Champaign County
Department of
PLANNING &
ZONING

Brookens Administrative Center 1776 E. Washington Street

Urbana, Illinois 61802

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CASE 059-AM-22

PRELIMINARY MEMORANDUM JULY 19, 2022

Petitioner: Dennis Toeppen

Request: Amend the Zoning Map to change the zoning district designation from the B-3

Highway Business Zoning District to the B-4 General Business Zoning District.

Location: A 5-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 with an address of 73 East Hensley Road, Champaign.

Site Area: 5 acres

Time Schedule for Development: As soon as possible

Prepared by: Susan Burgstrom, Senior Planner

John Hall, Zoning Administrator

BACKGROUND

The petitioner would like to construct one warehouse with office area that would be leasable space. He does not have a tenant at this time. He plans a second phase that is dependent on buildout of Phase 1. The petitioner would like to rezone to B-4 General Business because there is a more extensive list of possible land uses that could occupy the building than what is available in the B-3 Highway Business Zoning District.

The petitioner believes that the subject property should not be zoned B-3 Highway Business because it does not have direct access to a highway. It is adjacent to the I-57/ Market Street interchange, but only has access on East Hensley Road just west of the interchange.

In 2006 and 2007, Case 555-AM-06 requested the same rezoning from B-3 to B-4 for the subject property. The ZBA and ELUC recommended approval with conditions, but there was a protest from Hensley Township Plan Commission that triggered a supermajority vote at the County Board. The rezoning was denied. Hensley Township's concerns were the possibility of heavy vehicles on a weight-limited road, and that the subject property contained drainage tile that was the only drainage for an upstream property and they did not want the tile to be damaged by development.

In 2017, the petitioner replaced the drainage tile on the property with 15-inch PVC tile. This included remediation for the tile that Ameren broke in 2003 and improved drainage for the neighbor to the north.

EXTRATERRITORIAL JURISDICTION

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

The subject property is located within Hensley Township, which has a Plan Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	gravel parking area	B-3 Highway Business (proposed to be rezoned to B-4 General Business)
North	agriculture	AG-1 Agriculture
East	truck terminals	AG-2 Agriculture B-4 General Business
West	commercial	B-4 General Business
South	interchange	I-57 interchange at Market St

DECISION POINTS FOR CASE 059-AM-22

Staff analysis indicates that the proposed Zoning Map amendment and potential use appear to be generally compatible with surrounding land uses and the Champaign County Land Resource Management Plan Goals, Objectives, and Policies adopted by the County Board on April 22, 2010.

Staff has recommended affirmative findings for all decision points for the LRMP Goals, Objectives, and Policies, LaSalle and Sinclair Factors, and Purpose of the Zoning Ordinance. The Board can revise any of these recommended findings.

PROPOSED SPECIAL CONDITION

The following special condition is proposed for the Map Amendment:

A. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425 (see attached).

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

Conformance with Land Resource Management Plan Policy 4.2.3.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received June 20, 2022:
 - Exhibit 4: Phase One Detail
 - Exhibit 5: General Site Plan
- C Letter from Brian T. Schurter, Attorney for Hensley Township Plan Commission, received March 2, 2007
- D LRMP Land Use Goals, Objectives, and Policies (on ZBA meetings website)
- E LRMP Appendix of Defined Terms (on ZBA meetings website)
- F Copy of Right to Farm Resolution 3425
- G Site Visit Photos taken July 5, 2022
- H Draft Finding of Fact and Final Determination dated July 28, 2022

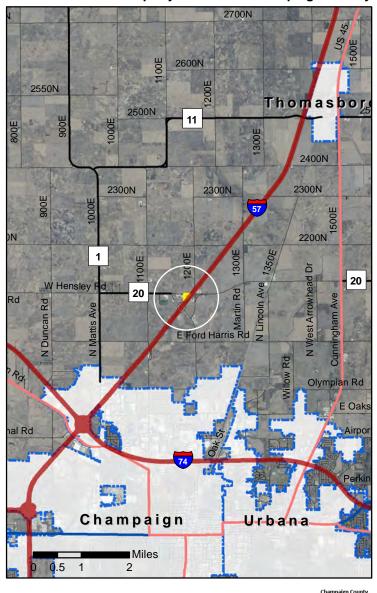
Location Map

Case 059-AM-22 July 28, 2022

Subject Property

Property location in Champaign County





Subject Property

Municipal Boundary

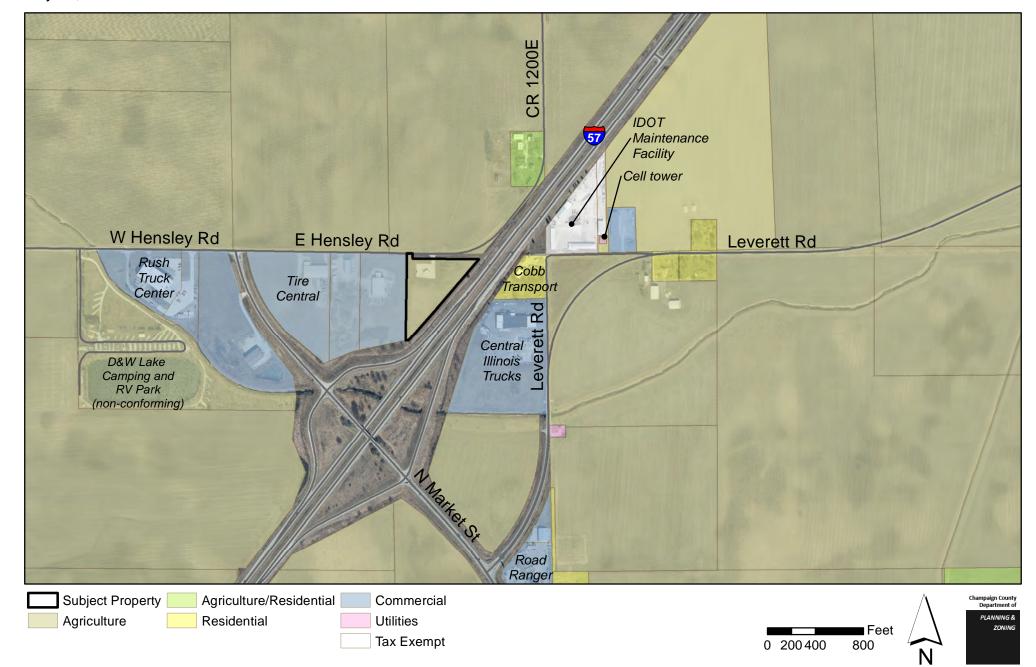
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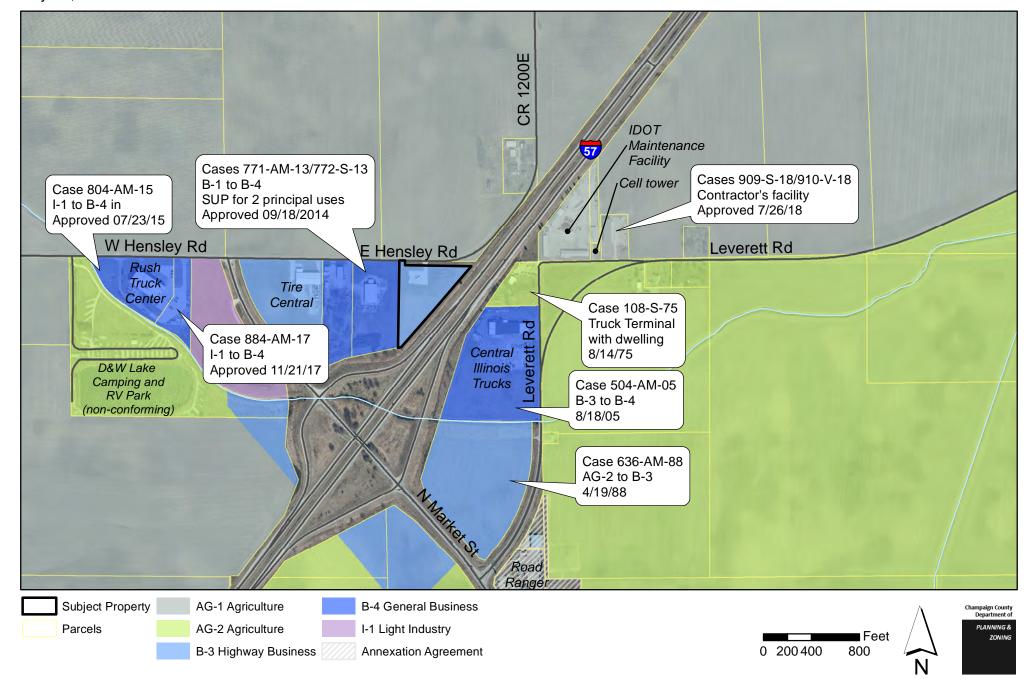
Land Use Map

Case 059-AM-22 July 28, 2022



Zoning Map

Case 059-AM-22 July 28, 2022



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ENLARGED SITE PLAN

~ ≥.0.3. ~ CENTER LINE COUNTY ROAD 20 APPROX, EDGE OF ROADWAY UTILITY SOLE -PROPERTY LINE -- ELEC --16.0 SEWAGE : VT LY EAGEMENT 4 E 1,500 GAL BUILDING SETBACK LINE AGGREGATE STONE PARKING: PROVIDE AND INSTALL A MINIMUM 6" THE KCAG Phase 1 building 40 x 35 = 1400 sf COMPACTED STONE LAYER OVER A MINIM LA Small warehouse with small office THICK BASE OF & OF 3" CLEAN STONE OR PGE. tails TBA. ALL PARKING AREAS SHALL SLOPE A MINIMUM OF 2% AWAY FROM THE BUILDING. INSURE THERE IS Septic field to be located near POSITIVE DRAINAGE IN ALL AREAS AND NO east fenceline near north edge of property, where separation REPLACE ALL TOPSOIL AND MATCH THE GRADES OF THE ADJACENT PARKING AREAS AND DRIVES. between surface and water table is 20'-C maximized. SECURITY FENCE •Q Phase 2+: Building will b Parking spaces each 19' demand warrants - on 20' in two rows of 4 existing pad and beyond Parking spaces in lot his general area. Exact shown to right will be provided as required by on tenant's use 85-0 7G'-G" 70'-C" 1C-C

