial uses.
 - (4) Section 7.4.1 C. establishes parking for off-street commercial establishments.
 - a. Section 7.4.1 C.1. states, "Such PARKING SPACE for the accommodation of a heavy motor truck, MOTOR BUS, or other VEHICLE shall be of dimensions herein specified for an off-STREET LOADING BERTH."
 - b. Section 7.4.1 C.2. states, "The number of such PARKING SPACES shall be the sum of the individual requirements of the various individual ESTABLISHMENTS computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall

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not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT.”

- c. Section 7.4.1 C.3. requires establishments that are not specifically mentioned in the ordinance to provide one parking space for every 200 square feet of floor area or portion thereof.
- d. Section 7.4.1 C.4. states, “Required parking SCREENS for commercial ESTABLISHMENTS shall be provided as follows:
 - (a) Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.
 - (b) Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.”
- (5) Section 7.4.2 refers to off-street LOADING BERTHS:
 - a. Section 7.4.2 A. establishes general provisions for 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.
 - b. Section 7.4.2 C. states, “Off-street LOADING BERTHS for commercial ESTABLISHMENTS shall be provided as follows:

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- (a) All LOADING BERTHS shall be located on the same LOT or tract of land as the ESTABLISHMENT served except when serving adjacent ESTABLISHMENTS when the LOADING BERTH requirement is sufficient to serve both ESTABLISHMENTS.
- (b) No such BERTH shall be located within any YARD abutting a residential DISTRICT or located less than 100 feet from the BUILDING RESTRICTION LINE of any LOT in the R DISTRICT or any LOT containing a DWELLING conforming as to USE unless such BERTH is screened from public view by a Type C SCREEN. If the berth is located adjacent to an elevated loading dock, however, a Type D SCREEN shall be used to screen both the loading berth and the loading dock.
- (c) No LOADING BERTH shall be located within 50 feet of the nearest point of intersection of two STREETS.
- (d) All LOADING BERTHS shall be improved with a compacted base at least six inches thick and shall be surfaced with at least two inches of some all-weather dustless material.
- (e) Schedule of off-street LOADING BERTHS:

Floor Area of ESTABLISHMENT in Square Feet (Thousands)	Minimum Required Number and Size of LOADING BERTHS
1 – 9.999	1 (12 x 40 feet)
10 – 24.999	2 (10 x 40 feet)
25 – 39.999	2 (10 x 70 feet)
40 – 99.999	3 (10 x 70 feet)
100 – 249.999	4 (10 x 70 feet)

- D. Section 7.6 establishes requirements 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. Outdoor STORAGE and/or outdoor OPERATIONS for all HOME OCCUPATIONS shall be restricted as described in Section 7.1.”
 - (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

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

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- b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- G. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
 - (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. That the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- 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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- I. Regarding the requested waiver and variance:
- (1) Section 9.1.11 D.1 establishes that a waiver can be granted for any Standard Condition in Section 6.1.3 to the extent that they exceed the minimum standards of the district.
 - (2) For Variance Part A, Section 4.3.2 establishes the minimum required separation from the interstate right-of-way as 35 feet.
 - (3) For Variance Part B, Section 7.4.2 C.5. establishes the loading berth requirement based on the square footage of a facility.
 - (4) For Variance Part C, Section 7.4.1 A. establishes the minimum required parking setback from the property line as 10 feet from the front property line and 5 feet from the side property lines.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioners testified on the application, **“Trucking is necessary for the public, we must have easy location to park trucks. We have a shop to keep our trucks inspected and safe. Also we live in the home dwelling watching over property.”**
 - B. The subject property is 0.88 mile from the I-57 interchange at Market Street.
 - C. The subject property already had a Special Use Permit approved for a Truck Terminal in Case 108-S-75, and many aspects of the property and use are the same.

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 Petitioners have testified on the application, **“Home and attached garage are suitable for dwelling. We are off the main road, we are not close to any residents so noise won’t bother others. We do not cause any stoppage of traffic. Our property is located off the main road between two truck terminals.”**
 - B. Regarding surface drainage:
 - (1) The Natural Resource Report by the Champaign County Soil and Water Conservation District received July 18, 1975 for Case 108-S-75 states the following: “This site lies in Soil Association #3. Fifty percent of this soil association is a lowland soil type – Drummer. The other half of this soil grouping is made up of the more upland soil types of Brent, Elburn, Plano, Proctor and others. The upland soil types in this association have slight to moderate

limitations in the areas of building sites, septic fields, and drainage. The lowland soil, Drummer, is rated as severe in those categories.”