Exhibit 4
Phase One Detail

WATER WELL LOCATIO

1. INSURE THAT THE WELL LOCATION HAS GOOD DRANAGE AND IS HISHER THAN THE S¹ RRO¹/₁ND NG SROUND SURFACE. ALL POSSIS¹E SO¹/₂CES OF CONTA¹/₁NATION SHO¹/₁D SE AT A LOWER ELEVATION THAN THE WELL, AND THE DETANCES TO THOSE CONTA¹/₁NATION SOURCES H¹/₂ST SE IN ACCORDANCE WITH THE L¹/₁NOS WATER WELL CONSTR¹/₂T DN CODE (WWC.C). SURFACE DRANAGE SHOULD NOT ALLOW SURFACE WATER TO ACCUPULATE WITH¹/₁N A IS-POOT RADIUS OF THE WELL. A WELL SHOULD SE AT LEAST 10 FEET FROM SERTIC TANKS, OR 75 FEET FROM SERTIC TANKS, OR 75 FEET FROM SERTIC TANKS.

ALL WATER WELL PLYPS SHALL SE INSTALLED IN ACCORDANCE WITH THE ILLINGS WATER WELL PLYPS INSTALLATION CODE. IF THE PLYPS IS LOCATED AWAY PROY THE WELL, THE S¹⁰BED PIPE LEADING TO THE PLYP PROY THE WELL SHALL SE ENCASED IN ANOTHER PIPE MAINTAINED AT SYSTEM PRESSURE. A DOWN-TURNED SHOOTH VIDES EAH PLY SERVICE SHALL SE INSTALLED, NOT LESS THAN 18 INCHES ABOVE THE PLOCE, IN A COMMINENT LOCATION SETWENT THE WATER WELL AND THE PRESSURE TANK OR AGNERATION SETWENT THE WATER WELL AND THE PRESSURE TANK OR AGNERATION THE WELL AS POSSIBLE.

NEW DRILED WELLS

NEW CRILED WELLS SHALL NOT BE LOCATED IN PITS. THE WELL CAS NO SHALL TEXMINATE AT LEAST & INCHES ABOVE GROUND LEVEL, POOS! PROTECTION SHOULD BE PROVINCED BY USE OF AN INSULATED SHAP HOUSE OR AN APPROVED PITLESS ADAPTER.

JET, RECIPADICA THIS, DEEP WELL TURBINE, AND S¹³ MERBIBLE P¹⁴MPS ARE ALL APPROVED, ALL S¹⁴C TROWN PRESSIRE, VENT, AND ELECTRIC LINES SHALL EVER THE TOP OF THE CASING THROUGH A WAITERT GHT SEAL. HAND DUMPS EQUIPATED WITH A PACKING GLAND AROUND THE DUMP ROOM, AN ENCLOSED, TURNED-DOWN PSOUTH AND A BELL-TYPE, ONE PECE SHASE MADE AS A PART OF THE S¹⁴MP STAND OR ATTACHED TO THE DUMP COLUMN IN A WAITERTIGHT MANNER ARE APPROVED.

PUMPS AND PRESS LEE TA KS MAY BE LOCATED IN BAGEMENTS. ALL WELLS, HOWEVER MUST BE LOCATED OUTSIDE OF BASEMENT WALLS.

SEPTIC SYSTEM.

1. PROVIDE AND INSTALL A COMPLETE AND OPERATING SEPTIC SYSTEM INSTALLED IN STACTACCORDANCE WITH ILLINOIS DEPARTMENT OF PUBLIC HEALTH OF UDEFNESS A DICHAMPAIGN COUNTY HEALTH DEPARTMENT

DIVISION 02 EXISTING CONDITIONS 02 00 00 UTILITIES

1 UTIL TIES. PROR TO CONSTRUCTION, LOCATE A^ND DO NOT DISTURB UTILLTY L^NES (INCLUDING GAS, WATER SEWER, TELESHONE) OR DISCONNECT SAME, UNLESS PRIREOFER PRECA^{UTI}LONS ARE TAKEN TO PROVIDE THE SAME UTILITIES ON A TEMPORAR^Y BASIS WITHOUT LOSS OF CONTUNITY.

SITEWORK

- CONTRACTOR SHALL VOTIFY ALL UTILITY COMPANIES TO VERIFY THE LOCATIONS OF SERVICES PRIOR TO COMMENCING CONSTRUCTION. UTILITY LOCATIONS SHOWN ON THE DRAWNINGS AND OTHERS NOT SHOWN SHALL SERRELD VERRIED BY THE CONTRACTOR.
- TOPOGRAPHIC ELEVATIONS ARE INDICATED ON THE CIVIL ENGINEERING DRAWINGS AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR.
- AT ALL AREAS TO RECEIVE FOOTINGS FOUNDATIONS SIDEWALKS
 DRIVEWAYS, PAR^YING PADS, SLABS ON GRADE: RE^YOVE ALLTOPSOL
 AND R^{LL} WI^TI NORGANC C^{LAY}, SAND OR AGGREGATE S^TONE.
- 4. ALL FILL AREAS SHALL SE COMPACTED IN 6" LIFTS A ^ND AREAS TO RECEI^NE S^MASS ON GRADE, SIDEWALKS ETC. SHALL SE COMPACTED TO 35% MINMUM PROC^TOR MA^MMAUM DRY DEVSITY.
- 5. ALL WATER AND DRAINAGE LINES SHALL BE INSTALLED AT A MINIMUM
 48" BELOW FINEH GRADE. FOLLOW THE ILLINOIS STATE PLUMBING CODE
 FOR ALL PL^MMS AND SANITARY SERVICE WORK.

EXCAVATIONS

ALL FOOTINGS SHALL BEAR ON 3,000 P.S.F. (MINMUM) UNDISTURBED SOIL. REMOVE ALL EXCESS EXCAVATED MATERIALS FROM THE SITE AS DIRECTED, STRP TOP SOIL AND STOCKRILE. REPLACE 6 MINMUM OF TOPSOIL IN LANDSCAPE AREAS. USE CARE TO NOT COMPACT FRESH PLACED TOPSOIL.

REMOVE ALL EXCESS TOP SOIL FROM SITE AS DIRECTED. REMOVE SOILS OF BEARING CARACITY LESS THAN 3,000 P.S.F. FROM Y UNDER THE SLAS AREA AND REPLACE WITH COMPACTION OF GRANULAR FILL. COMPACTION OF GRANULAR FILL PRES OF ORGANIC MATERIAL, SHALL SE SET IN 5" LAYERS (MAXIMUM) AND COMPACTED TO 35% MODIFIED PROCTOR DENSITY (MPD). REMOVE ALL ORGANIC SOIL FROM Y UNDER PANNOR AREAS AND REGOVED SERVICE STATEMENT OF SITE MAY PER MARKED AREAS AND REGOVED SERVICE STATEMENT.

EXCAVATION

THE SOILS AND ENGINEERING REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND SHALL NOT SE CONSIDERED A PART OF THE CONTRACT DOCUMENTS, ENGINEERING NO MARRANTY IS YADE BY THE OWNER WITH REGARD TO THE COMMETNESS AND ACCURACY OF THE SUBSURFACE INVESTIGATION DATA, SOIL TEST DAT OR STATEMENTS AND INTERPRETATIONS GIVEN.

WATER LEVELS INDICATED ON THE BORING LOGS MAY BE SUBJECT TO SEASONAL AND OR ANYUAL VARIATIONS, A DEWATERING SYSTEM OF SUFFICIENT CAPACITY SHALL BE INSTALLED AND OPERATED TO MANYIAN THE CONSTRUCTION AREA REEE OF WATER AT ALL TIMES. THE BEARING VALUE OF THE SOIL WAS DETERMINED BY RIELD EXPLORATION AND LABORATORY ANALYSIS. THE FOUNDATION DESIGN IS BASED ON THE FOLLOWING NET ALLOWABLE BEARING PRESSURES, SPREAD FOOTINGS, IF UTILIZED, SJOCO, P.S.F. WALL FOOTINGS, 3,000 P.S.F.

IF THE SOIL IS FOUND TO BE OTHERWISE. NOTIFY THE OWNER OR ARCHTECT PRIOR TO POURNE MY CONCRETE FOUNDATION OR SLABS. ALL EXCAVATION SACKFILL AND POUNDATION WORK SHALL BE CARRED OUT UNDER THE SUPERVISION OF A LICENSED SOIL ENGINEER.