- (2) The subject property drains generally drains southwest and southeast.
- C. Regarding traffic in the subject property area:
- (1) The subject property fronts the west side of East Leverett Road. It is located on a lesser used part of the road that is off the improved curve that is the main East Leverett Road.
 - (2) East Leverett Road adjacent to the subject property is a two-lane township road that is approximately 20 feet wide and is comprised of oil and chip. There is around two feet of gravel shoulder on each side.
 - (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2018 on the main curve of East Leverett Road, with a count of 2,650. The lesser used road adjacent to the subject property, which is also utilized by IDOT maintenance vehicles and CIT Trucks terminal, did not have a traffic count available.
 - (4) The Township Road Commissioner has been notified of this case, and no comments have been received.
- D. Regarding fire protection on the subject property, the subject property is located approximately 6.6 road miles from the Thomasboro Fire Department station. No comments have been received from the Fire Chief.
- E. No part of the subject property is located within a mapped floodplain.
- F. Soil on the subject property is BEST PRIME FARMLAND consisting of 152A Drummer silty clay loam and 171B Catlin silt loam, and has an average LE of 98.
- (1) No land will be removed from agricultural production.
- G. Regarding outdoor lighting on the subject property:
- (1) The petitioners did not mention outdoor lighting in their application materials.
 - (2) A special condition has been added to ensure compliance with Section 6.1.2 of the Zoning Ordinance should outdoor lighting be installed in the future.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) The farm residence has a septic system. Per the petitioner, the Shop has a restroom on its own septic system.
 - (2) No new construction is proposed.

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- I. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“Our property is located between two major truck terminals: CIT Trucking and the IDOT garage. The lane our business is on is only used by the 3 properties.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) A Truck Terminal is authorized by Special Use Permit in the AG-2 Agriculture Zoning District, and by right in the B-4, B-5, I-1 and I-2 Zoning Districts.
 - (2) Regarding parking on the subject property for the proposed Truck Terminal:
 - a. A Truck Terminal, for the purpose of establishing minimum Zoning Ordinance requirements, can be considered a commercial use.
 - (a) Commercial uses not specifically listed in the Zoning Ordinance must provide 1 space per every 200 square feet of floor area or portion thereof.
 - (b) The floor area of the Shop on the subject property will be the determining square footage for parking. The Shop has 3,024 square feet. This floor area will require 15 parking spaces at least 9 feet by 20 feet in dimension. It will also require one loading berth at least 12 feet by 40 feet in dimension.
 - (c) The subject property provides enough parking area for at least 20 trucks (there are no trailers used onsite) and at least 25 cars, exclusive of any parking area or loading berth inside the Shop.
 - (d) No screen is required for the parking area per Section 7.4.1 C.4. because there is no residence near the subject property.
 - b. No accessible parking spaces are required on the subject property because no buildings or other improvements are proposed.
 - (a) Section 202.3.3 of the Illinois Accessibility Code effective October 23, 2018 states, “All changes, improvements, or maintenance of existing parking lots including sealcoating, resurfacing, remarking, fencing, curbs, walks, and/or landscaping shall provide accessible parking spaces in accordance with 208. In addition, an accessible route shall be provided within the parking lot to connect the

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accessible parking spaces to a path of travel that leads to an accessible entrance. The accessible route shall include the connection from the parking lot onto the path of travel that leads to the accessible entrance.” A special condition has been added to ensure compliance with the Illinois Accessibility Code.

- C. Regarding screening requirements established in Section 7.6:
 - (1) There are no outdoor operations such as unloading and loading cargo at the subject property, and therefore no screening is required.
- D. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*, the proposed Special Use is exempt from the SWMEC Ordinance because less than one acre of land has been disturbed for the proposed Special Use, and there is less than one acre in impervious area. 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 Champaign 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-2 Agriculture Zoning District:
 - (1) A Truck Terminal may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
 - (2) The proposed use will not hinder agricultural production and agricultural production can still occur in the surrounding area.
- H. Regarding National Pollutant Discharge Elimination System (NPDES) compliance, some transportation facilities are subject to these USEPA requirements. These requirements are enforced by the Illinois EPA, but are not covered by current County ordinances. Petitioners requesting approval for a Truck Terminal Special Use Permit should ensure compliance.
- I. 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. A Truck Terminal is authorized by Special Use Permit in the AG-2 Agriculture Zoning District, and by right in the B-4, B-5, I-1 and I-2 Zoning Districts.

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

- (1) Subsection 5.1.2 of the Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):

The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

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

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

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

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

- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- 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. The proposed Special Use could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:
- (a) A Truck Terminal is authorized by Special Use Permit in the AG-2 Zoning District and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between agricultural and residential use and a Truck Terminal. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties, there should be no significant effect on the value of nearby properties.

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- (b) Two other truck terminals abut the subject property, so the proposed Special Use is in character with its surroundings.
 - c. In regard to the value of the subject property, it also is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property:
 - (a) The subject property has housed a residence and trucking business for many years. There will be no improvements made to the property for the business, so the property value should not change.
- (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.
 - a. The traffic generated by the proposed use will likely increase should the business grow. The petitioners have not communicated any plans to grow.
 - b. The only properties utilizing the short stretch of East Leverett Road are the subject property, CIT Trucks to the south, and the IDOT maintenance facility to the northeast.
- (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 exempt from the Champaign County *Storm Water Management and Erosion Control Ordinance*.
 - b. No construction or improvements are 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. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (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.

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

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

The subject property does not contain any natural features.

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

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

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

The proposed Special Use will not take any land out of 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 Petitioners testified on the application: **“We already have a permit for Special Use which was granted in the 1970s.”**
 - B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING OTHER CONSIDERATIONS RELATED TO THE WAIVERS OF STANDARD CONDITIONS

12. Regarding the necessary waivers of standard conditions:
- A. Waive the standard condition of Section 6.1.3 of the Zoning Ordinance: that requires a 6 feet tall wire mesh fence around the Truck Terminal:
 - (1) The ZBA did not require a fence as part of approval for Case 108-S-75. A memo from P&Z Staff dated August 8, 1975 stated: “The requirement for a six-foot wire

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mesh fence indicates the desire for the Zoning Commission to separate a truck facility from other property uses. In an urban area a fence would be necessary to protect the public from traffic hazards as well as protect property from vandalism. The proposed site is in an agricultural setting, and a low-density area, and the public does not require fencing protection. The petitioner's vehicles will be placed inside the garage and the trucks will be protected from vandalism. Truck Terminals also store vehicles outside any buildings on the property while the petitioner, in this case, intends to store his vehicles inside a garage. The presence of the garage may be judged to preclude the necessity of a fence."

- (2) In a letter from the petitioners received January 15, 2020, the petitioners stated that the subject property is located between two terminals, CIT Trucks and the IDOT maintenance facility, and there are no nearby residences. The property is off the main Leverett Road and is only used by the three businesses.
- (3) CIT Trucks is the larger truck terminal to the south that does not have fencing. That company rezoned the property to B-4 General Business, which allows a Truck Terminal by-right and thus does not have the fencing requirement that the Special Use Permit does for the subject property. A rezoning to B-4 is not possible for the petitioners because a residence is not allowed in B-4.

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

13. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. The Petitioner has testified on the application, **"The shop building was here when we purchased the property."**
 - B. Regarding Part A of the proposed variance, for an existing building with 25 feet of separation from the I-57 right of way:
 - (1) The Zoning Ordinance considers an interstate right-of-way to be a frontage, no matter what property line it abuts, thus requiring at least 35 feet between the "front" property line and a building.
 - (2) The shop building was constructed in 1977 without a permit.
 - C. Regarding Part B of the proposed variance, for no loading berth:
 - (1) Cobb Transport only has truck and personal vehicle parking on the subject property, with the shed used for basic maintenance and storage. There are no materials loaded or unloaded at the site; therefore, the petitioners do not have a need for a loading berth.
 - D. Regarding Part C of the proposed variance, for allowing parking along the property lines:
 - (1) Vehicles have already been parking along the property lines for five years with no known complaints.