REMOVE ALL DEBRIS AND UNSUITABLE MATERIAL ENCOUNTERED WITHIN THE AREA OF CONSTRUCTION. THE EXCAVATED MATERIAL SHALL BE REPLACED WITH APPROVED PILL. THIS FILL SHALL BE PLACED IN LIFTS NOT TO EXCEED & INLODES THICKNESS AND COMPACTED A MINIMUM OF 35% MAXIMUM DENSITY OBTAINED IN ACCORDANCE WITH A S.T.M. SPECIFICATION D-1557. THE MATERIAL AT THE BOTTOM OF THE EXCAVATION SHALL BE INSPECTED AND COMPACTED BY REPORT ROLLING PRICE TO THE PLACEMENT OF NEW FILL. THE SOILS ENGINEER WILL BE SELECTED AND POR 3Y THE OWNER. NO CONCRETE SHALL BE PLACED ON THE FILL OF UNDISTURBED SOIL UNTIL THE MATERIAL AS BEEN INSPECTED AND APPROVED BY THE SOILS ENGINEER. STONE FILL SHALL BE PLACED ON THE FILL OF UNDISTURBED SOIL UNTIL THE MATERIAL AS BEEN INSPECTED AND APPROVED BY THE SOILS ENGINEER. STONE FILL SHALL BE PLACED ON SOIL HAVING A MINIMUM BEARING CAPACITY OF 3,000 95.F

ARCHITECT

MR. DENNIS TOEPPEN

Declarat

Drawing

ENLARGED SITE PLAN

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CONSTRUCTION SEQUENCE

- INSTALL SILT FENCE AT LOCATIONS AS INDICATED ON THE PLANS.
- 2. INSTALL STABILIZED CONSTRUCTION ENTRANCE
- 3. PERFORM SITE DEMOLITION (IF ANY) AS NOTED ON DEMOLITION PLAN AND WITH BRUSH AND TREE REMOVAL
- 4. CUT AND FILL SITE TO PLAN SIB-GRADE
- 5. CONSTRUCT UNDERGROUND IMPROVEMENTS, I.E. WATER, SANITARY AND STORY SEWER, ELECTRICAL, ETC.
- 6. CONSTRUCT PAVEMENT IMPROVEMENTS PER PLAN.
- 7. COMPLETE CONSTRUCTION OF SITE WITH PERMANENT STABILIZATION.
- 8. REMOVE TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES. INSTALL INLET PROTECTION

CONSTRUCTION ENTRANCE SPECIFICATIONS

- STONE SIZE USE 2" STONE OR RECLAIMED OR RECYCLED CONCRETE
- 2. THONESS NOT LESS THAN EIGHT (8) INCHES.
- PLTER CLOTH SHALL BE PLACED OVER THE ENTIRE AREA PRICE TO PLACING OF STONE.
- MANTENANCE: THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS- OF-WAY, THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND SEPAIS AND/OS CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAYS MUST BE REMOVED IMMEDIATELY.
- WASHING: WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHT - OF-WAY, WHEN WASHING IS REQUIRED. IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH
- PERCOIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED

SEE INLARGED SITE PLAN A2 FOR DETAIL APPROXIMATE LOCATION OF STABILIZED CENTER LINE COUNTY ROAD 20 APPROX. EDGE OF ROADWAY PROPERTY LINE UTILITY EASEMENT BUILDING SETBACK LINE Septic field to be located near east fenceline near north edge of PARKING property, where separation between surface and water table is maximized SUBSIDIARY DRAINAGE PLAT DRAINAGE STATEMENT We hereby state that to the best of our knowledge and belief the drainage of surface waters of this property will not be changed by the construction of the improvements of this subdivision or any part thereof or that if such surface water drainage will be changed reasonable provisions have been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the Illinois Registered Professional Engineer No Owner & Subdivider: Mr. Dennis Toeppen Name of Developer or Subdivide Owner Certification Statement:
"I certify under penalty of low that this document and all attachments were prepared under my direction or supervision in accord a nee with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who minimization submitted. Dasset of my arquity of me person or persons wind manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief the, accurate, and complete. I am waver there are significant penalities for submitting false information, including the possibility of fine and imprisonment for Owner: Mr. Dennis Toeppen Signature "I certify under penalty of law that I understand the terms and conditions of the general National Pollulant Discharge Elimination System (NPDDES) General Permit No. ILR- 1 0 that authorizes the storm water discharges associated with activity from the construction site identified as part of this

Contractor.

STORM WATER POLLUTION PREVENION PLAN GENERAL NOTES THIS STORY WATER POLLUTION PRENENTION PLAN HAS SEEN PREPARED IN COMPLIANCE WITH THE REQUIREMENTS OF THE STATE OF ILLINOIS, THE WORK TO BE DONE IS STRIPPING. STOCKPLING AND GRADING OF THE PROJECT SITE SHOWN IN DETAIL ON THE CONTRACT DRAWINGS.

THE FOLLOWING NOTES AND REQUIREMENTS SHALL APPLY TO WORK PERFORMED ON THIS PROJECT:

- 1. SOIL EROSION AND SEDIMENT CONTROL PEATURES SHALL BE CONSTRUCTED PRIOR TO THE COMMENCEMENT OF UPLAND DISTURBANCE.

 HAULING WILL NOT BE ALLOWED WHEN THE WORK SITE IS TOO WET TO
- MAINTAIN ACCEPTABLE CONDITIONS ON ADJACENT STREETS.

 3. ADJACENT STREETS WILL BE MANUALLY OR MECHANICALLY SWEP
- PERIODICALLY AS MAY BE REQUIRED, MINIMUM AT END OF EACH WORKING DAY, STREETS ARE TO BE KEPT FREE FROM MUDIAND DEBRIS.
- 4 EACH CATCH BAGIN WILL BE INSTALLED WITH A SUMP AS INDICATED ON THE DRAWINGS. THE RIMS WILL SE SET OT FINAL GRADE, A TEMPORARY (1) FOOT DEEP SUMP SHALL BE EXCAVATED IN A 10 FOOT DIAMETER AREA AROUND THE STRUCTURE TO ACT AS A SILT TRAP, BOTH BUMPS WILL BE INSPECTED AFTER EACH RAIN AND SLEANED AS REQUIRED.
- 5. SOIL STOCKPILE AREAS SHALL BE DESIGNATED AND SURROUNDED BY A GEOTEXTILE FASRIC SILT FENCE TO INTERCEPT SEDIMENT-LADEN RUNOFF FROM THE STOCKPILE THE FENCE SHALL BE CONTINUOUSLY MAINTAINED. AND SEDIMENT SHALL BE REMOVED TO RESTORE PLANNED CAPACITY AS RECHIRED
- IF THE STOCKPILES WILL NOT BE USED FOR CONSTRUCTION ACTIVITY FOR A PERIOD OF MORE THAN 14 DAYS, THEY SHALL BE PROTECTED WITH TEMPORARY VEGETATIVE COVER NO MATERIAL FROM CONSTRUCTION SITE SHALL BE DISCHARGED TO THE
- STORY SEWER.
- THE CONTRACTOR SHALL TAKE WHATENER OTHER STEPS ARE DEEMED NECESSARY TO PREVENT EROSION FROM TAKING PLACE DURING THE COURSE OF THE CONSTRUCTION PROJECT.
- THE CONTRACTOR SHALL COMPLY WITH ALL REQUIREMENTS OF THIS PLAN AND SHALL INCLUDE THE COST OF SUCH COMPLIANCE IN THE TOTAL PRICE BID FOR HIS CONTRACT.
- IC. ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES MUST BE MAINTAINED AND REPAIRED AS NEEDED, EROSION CONTROL FEATURES SHALL BE INSPECTED EVERY 7 DAYS OR AFTER NO OF RAINFALL. THE GENERAL CONTRACTOR WILL BE RESPONSIBLE FOR INSPECTION AND REPAIR DURING CONSTRUCTION, THE OWNER WILL BE RESPONSIBLE IF ROSION CONTROL IS REQUIRED AFTER THE CONTRACTOR HAS COMPLETED
- ALL WORK SHALL CONFORM TO NRCS STANDARDS AS DESCRIBED IN THE CURRENT EDITION OF THE ILLINOIS URBAN MANUAL
- NOTALL PLIER PASIC EROSON CONTROL PLITATION SYSTEM IN THE NEW STORM STRUCTURES TO PREVENT EROSED MATERAL PROMENTERING THE STORM SERVER SYSTEM DURING THE CONSTRUCTION PROJECT. NATERING SHALL BE USED AS REQUIRED TO CONTROL DUST ON THE PROJECT, A WATER TRUCK SHALL BE KEPT ON THE SITE AT ALL TIMES
- DURING MASS EARTHWORK CONSTRUCTION, IF REQUIRED BY THE COUNTY 14. THE NAME ADDRESS AND TELEPHONE NUMBER OF THE INDIVIDUAL IN RESPONSIBLE CHARGE OF EROSION CONTROL MEASURES DURING THE CONSTRUCTION PROJECT SHALL BE GIVEN TO THE VILLAGE PUBLIC WORKS DEPARTMENT PRIOR TO THE START OF CONSTRUCTION
- DISTURSED AREAS SHALL BE PROTECTED WITH BESING ACCORDING TO THE TYPICAL BOIL PROTECTION SHART ON THIS SHEET.
- 16. ALL EROSION CONTROL MEASURES AND INSPECTIONS SHALL BE DOCUMENTED ON SITE IN THE SITE SUPERINTENDENTS LOG BOOK. A COPY OF THE APPROVED STORY WATER POLLUTION PREVENTION PLAN SHALL BE MAINTAINED ON THE SITE AT ALL TIMES.
- 18. ALL WASH WATER (CONCRETE TRUCKS, VEHICLE CLEANING, EQUIPMENT CLEANING, ETC.) SHALL SE DETAINED AND PROPERLY TREATED OR
- DISPOSED OF. RUBBISH, TRASH, GARBAGE, LITTER, OR OTHER SUCH MATERIALS SHALL BE DEPOSITED INTO SEALED CONTAINERS, MATERIALS SHALL BE PREVENTED FROM LEAVING THE PREMISES THROUGH THE ACTION OF WIND OR STORMWOTER DISCHARGE INTO DRAINAGE DITCHES OR WATERS OF THE
- ALL CONTRACTORS AND SUBCONTRACTORS INVOLVED WITH STORY WATER POLLUTION PREVENTION SHALL OSTAIN A COPY OF THE STORM WATER POLLUTION PREVENTION PLAN AND THE STATE OF ILLINOIS NATIONAL POLLUTION DISCHARGE ELIMINATION GENERAL PERMIT (NPDES
- PERMIT) AND BECOME FAMILIAR WITH THEIR CONTENTS.
 THE CONTRACTOR SHALL IMPLEMENT BEST MANAGEMENT PRACTICES AS REQUIRED BY THE BINGER, ADDITIONAL SEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED AS DICTATED BY CONDITIONS AT NO ADDITIONAL COST TO THE OWNER THROUGHOUT ALL PHASES OF
- CONSTRUCTION. 12. BEST MANAGEMENT PRACTICES (SMPS) AND CONTROLS SHALL CONFORM TO FEDERAL, STATE, OR LOCAL REQUIREMENTS OR MANUAL OF PRACTICE. AS APPLICABLE CONTRACTOR SHALL IMPLEMENT ADDITIONAL CONTROLS AS DIRECTED BY PERMITTING AGENCY OR OWNER. I. ALL TEMPORARY EROSION AND SEDIMENT CONTROL ITEMS ARE TO BE
- REMOVED WITHIN THIRTY (50) DAYS OF THE SITES FINAL STABILIZATION BY THE CONTRACTOR.
- . ALL CONSTRUCTION ACTIVITIES WITHIN THE BOUNDARIES OF THE PROJECT AS WELL AS ALL CONSTRUCTION ACTIVITIES INVOLVED IN MAKING ANY CONNECTIONS TO UTILITIES OUTSIDE THE BOUNDARIES OF THE PROJECT SHALL COMPLY WITH THE REQUIREMENTS OF THIS PLAN, THIS STORM WATER POLLUTION PREVENTION PLAN SHALL COVER ALL SUCH ACTIVITIES
- REFER TO THE LANDSCAPE PLAN FOR LOCATIONS AND SPECIFICATIONS OF