- (2) The fence along the I-57 right-of-way is over 50 feet from the interstate shoulder, and parking 10 feet further away as required by the Ordinance would not make a difference in safety.
- (3) There are only 3 businesses served by this small stretch of East Leverett Road: the IDOT Maintenance facility, CIT Trucks, and Cobb Transport.

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

- 14. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. The Petitioner has testified on the application, **“We are off the main road, are not close to any residents, and we do not cause any stoppage of traffic.”**
 - B. Regarding Part A of the proposed variance, for an existing building with 25 feet of separation from the I-57 right of way: without the proposed variance, the petitioners would have to remove, move, or rebuild the shop building, any of which would be an economic hardship.
 - C. Regarding Part B of the proposed variance, for no loading berth: without the proposed variance, the petitioners would have to construct an unnecessary concrete area that would be an economic hardship and would take area away from valuable parking spaces.
 - D. Regarding Part C of the proposed variance, for allowing parking along the property lines: without the proposed variance, the petitioners would lose approximately 5,000 square feet of existing gravel parking area, which is about 20% of their available parking area, and equivalent to 28 standard parking spaces.

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

- 15. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application, **“There is already a permit for a Special Use which was granted in the 1970s.”**
 - B. Regarding Part A of the proposed variance, for an existing building with 25 feet of separation from the I-57 right of way: the shop building was constructed without a permit in 1977, prior to when the Cobbs bought the property in 2014.
 - C. Regarding Part B of the proposed variance, for no loading berth: the petitioners were not aware of the loading berth requirement, and do not feel that their type of business needs a dedicated paved space because they do not load/unload materials at the site.
 - D. Regarding Part C of the proposed variance, for allowing parking along the property lines: the petitioners were unaware that there were parking limits that do not cover the full extent of their property.

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

16. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application, **“Our property is located between two truck terminals: CIT Trucking and the Illinois State garage. We already have a Special Use Permit which was granted in the 1970s.”**
 - B. Regarding Part A of the proposed variance, for an existing building with 25 feet of separation from the I-57 right of way: the requested variance of 25 feet is 71.4% of the minimum required 35 feet, for a variance of 28.6%.
 - (1) An interstate is considered to be a frontage, even though in this case it is along the rear property line. The Zoning Ordinance does not clearly state the considerations that underlie the minimum front yard requirements. Presumably, the front yard requirement is intended to ensure the following:
 - a. Adequate separation from roads. There is a fence enclosing I-57, demonstrating that IDOT has established sufficient separation from the interstate.
 - b. Allow adequate area for road expansion and right-of-way acquisition. There are no known developments or road improvements that would trigger road expansion or additional right-of-way needs.
 - C. Regarding Part B of the proposed variance, for no loading berth: the requested variance of no loading berth in lieu of one loading berth is a variance of 100%.
 - (1) Off-street loading berths are presumably required to minimize congestion in the street when deliveries are made. The subject property is only used as parking for contract truck drivers; there is no product loading or unloading at the facility.
 - D. Regarding Part C of the proposed variance, for allowing parking along the property lines: the requested variance of 0 feet in lieu of 5 feet from the side property line and 10 feet from the front and interstate frontage is a variance of 100%.
 - (1) The Zoning Ordinance does not clearly state the considerations that underlie prohibiting parking within 10 feet of the front property line. Presumably the parking regulation is intended to ensure the following:
 - a. Safer access to and from the property for both road users and clients; this section of Leverett Road only provides access to three properties, including Cobb Transport.
 - b. Adequate room for infrastructure maintenance and expansion – there are no known plans to expand this part of Leverett Road.
 - E. The requested variance is not prohibited by the *Zoning Ordinance*.