CONTACT JULIE AT 811 OR 800-892-0123

County CHAMPAIGN COUNTY

Sec & 1/4 Sec No. NE 1/4 OF SECTION 24

City/Township HENSLEY TOWNSHIP

48 HOURS (2 working days) BEFORE YOU DIG

THE CONTRACTOR BHALL AT ALL TIMES CONDUCT HIS WORN IN A MANNER AS TO MINIMED HACARDS TO VEHICL LAR AND PEDESTRIAN TRAFFIC.

AFRIC DONTROLLE AND WORK SITE PROTECTION SHALL SEIN ACCORDANCE WITH INTERPRETATION CONTRACTOR CONTRAC

NTROL BHALL BE FLRNBHED BY THE SONTRACTOR WILL MICRLIN THE SOMMERCE Y RIGHT OF MIAY BHALL DOY OLY WITH WILL BUT WICH OF WHARGIN SOUNTY INDUREDBURD REMEMENT

LL WORK SHALL BE PERFORMED IN A MANNER SO AS NOT TO SO ANY PORTON DELIGIOUS AND SEE SELVICE DE CONTRACANON DE MENT OF, SRINITH ANY BUSINESS CONDUCTED ON, ANY AD ACEN

ALL TIMES DURING THE PERFORMANCE OF ANY WORK, ALL AREAS OTHER KAN THE CONSTRUCTION SITE PROPER AND THE STAGING AREA SHALL SE EFT FREE FROM ANY LOOSE DIRT, DESRIG, EQUIPMENT OR CONSTRUCTION TERIAL - RELATING TO "-FILTER

VIDIMPLETION OF THE WORK, CONSTRUCTING PARTY 9-ALL PROMPTLY ESTORE THE AREA TO AS SOCIOUR BETTER CONDITION THAN ENIBTED EFORE THE USE OF THE AREA COMMENCED, RESTORATION SHALL INJULY THOUT LIMITATION, OLEARING THE AREAG OF ALL LOGGE DIRT, DEERIG LIPMENT AND CONSTRUCTION MATERIALE, THE REPAIR OR REPLACEMEN PANNE STRING AND LANCE CAPINE, AND THE REPAIR OR REPLACEM WEAND ALL DAMAGED AREAS OR IMPROVEMENTS.

EROSION CONTROL INSPECTIONS AND MAINTENANCE

LL EROSION CONTROL DEVICES AND MEASURES SHALL BE MAINTAINED IN FULLY FUNCTIONAL CONDITION AS REQUIRED UNTIL THE SITE OR SECTIONS C THE SITE ARE STABILIZED.

ALL EROSION CONTROL DEVICES AND MEASURES SHALL BE INSPECTED BY REPRESENTATIVE OF THE GENERAL CONTRACTOR ONCE PER WEEK AND THIN 24 HOURS OF ANY STORM EVENT EXCEEDING 0.5" RAIN.

RODUCED UPON REQUEST OF ANY LOCAL, STATE OR FEDERAL OFFICIAL.

E FOLLOWING SHALL SE THE MINIMUM MAINTENANCE REQUIREMENTS: ANY INLET OR TIPE PROTECTION OR PERIMETER EROSION BARRIER THAT SHOWS SIGNS OF DETERIORATION OR UNDERMINING SHALL BE REPLACED OR REPAIRED AS REQUIRED

CATCH BASINS SHALL BE INSPECTED AND CLEANED PERIODICALLY

ANY SEEDED AREAS THAT SHOW SIGNS OF GULLIES OR EROSION SHALL BE REGRADED. RE-SEEDED, WATERED AND FESTILIZED AS REQUIRED TO MAINTAIN A COVER THAT IS ADEQUATE TO PREVENT EROSION.

SEDIMENT SHALL BE REMOVED FROM PERIMETER EROSION BARRIER WHEN LT REACHES ONE HALF THE HEIGHT OF THE FENCE

THE CONSTRUCTION ENTRANCE SHALL BE MAINTAINED TO PREVENT TRACKING OF MUDONTO THE RIGHT OF WAY OR PUBLIC PARKING LOTS. TO: DRESSING SHALL BE INSTALLED AS REQUIRED ON THE CONSTRUCTION NTRANCE AT NO ADDITIONAL COST TO THE OWNER.

ANY MILD OF DESCIE TRACKED ONTO A SUBJIC SOAID OF SASKING LOT SHALL BE REMOVED BY THE CONTRACTOR TO THE SATISFACTION OF THE SDICTIONAL BODY CONTROLLING THE ROAD OR PARKING LOT.

THIS WORK SHALL BE PERFORMED AT NO ADDITIONAL COST TO THE OWNER

ACCESSIBILITY GRADING NOTES

ACCESSIBLE PARKING SPACES AND THEIR ACCIDING ACCESS AIGLES LL NOT ENCEED 2.01: SLOPE IN ANY DIRECTION.

COESSIELE PEDESTRIAN ROUTES SHALL NOT EXCEED DON CROSS SLOPE SON RUNNING SLOPE ENSEPT FOR CURS RAMPS WHICH SHALL NOT HAVE UNING SLOPE SREATER THAN 5336 FOR A MANIMUM RISE OF AL

ALLIGRAGE LANDECAPED AREAS SHALLISE UNIFORMLY GRADED TO DRAI NITH POSITIVE DRAINAGE

EXISTING GRADES AND IMPROVEMENTS ARE SHOWN FROM THE BEST NFORMATION AVAILABLE AND MUST BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION. ANY DISCREPANCY THE PLAN SHALL BE IMMEDIATELY REPORTED TO THE ENGINEER.

SPECIAL NOTE FIELD TILES:

EXISTING FIELD TILES ENCOUNTERED DURING CONSTRUCTION SHALL BE EITHER INTEGRATED INTO THE SITE DRAINAGE SYSTEM OR REDIRECTED IN A MANNER ACCEPTABLE TO THE TOWNSHIP SUPERVISOR. ANY AND ALL FIELD TILES ENCOUNTERED SHALL BE IMMEDIATELY REPORTED TO THE TOWNSHIP SUPERVISOR OR HIS DESIGNEE.

Exhibit 5 General Site Plan

SHOWN SHALL BE FIELD VERIFIED BY THE CONTRACTOR

- 2. TOPOGRAPHIC ELEVATIONS ARE INDICATED ON THE CIVIL ENGINEERING DRAWINGS AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR
- AT ALL AREAS TO RECEIVE FOOTINGS FOUNDATIONS SIDEWALKS DRIVEWAYS, PARKING PADS, SLABS ON GRADE: REMOVE ALL TOPSOIL AND FILL WITH INORGANIC CLAY, SAND OR AGGREGATE STON
- 4. ALL FILL AREAS SHALL BE COMPACTED IN 6" LIFTS AND AREAS TO RECEIVE SLASS ON GRADE, SIDEWALKS ETC. SHALL BE COMPACTED TO 35% MINIMUM PROCTOR MAXIMAUM DRY DENGITY
- 5. ALL WATER AND DRAINAGE LINES SHALL BE INSTALLED AT A MINIMUM 46" BELOW FINISH GRADE. FOLLOW THE ILLINOIS STATE PLUMBING CODE FOR ALL PLUMBING AND SANITARY SERVICE WORK.

EXCAVATIONS

ALL FOOTINGS SHALL BEAR ON 3.000 P.S.F (MINIMUM) UNDISTURBED SOIL SEMOVE ALL EXCESS EXCAVATED MATERIALS FROM THE SITE AS DIRECTED. STRIP TOP SOIL AND STOCKFILE. REPLACE 6 MIMIMUM OF TOPSOIL IN LANDSCAPE AREAS. USE CARE TO NOT COMPACT FRESH

REMOVE ALL EXCESS TOP SOIL FROM SITE AS DIRECTED. REMOVE SOILS OF BEARING CARACITY LESS THAN 3,000 P.S.F FROM UNDER THE SLAB AREA AND REPLACE WITH COMPACTED GRANULAR FILL. COMPACTION OF GRANULAR FILL FREE OF ORGANIC MATERIAL, SHALL BE SET IN 8" LAYERS (MAXIMUM) AND COMPACTED TO 35% MODIFIED PROCTOR DENSITY (MPD) REMOVE ALL ORGANIC SOIL FROM UNDER PAVING AREAS AND PROVIDE GRANULAR FILL COMPACTED TO 35% MPD.

THE SOILS AND ENGINEERING REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND SHALL NOT BE CONSIDERED A PART OF THE CONTRACT DOCUMENTS. FURTHERMORE, NO WARRANTY IS MADE BY THE OWNER WITH REGARD TO THE COMLETNESS AND ACCURACY OF THE SUBSURFACE INVESTIGATION DATA, SOIL TEST DAT OR STATEMENTS AND INTERPRETATIONS GIVEN.

WATER LEVELS INDICATED ON THE BORING LOGS MAY BE SUBJECT TO SEASONAL AND OR ANNUAL VARIATIONS, A DEWATERING SYSTEM OF SUFFICENT CAPACITY SHALL BE INSTALLED AND OPERATED TO MAINTAIN THE CONSTRUCTION AREA FREE OF WATER AT ALL TIMES. THE BEARING VALUE OF THE SOIL WAS DETERMINED BY FIELD EXPLORATION AND LABORATORY AVALYSIS. THE FOUNDATION DESIGN IS BASED ON THE FOLLOWING NET ALLOWABLE BEARING PRESSURES, SPREAD FOOTINGS IF UTILIZED: 3,000. P.S.F. WALL FOOTINGS; 3,000 P.S.F.

IF THE SOIL IS FOLIND TO BE OTHERWISE NOTIFY THE OWNER OF ARCHITECT PRIOR TO POURING ANY CONCRETE FOUNDATION OR SLASS. ALL EXCAVATION BACKFILL AND FOUNDATION WORK SHALL BE CARRIED OUT UNDER THE SUPERVISION OF A LICENSED SOIL ENGINEER

REMOVE ALL DEBRIS AND UNSUITABLE MATERIAL ENCOUNTERED WITHIN THE AREA OF CONSTRUCTION. THIS EXCAVATED MATERIAL SHALL BE REPLACED WITH APPROVED FILL. THIS FILL SHALL BE PLACED IN LIFTS NOT TO EXCEED & IN LOOSE THICKNESS AND COMPACTED A MINIMUM OF 35% MAXIMUM DENSITY OBTAINED IN ACCORDANCE WITH A S.T.M. SPECIFICATION D-1557. THE MATERIAL AT THE BOTTOM OF THE EXCAVATION SHALL BE INSPECTED AND COMPACTED BY PROOF ROLLING PRIOR TO THE PLACEMENT OF NEW FILL. THE SOILS ENGINEER WILL BE SELECTED AND PAID FOR BY THE OWNER. NO CONCRETE SHALL BE PLACED ON THE FILL OR UNDISTURBED SOIL UNTIL THE MATERIAL HAS BEEN INSPECTED AND APPROVED BY THE SOILS ENGINEER. STONE FILL SHALL BE PLACED ON SOIL HAVING A MINIMUM BEARING CAPACITY OF

PARCEL INDEX NUMBER Hensley Township. 12-14-24-200-005.

Part of the Northeast 1/4 of the Northeast 1/4 of Section 24, Township 20 North, Range 8 East of the Third Principal Meridian, Champaign

bearings on the Illinois State Plane Coordinate System, East Zone, described as follows:

Commencing at a brass disk at the Northeast corner of said Northeast Quarter, proceed North 89°15'57" West along the North line of said Northeast Quarter,1109.92 feet to a PK nail at Center Line Station 779+89.51-617.35 feet left, on the Westerly Right-of-Way line of FAI Route 57 as described in Lis PendensCondemnation Number 66L389, Parcel Number 23 as recorded in Book 822, Page 124 in the Champaign County Recorder's Office, also being the True Point of Beginning;thence South 00°44′03° West along said Westerly Right-of-Way, 40.00 feet to an iron pin; thence South 89°15'57" East, along said Westerly in in in the weath of 150 feet to a concrete Right-of-Way marker, thence South 40°42'45' West along said Westerly Right-of-Way line, 491.44 feet to a concrete Right-of-Way marker; thence South 41°16'25' West along said Westerly marker; thence South 41°16'25' West along said Westerly Right-of-Way line, 401.15 feet to a concrete Right-of-Way marker; thence South 78°15'11" West along said Weste Right-of-Way line, 27.62 feet; thence North 00°44'41" East 727.62 feet to said North line of said Northeast Quarter; thence South 99°15'57" East along said North line, 49.08 feet to the True Point of Beginning, in Champaign Revision Notes ISSUED FOR CLIENT REVIEW 2.10.16 ISSUED FOR CLIENT REVIEW 2.11.16

MR. DENNIS TOEPPEN

ENLARGED SITE PLAN

A2.0

TUMMELSON
BRYAN
KNOX

ATTORNEYS AT LAW George G. Bryan

E. Phillips Knox Allen Verchota III

Helen E Grandone

Hurshal C. Tummelson

Brian T Schurler

Of Counsel

March 1, 2007

BY FAX AND MAIL

Mr. John Hall Champaign County Zoning Office 1776 E. Washington Street Urbana, IL 61802 FAX: 328-2426

Re: Case Nos. 555-AM-06 and 576-S-07

Dear Mr. Hall,

As you are aware I represent Hensley Township. Based upon the recommendations of its Planning Commission, the Township wants to make known its objection to the requests sought in both of these cases.

The primary objection is the same for both cases. Currently, both locations are served by a township road. This road has certain weight restrictions. In both cases, the intended final usage should the request be granted would result in a significant increase in oversized traffic. The township already has difficulties maintaining these roads due to heavily weighted traffic that uses the road and these requests would only increase that burden without a corresponding benefit.

Two other points should be noted. In the event that any construction is to occur on the location identified in case 555-AM-06, the property does contain drainage till which is the only source of drainage for a property "upstream" for which some suitable accommodation would need to be made. As to case 576-S-07, there is a property in close proximity to this location that accommodates heavy equipment. However, the other property is located on a section of state highway that is equipped to carry such loads.

If you have any questions, please do not hesitate to contact me.

Very truly yours

Brian T Schurta

BTS/sl

Cc: Hensley Township

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115 North Broadway Avenue P.O. Box 99 Urbana, Illinois 61803-0099 www.fbklaw.com Fax 217.367.2555

Phone 217.367.2500

Attachment D: LRMP Goals, Objectives and Policies

 $can \ be \ found \ online \ at: \ \underline{http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php}$

Attachment E: LRMP Defined Terms

can be found online at: http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

RESOLUTION NO. 3425

A RESOLUTION PERTAINING TO THE RIGHT TO FARM IN CHAMPAIGN COUNTY

WHEREAS, the Chairman and the Board of Champaign County have determined that it is in the best interest of the residents of Champaign County to enact a Right to Farm Resolution which reflects the essence of the Farm Nuisance Suit Act as provided for in the Illinois Compiled Statutes, 740 ILCS 70 (1992); and

WHEREAS, the County wishes to conserve, protect, and encourage development and improvement of its agricultural land for the production of food and other agricultural products; and

WHEREAS, when nonagricultural land uses extend into agricultural areas, farms often become the subject of nuisance suits. As a result, farms are sometimes forced to cease operations. Others are discouraged from making investments in farm improvements.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Chairman and the Board of Champaign County as follows:

- 1. That the purpose of this resolution is to reduce the loss to the county of its agricultural resources by limiting the circumstances under which farming operations are deemed a nuisance.
- 2. That the term "farm" as used in this resolution means that part of any parcel of land used for the growing and harvesting of crops, for the feeding, breeding, and management of livestock; for dairying or other agricultural or horticultural use or combination thereof.
- 3. That no farm or any of its appurtenances should be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation.

Page 2

4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 24th day of May , A.D., 1994.

Chairman, County Board of the County of Champaign, Illinois

ATTEST:

County Clerk and Ex-Officio Clerk of the County Board

059-AM-22 Site Images



From E Hensley Rd facing SW to subject property



From E Hensley Rd facing SE to subject property

July 28, 2022 ZBA 1

059-AM-22 Site Images



At subject property entrance facing south



East Hensley Road in front of subject property

July 28, 2022 ZBA 2

059-AM-22

FINDING OF FACT AND FINAL DETERMINATION

of

Champaign County Zoning Board of Appeals

Final Determination:	{RECOMMEND ENACTMENT / RECOMMEND DENIAL}
Date:	{July 28, 2022}
Petitioner:	Dennis Toeppen
Request:	Amend the Zoning Map to change the zoning district designation from the B-3 Highway Business Zoning District to the B-4 General Business Zoning District.
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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 28, 2022,** the Zoning Board of Appeals of Champaign County finds that:

- 1. Petitioner Dennis Toeppen owns the subject property.
- 2. The subject property is a 5-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 with an address of 73 East Hensley 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.
 - (B) The subject property is located within Hensley Township, which has a Planning Commission. Townships with Planning Commissions have protest rights in Map Amendment cases.
- 4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated the following: "Highway business category seems to stand on the premise that parcels so zoned receive traffic from a nearby highway. In the case of the northwest quadrant of I-57 exit 240, there is virtually no traffic generated by highway. Other than local residents heading to/from their farms, and traffic to two businesses, the only traffic on Hensley between Market and I-57 seems to be people who are lost. They proceed eastbound on Hensley and make u-turns. B-4 adds permissible uses not dependent on highway traffic. B-4 will make subject parcel more useful."
- 5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following: "1) Neighboring properties 013 (west) and 009 (east) are zoned as B-4. 2) Neighboring property 006 (northeast) has a special use permit for a high-intensity use which is authorized by right under B-4: truck terminal. Other neighbors are I-57 and an agricultural parcel owned by the Atkins Group for future development. 3) Changing zoning classification will facilitate sensible utilization of high-visibility vacant land, resulting in additional tax revenues for county. Development will have no adverse impact on agriculture as this is a small, inconvenient parcel to farm. Development will have no adverse impact on neighbors, who are either businesses or are already just a stone's throw from I-57 traffic."