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

17. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioner has testified on the application: **“We are off the main road, are not close to any residents, and we do not cause any stoppage of traffic. We have a shop building to keep our trucks inspected and safe.”**
 - B. The Hensley Township Supervisor and Road Commissioner have been notified of this variance and no comments have been received.
 - C. The Thomasboro Fire Department has been notified of this variance and no comments have been received.
 - D. The nearest building on neighboring property to the proposed Special Use is an IDOT maintenance building that is approximately 75 feet northeast of the subject property and 290 feet northeast of the Cobb shop building.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

18. Generally regarding any other circumstances that justify the Variance:
- A. The Petitioner did not provide a response to this question.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

19. Regarding proposed special conditions of approval:
- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 974-S-20 by the Zoning Board of Appeals.**

The special condition stated above 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 Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

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

- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

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DOCUMENTS OF RECORD

1. Letter to James & Rhonda Cobb from P&Z Staff dated November 7, 2019
2. Application for Special Use Permit received January 15, 2020, with attachments:
 - A Letter from petitioners dated January 10, 2020
 - B Photos of subject property and surrounding area
 - C Natural Resources Report from Champaign County Soil and Water Conservation District dated July 18, 1975
 - D Plat of Survey dated June 16, 1975
 - E Property legal description
3. Memorandum by P&Z Staff from Case 108-S-75 dated August 8, 1975
4. Preliminary Memorandum dated September 9, 2020
 - A Case Maps (Location, Land Use, Zoning)
 - B Letter to James & Rhonda Cobb from P&Z Staff dated November 7, 2019
 - C Letter and photos submitted by petitioners, received January 15, 2020
 - D Annotated aerial created by P&Z Staff on July 14, 2020
 - E Email from Rhonda Cobb received July 16, 2020
 - F Natural Resources Report dated July 18, 1975
 - G USEPA NPDES Fact Sheet: *Industrial Stormwater for Sector P: Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities*
 - H Site Visit Photos taken January 21, 2020
 - I Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated September 17, 2020

FINDINGS OF FACT FOR CASE 974-S-20

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **974-S-20** held on **September 17, 2020**, 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 *{because}*:
 - 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 BEST PRIME FARMLAND and the property with the proposed improvements *{IS/ IS NOT}* WELL SUITED OVERALL *{because}*:
 - h. The existing public services *{ARE/ ARE NOT}* available to support the proposed special use effectively and safely without undue public expense *{because}*:
 - i. The only existing public infrastructure together with proposed improvements *{ARE/ ARE 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.

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- 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/ IS NOT}* authorized in the District.
- b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
- c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
- d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *{IS/ IS NOT}* an existing nonconforming use and the requested Special Use Permit *{WILL/ WILL NOT}* make the existing use more compatible with its surroundings *{because:}*
6. ***SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:***
- A. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning Ordinance: that requires **a six-foot tall wire mesh fence for a Truck Terminal:**
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
- (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
- (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
- (5) The requested waiver ***SUBJECT TO THE PROPOSED SPECIAL CONDITION*** *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 974-S-20 by the Zoning Board of Appeals.**

The special condition stated above 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 Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

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

- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

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FINDINGS OF FACT FOR CASE 983-V-20

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **983-V-20** held on **September 17, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

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FINAL DETERMINATION FOR CASE 974-S-20

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 **974-S-20** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants **James & Rhonda Cobb, d.b.a. Cobb Transport LLC**, to authorize the following:

Authorize a Truck Terminal as a Special Use in the AG-2 Agriculture Zoning District, with the following waiver:

{ SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS: }

A waiver for not installing a six-foot tall wire mesh fence that is a Standard Condition for a Truck Terminal, per Section 6.1.3 of the Zoning Ordinance.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 974-S-20 by the Zoning Board of Appeals.**
- B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

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FINAL DETERMINATION FOR CASE 983-V-20

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

The Variance requested in Case **983-V-20** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **James & Rhonda Cobb, d.b.a. Cobb Transport LLC**, to authorize the following:

Authorize the following variance on the Special Use Permit requested in related Zoning Case 974-S-20 in the AG-2 Agriculture Zoning District:

- Part A: Authorize a variance for an existing building with 25 feet of separation from the Interstate 57 right-of-way in lieu of the minimum required 35 feet, per Section 4.3.2 of the Zoning Ordinance.**
- Part B: Authorize a variance for no loading berth in lieu of the minimum one loading berth required for commercial facilities with up to 9,999 square feet in floor area, per Section 7.4.2 C.5. of the Zoning Ordinance.**
- Part C: Authorize a variance to allow parking within 10 feet of the property line abutting the Interstate 57 right-of-way, within 10 feet of the front property line along East Leverett Road, and within 5 feet of the north property line, in lieu of not allowing parking in those areas, per Section 7.4.1 A. of the Zoning Ordinance.**

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date