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- 6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 5- acre tract and is currently zoned B-3 Highway Business and is in use as a gravel parking area.
 - B. Land to the north of the subject property is zoned AG-1 Agriculture and is in agricultural production.

- C. Land to the west is zoned B-4 General Business and is commercial in use.
- D. Land to the south is the I-57 interchange at Market Street.
- E. Land to the east is on the east side of I-57; it is zoned AG-2 Agriculture and B-4 General Business and is commercial and residential in use.
- 7. Previous zoning cases in the vicinity have been the following:
 - A. Case 555-AM-06 on the subject property proposed rezoning from the B-3 District to the B-4 District. The ZBA recommendation was "Recommend Approval with conditions" and ELUC upheld that recommendation, but the County Board failed to override a protest from Hensley Township and the map amendment was denied by the County Board on August 23, 2007.
 - (1) In a letter received August 17, 2007, Brian T. Schurter, Attorney for the Hensley Township Plan Commission, stated, "The Township believes that the proposed rezoning is not compatible with the current usages of surrounding properties. Further, the Board believes that such industrial development should occur contiguous to urban areas, not in rural areas. Finally the Board is concerned with the anticipated increases in heavy traffic to an already difficult to maintain road prior to the development of truck terminals."
 - B. Case 360-AM-79 was a request to rezone a 10-acre tract south of CH 20 (Hensley Road) and east of Market Street from combined AG-2/B-3 to all B-3 Highway Business and was approved by the County Board on February 19, 1980. The property is now the Tire Central distribution facility.
 - C. Case 636-AM-88 was a request to rezone the 33.95-acre tract between Leverett Road and the I-57 ramp from combined AG-2/B-3 to all B-3 Highway Business and was approved by the County Board on April 19, 1988. This property has since been split and partially rezoned to B-4.
 - D. Case 688-AM-89 was a request to rezone a total of 34.45 acres that consisted of two tracts (the subject property and another tract from combined AG-2/B-3 to all B-3 Highway Business and was approved on January 16, 1990.
 - E. Case 294-AM-01 was a request to rezone a 21-acre tract south of CH 20 (Hensley Road) and west of Market Street from B-3 to I-1 Light Industry and was approved by the County Board on June 10, 2001. This property has since been split and partially rezoned to B-4 in Case 804-AM-15 and 884-AM-17.
 - F. Case 504-AM-05, approved by the County Board on August 18, 2005, established the current B-4 District (from the previous B-3 District) on the east side of the Interstate 57 interchange on property that fronts CH20 (Leverett Road).
 - G. Case 576-S-07, approved by the County Board on May 17, 2007, authorized a plant nursery and self-storage warehouse with heat and utilities on property located about a quarter mile to the east which was later the site of Cases 771-AM-13 and 772-S-13 (see below).

- H. Just west of the subject property, Cases 771-AM-13 and 772-S-13, approved by the County Board on September 18, 2014, rezoned 11.8 acres from B-1 to B-4 and authorized a two-part Special Use Permit consisting of multiple principal buildings on the same lot consisting of Self-Storage Warehouses providing heat and utilities to individual units, as a special use that was previously authorized in Case 576-S-07 and a Landscaping and Maintenance Contractor's Facility with outdoor storage that was the second part of the Special Use Permit.
- I. On Hensley Road on the west side of Market Street, Case 804-AM-15, approved by the County Board on July 23, 2015, rezoned the property from I-1 to B-4 in order to allow Rush Truck Centers to establish their large diesel truck maintenance and sales facility.
- 8. Regarding site plan and operations of the subject property:
 - A. The site plan received June 20, 2022, indicates the following existing and proposed features:
 - (1) There is an existing 18,000 square foot gravel area used for parking.
 - (2) Exhibit 4: Phase 1 detail indicates the following proposed features:
 - a. One 40 feet by 35 feet (1,400 square feet) building to be used as a small warehouse with office space;
 - b. One 12 feet by 40 feet loading berth to the east of the proposed building;
 - c. Nine parking spaces, including one accessible space; and
 - d. A septic field to be located in the northeast corner of the subject property.
 - (3) Exhibit 5: General Site Plan shows a view of the entire subject property and a "proposed location of future building Phase 2" just south of the proposed Phase 1 building.
 - B. Regarding proposed operations, the petitioner seeks to create leasable warehouse/office space and the B-4 zoning district allows for a more expansive choice of possible tenant uses than the current B-3 zoning district.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

- 9. Regarding the existing and proposed zoning districts:
 - A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - (1) The B-3 Highway Business DISTRICT is intended to provide areas for commercial establishments which primarily serve the needs of motorists and are intended for application only adjacent to major thoroughfares in the COUNTY.
 - (2) The B-4 General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.

- B. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
 - (1) There are 52 types of uses authorized by right in the B-3 District and there are 122 types of uses authorized by right in the B-4 District:
 - a. The following 3 uses are authorized by right in the B-3 District and are not authorized at all in the B-4 District:
 - (a) TRAVEL TRAILER CAMP;
 - (b) Roadside stand operated by farm operator;
 - (c) Public CAMP or picnic area.
 - b. The following 49 uses are authorized by right in both the B-3 District and B-4 District:
 - (a) HOTEL no more than 15 LODGING UNITS;
 - (b) HOTEL over 15 LODGING UNITS;
 - (c) SUBDIVISIONS totaling 3 LOTS or less;
 - (d) SUBDIVISIONS totaling more than 3 LOTS or with new STREETS or PRIVATE ACCESSWAYS;
 - (e) AGRICULTURE, including customary ACCESSORY USES;
 - (f) RURAL SPECIALTY BUSINESS, Minor;
 - (g) RURAL SPECIALTY BUSINESS, Major;
 - (h) Commercial greenhouse;
 - (i) Greenhouse (not exceeding 1,000 sq ft);
 - (j) Garden shop;
 - (k) Plant Nursery;
 - (1) Municipal or GOVERNMENT BUILDING;
 - (m) Township Highway Maintenance Garage;
 - (n) Police station or fire station;
 - (o) Public park or recreational facility;
 - (p) PARKING GARAGE;
 - (q) PARKING LOT;
 - (r) Telephone Exchange;
 - (s) Telegraph office;
 - (t) MOTOR BUS Station;
 - (u) Roadside Produce Sales Stand;
 - (v) ADULT USE CANNABIS TRANSPORTING ORGANIZATION;
 - (w) ADULT USE CANNABIS CULTIVATION CENTER;
 - (x) ADULT USE CANNABIS CRAFT GROWER;
 - (y) Artist Studio;
 - (z) Restaurant (indoor service only);
 - (aa) Supermarket or Grocery Store;
 - (ab) Drive-in Restaurant;
 - (ac) Tavern or Night Club;
 - (ad) Bakery (less than 2,500 sq ft);
 - (ae) Dairy Store:
 - (af) Delicatessen;
 - (ag) Confectionery Store;
 - (ah) Retail Liquor Store;
 - (ai) Locker, Cold Storage for Individual Use;

- (aj) Major AUTOMOBILE Repair (all indoors);
- (ak) Minor AUTOMOBILE Repair (all indoors);
- (al) Gasoline Service Station;
- (am) AUTOMOBILE Washing Facility;
- (an) Automotive accessories (new);
- (ao) Antique Sales and Service;
- (ap) Lawnmower Sales and Service;
- (aq) Bait sales;
- (ar) Outdoor commercial recreational enterprise (except amusement park);
- (as) Private Indoor Recreational Development;
- (at) Commercial Fishing Lake;
- (au) Christmas Tree Sales Lot;
- (av) OFF-PREMISES SIGN;
- (aw) TEMPORARY USES.
- c. The following 68 uses are authorized by right in the B-4 District and not at all in the B-3 District:
 - (a) Institution of an Educational, Philanthropic or Eleemosynary Nature;
 - (b) Church, Temple, or church related TEMPORARY USES on church PROPERTY;
 - (c) Library, museum or gallery;
 - (d) Railway Station;
 - (e) Truck Terminal;
 - (f) Barber Shop;
 - (g) Beauty Shop;
 - (h) Reducing Salon;
 - (i) Dressmaking Shop;
 - (j) Drycleaning ESTABLISHMENT;
 - (k) Laundry and/or drycleaning pick-up;
 - (l) Millinery shop;
 - (m) Self-service laundry;
 - (n) Shoe repair shop;
 - (o) Tailor and pressing shop;
 - (p) Diaper Service ESTABLISHMENT;
 - (q) Clothing Repair and Storage;
 - (r) Mortuary or Funeral Home;
 - (s) Medical and Dental CLINIC;
 - (t) Farm Equipment Sales & Service;
 - (u) Feed and Grain (sales only);
 - (v) ADULT USE CANNABIS DISPENSING ORGANIZATION;
 - (w) Banks, Savings and Loan Associations;
 - (x) Insurance and Real Estate Offices;
 - (y) Business Office;
 - (z) Professional Office;
 - (aa) Private Kindergarten or Day Care Facility;
 - (ab) Vocational, Trade or Business SCHOOL;

- (ac) Meat and Fish Market;
- (ad) AUTOMOBILE, Truck, Trailer and Boat Sales room (all indoors);
- (ae) AUTOMOBILE or Trailer Sales area (open lot);
- (af) Building Material Sales (excluding concrete or asphalt mixing);
- (ag) Hardware Store;
- (ah) Electrical or gas appliance Sales and Service;
- (ai) Department Store;
- (aj) Apparel Shop;
- (ak) Shoe Store;
- (al) Jewelry Store;
- (am) Stationery-Gift Shop-Art Supplies;
- (an) Florist;
- (ao) Newsstand-Bookstore;
- (ap) Tobacconist;
- (aq) Variety-Drygoods Store;
- (ar) Music Store;
- (as) Drugstore;
- (at) Photographic Studio & Equipment Sales and Service;
- (au) Furniture Store Office Equipment Sales;
- (av) Used Furniture Sales and Service;
- (aw) Pet Store;
- (ax) Bicycle Sales and Service;
- (ay) Fuel Oil, Ice, coal, wood (sales only);
- (az) Monument Sales (excludes stone cutting);
- (ba) Pawn Shop;
- (bb) Sporting Good Sales & Service;
- (bc) Heating, Ventilating, Air Conditioning Sales and Service;
- (bd) Billiard Room;
- (be) Bowling Alley;
- (bf) Dancing Academy or hall;
- (bg) Lodge or private club;
- (bh) THEATER, indoor;
- (bi) Wholesale Business;
- (bj) Auction House (non-animal);
- (bk) SEXUALLY ORIENTED BUSINESS;
- (bl) Contractors Facilities (with NO Outdoor STORAGE Nor Outdoor OPERATIONS);
- (bm) Contractors Facilities with Outdoor STORAGE Nor Outdoor OPERATIONS;
- (bn) AGRICULTURAL DRAINAGE CONTRACTOR Facility with no Outdoor STORAGE and/or Outdoor OPERATIONS;
- (bo) AGRICULTURAL DRAINAGE CONTRACTOR Facility with Outdoor STORAGE and/or Outdoor OPERATIONS;
- (bp) SMALL SCALE METAL FABRICATING SHOP.
- d. The following 5 uses are authorized by right in the B-4 District but requires a Special Use Permit in the B-3 District:
 - (a) Radio or Television Station:

- (b) VETERINARY HOSPITAL;
- (c) Warehouse;
- (d) Self-storage Warehouses, providing heat and utilities to individual units;
- (e) Self-storage Warehouses, not providing heat and utilities to individual units.
- (2) There are 11 types of uses authorized by Special Use Permit (SUP) in the B-3 District (including the 5 uses authorized by right in the B-4 District, see above) and 12 types of uses authorized by SUP in the B-4 District:
 - a. The following 4 uses may be authorized by SUP in the both the B-3 District and B-4 District:
 - (a) Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right in B-1, B-2, B-3, B-4, B-5 & I-1;
 - (b) Private or commercial transmission and receiving towers (including antennas) over 100 feet in height;
 - (c) Electrical Substation;
 - (d) HELIPORT-RESTRICTED LANDING AREAS.
 - b. The following 2 uses may be authorized by Special Use Permit in the B-3 District and not at all in the B-4 District:
 - (a) Gasoline and Volatile Oils Storage up to and including 80,000 gallon capacity in the Aggregate;
 - (b) Liquefied Petroleum Gases Storage.
 - c. The following 8 uses may be authorized by SUP in the B-4 District and not at all in the B-3 District:
 - (a) HOSPITAL;
 - (b) Bakery (more than 2,500 sq ft);
 - (c) Amusement Park;
 - (d) KENNEL;
 - (e) Recycling of non-hazardous materials (all storage and processing indoors);
 - (f) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS;
 - (g) AGRICULTURAL DRAINAGE CONTRACTOR Facility with Outdoor STORAGE and/or Outdoor OPERATIONS;
 - (h) LIGHT ASSEMBLY.
 - d. There are no uses authorized by SUP in the B-4 District and by right in the B-3 District.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

10. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies,

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which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:

- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows: "It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows..."
- B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, "Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies."

REGARDING RELEVANT LRMP GOALS & POLICIES

(Note: bold italics typeface indicates staff's recommendation to the ZBA)

11. LRMP Goal 1 is entitled "Planning and Public Involvement" and states:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but the proposed rezoning will *NOT IMPEDE* the achievement of Goal 1 because the rezoning process provides several avenues for gathering and considering public input.

12. LRMP Goal 2 is entitled "Governmental Coordination" and states:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 2 because the proposed rezoning falls outside the 1.5 mile extra-territorial jurisdiction of any municipality.

13. LRMP Goal 3 is entitled "Prosperity" and states:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. The proposed amendment will **NOT IMPEDE** Goal 3.

14. LRMP Goal 4 is entitled "Agriculture" and states:

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. The proposed amendment will *HELP ACHIEVE* Goal 4 for the following reasons:

A. Objective 4.3 is entitled "Site Suitability for Discretionary Review Development" and states: "Champaign County will require that each discretionary review development is located on a suitable site."

The proposed rezoning will *HELP ACHIEVE* Objective 4.3 because of the following:

(1) Policy 4.3.2 states, "On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.2 for the following reasons:

- a. The land is best prime farmland and consists of 152A Drummer silty clay loam, 198A Elburn silt loam, and 171B Catlin silt loam, and has an average LE Score of 99.
- b. The subject property has not been in row crop production for almost 15 years.
- c. The small lot size creates limitations for row crop production.
- d. The proposed development is a small warehouse with office space, which does not require any special construction methods or engineering and is therefore well-suited overall.
- (2) Policy 4.3.3 states, "The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense."

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.3 for the following reasons:

- a. The subject property is located approximately 6.8 road miles from the Thomasboro Fire Protection District Station. The District was notified of the case and no comments were received.
- (3) Policy 4.3.4 states, "The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense."

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.4 for the following reason:

- a. No improvements to public infrastructure are required for the proposed development.
- (4) Policy 4.3.5 states, "On best prime farmland, the County will authorize a business or other non-residential use only if:
 - a. It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
 - b. the use is otherwise appropriate in a rural area and the site is very well suited to it."

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.5 for the following reasons:

- a. A warehouse with office area is suitable in both urban and rural areas.
- b. The subject property is not suitable for efficient row crop production.
- c. The proposed development would not require additional public expense for infrastructure or services.
- B. Objective 4.2 is entitled "Development Conflicts with Agricultural Operations" and states, "Champaign County will require that each *discretionary review* development will not interfere with agricultural operations."

The proposed rezoning will *HELP ACHIEVE* Objective 4.2 because of the following:

(1) Policy 4.2.1 states, "The County may authorize a proposed business or other non-residential discretionary review development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a rural area than in an urban area."

The proposed rezoning will *HELP ACHIEVE* Policy 4.2.1 for the following reasons:

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
- b. The subject property is located 0.75 mile from the Market Street I-57 interchange and the B-4 District is at least as appropriate as the B-3 District at this location.
- (2) Policy 4.2.2 states, "The County may authorize discretionary review development in a rural area if the proposed development:
 - a. is a type that does not negatively affect agricultural activities; or
 - b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and

c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure."

The proposed rezoning will *HELP ACHIEVE* Policy 4.2.2 for the following reasons:

- a. The proposed warehouse/office will be sited on land that is not in row crop production and will not interfere with agricultural activities, nor is it likely to be negatively affected by agricultural activities.
- b. Case 555-AM-06 denied a rezoning from B-3 to B-4 for the subject property. The case received a protest from Hensley Township because of two concerns outlined in a letter from Hensley Township Plan Commission attorney Brian T Schurter dated March 1, 2017:
 - (a) "The property does contain drainage tile which is the only source of drainage for a property "upstream" for which some suitable accommodation would need to be made."
 - (b) "This road has certain weight restrictions...the township already has difficulties maintaining these roads due to heavily weighted traffic that uses the road."
 - (c) It is unknown if drainage has changed for the upstream property, or if the proposed development will attract heavy vehicles.
- c. In 2017, the petitioner replaced the drainage tile on the property with 15-inch PVC tile. This included remediation for the tile that Ameren broke in 2003 and improved drainage for the neighbor to the north.
- (3) Policy 4.2.3 states, "The County will require that each proposed discretionary development explicitly recognize and provide for the right of agricultural activities to continue on adjacent land."

The proposed rezoning will *HELP ACHIEVE* Policy 4.2.3 for the following reasons:

- a. The Petitioner understands that this is a rural area where agricultural activities take place and does not seek to inhibit agricultural activities.
- b. A copy of Champaign County Right to Farm Resolution No. 3425 is attached to this map amendment to document the current and future owners' recognition of the Right to Farm.
- (4) Policy 4.2.4 states, "To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary."

The proposed rezoning will *HELP ACHIEVE* Policy 4.2.4 for the following reason:

- a. The proposed use on the subject property will *NOT* create nuisance conditions or inhibit adjacent agricultural activities. A buffer between the use and nearby agriculture is not warranted.
- C. Objective 4.1 is entitled "Agricultural Land Fragmentation and Conservation" and states: "Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland."

The proposed rezoning will *HELP ACHIEVE* Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.5, 4.1.8, and 4.1.9 do not appear to be relevant to the proposed rezoning.
- (2) Policy 4.1.1 states, "Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils."
 - The proposed rezoning will *NOT IMPEDE* Policy 4.1.1 because the subject property has not been in row crop production for almost 15 years.
- (3) Policy 4.1.4 states: "The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a good zoning lot (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the by right development allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

The proposed rezoning will *HELP ACHIEVE* Policy 4.1.4 for the following reasons:

- a. The proposed lot meets County zoning requirements.
- b. Traffic would not be expected to increase significantly for the size of development proposed.
- (4) Policy 4.1.6 states: "Provided that the use, design, site and location are consistent with County policies regarding:
 - i. Suitability of the site for the proposed use;
 - ii. Adequacy of infrastructure and public services for the proposed use;
 - iii. Minimizing conflict with agriculture;
 - iv. Minimizing the conversion of farmland; and
 - v. Minimizing the disturbance of natural areas; then
 - a) On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres

- plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
- b) On best prime farmland, the County may authorize nonresidential discretionary development; or
- c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland."

The proposed rezoning will *HELP ACHIEVE* Policy 4.1.6 for the following reasons:

- a. The land is best prime farmland and consists of 152A Drummer silty clay loam, 198A Elburn silt loam, and 171B Catlin silt loam, and has an average LE Score of 99.
- b. The subject property has not been in row crop production for almost 15 years.
- (5) Policy 4.1.7 states: "To minimize the conversion of best prime farmland, the County will require a maximum lot size limit on new lots established as by right development on best prime farmland."

The proposed rezoning will *NOT IMPEDE* Policy 4.1.7, because best prime farmland maximum lot area requirements only apply in the CR, AG-1, and AG-2 Zoning Districts.

15. LRMP Goal 5 is entitled "Urban Land Use" and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 has 3 objectives and 15 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 5.

16. LRMP Goal 6 is entitled "Public Health and Safety" and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. The proposed amendment will *HELP ACHIEVE* Goal 6 for the following reasons:

- A. Objectives 6.2, 6.3, and 6.4 do not appear to be relevant to the proposed rezoning.
- B. Objective 6.1 states, "Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety."

The proposed rezoning will **HELP ACHIEVE** Objective 6.1 because of the following:

(1) Policy 6.1.2 states, "The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public

health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality."

The proposed rezoning will *HELP ACHIEVE* Policy 6.1.2 because all new wastewater and treatment systems must be approved by the Champaign County Health Department.

- (2) Policies 6.1.1, 6.1.3, and 6.1.4 do not appear to be relevant to the proposed rezoning.
- 17. LRMP Goal 7 is entitled "Transportation" and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed amendment will *HELP ACHIEVE* Goal 7 for the following reasons:

A. Objective 7.1 states, "Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted."

The proposed rezoning will **HELP ACHIEVE** Objective 7.1 because of the following:

(1) Policy 7.1.1 states, "The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation."

The proposed rezoning will *HELP ACHIEVE* Policy 7.1.1 because traffic would not be expected to significantly increase with the proposed warehouse/office space.

- B. The proposed amendment will *NOT IMPEDE* the achievement of Objective 7.2 and its policies.
- 18. LRMP Goal 8 is entitled "Natural Resources" and states as follows:

Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.

The proposed amendment will *NOT IMPEDE* the achievement of Goal 8 because the subject property does not contain any natural features.

19. LRMP Goal 9 is entitled "Energy Conservation" and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

The proposed amendment will **NOT IMPEDE** the achievement of Goal 9.

20. LRMP Goal 10 is entitled "Cultural Amenities" and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

The proposed amendment will *NOT IMPEDE* the achievement of Goal 10 because there are no known cultural amenities on the subject property.

GENERALLY REGARDING THE LASALLE FACTORS

21. In the case of LaSalle National Bank of Chicago v. County of Cook, the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any proposed rezoning. Those six factors are referred to as the LaSalle factors. Two other factors were added in later years from the case of Sinclair Pipe Line Co. v. Village of Richton Park. The Champaign County Zoning Ordinance does not require that map amendment cases be explicitly reviewed using all of the LaSalle factors, but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the LaSalle and Sinclair factors as follows:

A. LaSalle factor: The existing uses and zoning of nearby property.

Table 1 below summarizes the land uses and zoning of the subject property and properties nearby.

Direction	Land Use	Zoning
Onsite	gravel parking area	B-3 Highway Business (proposed to be rezoned to B-4 General Business)
North	agriculture	AG-1 Agriculture
East	truck terminals	AG-2 Agriculture B-4 General Business
West	commercial	B-4 General Business
South	interchange	I-57 interchange at Market St

Table 1. Land Use and Zoning Summary

B. LaSalle factor: The extent to which property values are diminished by the particular zoning restrictions.

- (1) It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
- (2) There are no nearby residential properties.
- (3) This area was zoned B-3 from the adoption of the Zoning Ordinance on October 10, 1973. Nothing except the gravel parking area has been built on the property since then.
- (4) The petitioner has owned the property since 2017 and has been unable to develop it under the existing B-3 zoning, which has fewer land uses than B-4 zoning offers.

C. LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.

There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, and welfare.

D. LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.

The gain to the public of the proposed rezoning is positive because the proposed amendment would allow for development that has not been realized with decades being zoned in B-3.

E. LaSalle factor: The suitability of the subject property for the zoned purposes.

The subject property is suitable for the proposed zoned purposes; nothing developed on the property under the current B-3 zoning, which has been in place since 1973.

F. LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.

The property has been vacant as zoned since 1973. Adjacent properties that were rezoned to B-4 have since been developed.

G. Sinclair factor: The need and demand for the use.

The petitioner believes that there is demand for warehouse with office space in the area.

H. Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.

The proposed use generally conforms to the goals and policies of the Champaign County Land Resource Management Plan.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

- 22. The proposed amendment will *HELP ACHIEVE* the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:
 - A. 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.
 - The petitioner proposes to construct a 1,400 square foot building on a 5-acre lot, which will provide adequate light, pure air, and safety from fire and other dangers.
 - B. 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.

The requested rezoning should not decrease the value of nearby properties.

- C. 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.
 - Traffic would not be expected to increase significantly given the small size of the proposed development.
- D. 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.
 - The proposed development does not trigger the requirement for a storm water management plan or storm water detention.
- E. 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.
 - (1) 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.
 - (2) 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.
- F. Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.
 - These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.
- G. 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 use and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

H. 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 use will have to be conducted in compliance with those requirements.

- I. 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.
 - (1) The proposed warehouse/office does not meet the definition of "urban use" because it would not require a connection to sanitary sewer.
 - (2) The proposed rezoning and proposed use will not take any land out of production.
- J. 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.

K. 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 rezoning and the proposed use will not require the development of public utilities or transportation facilities.

- L. 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 subject property has not been in agricultural production for almost 15 years.
- M. 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 rezoning will not hinder the development of renewable energy sources.

REGARDING SPECIAL CONDITIONS OF APPROVAL

- 23. Proposed Special Conditions of Approval:
 - A. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.

The above special condition is necessary to ensure the following:

Conformance with LRMP Policy 4.2.3.

DOCUMENTS OF RECORD

- 1. Petition for Zoning Map Amendment received on June 20, 2022, with attachments:
 - A Exhibit 1: Legal description
 - B Exhibit 2: Plat of Survey by Fuhrmann Engineering
 - C Exhibit 3: 2017 Improvements Permit Drawing
 - D Exhibit 4: Phase One Detail
 - E Exhibit 5: General Site Plan
- 2. Champaign County Land Resource Management Plan (LRMP) Goals, Objectives, and Policies
- 3. Champaign County Land Resource Management Plan (LRMP) Appendix of Defined Terms
- 4. Copy of Right to Farm Resolution 3425
- 5. Letter from Brian T. Schurter, Attorney for Hensley Township Plan Commission, received March 2, 2007
- 6. Preliminary Memorandum for Case 059-AM-22 dated July 19, 2022, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received June 20, 2022:
 - Exhibit 4: Phase One Detail
 - Exhibit 5: General Site Plan
 - C Letter from Brian T. Schurter, Attorney for Hensley Township Plan Commission, received March 2, 2007
 - D LRMP Land Use Goals, Objectives, and Policies (on ZBA meetings website)
 - E LRMP Appendix of Defined Terms (on ZBA meetings website)
 - F Copy of Right to Farm Resolution 3425
 - G Site Visit Photos taken July 5, 2022
 - H Draft Finding of Fact and Final Determination dated July 28, 2022

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 28, 2022,** the Zoning Board of Appeals of Champaign County finds that:

- 1. The proposed Zoning Ordinance map amendment will *HELP ACHIEVE* the Land Resource Management Plan because:
 - A. Regarding Goal 4:
 - (1) It will *HELP ACHIEVE* Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it will *HELP ACHIEVE* the following:
 - a. Policy 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 14.C.(2)).
 - b. Policy 4.1.4, guaranteeing landowners of a lawfully created lot, the by-right development allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met (see Item 14.C.(3)).
 - c. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 14.C.(4)).
 - d. Policy 4.1.7 requiring a maximum lot size limit on new lots established as by right development on best prime farmland (see Item 14.C.(5)).
 - (2) It will *HELP ACHIEVE* Objective 4.2 requiring discretionary development to not interfere with agriculture because it will *HELP ACHIEVE* the following:
 - a. Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 14.B.(1)).
 - b. Policy 4.2.2 requiring discretionary development in a rural area to not negatively affect or be negatively affected by agricultural activities, and not interfere or negatively affect the operation of ag-related infrastructure (see Item 14.B.(2)).
 - c. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 14.B.(3)).
 - d. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 14.B.(4)).

- (3) It will *HELP ACHIEVE* Objective 4.3 requiring any discretionary development to be on a suitable site because it will *HELP ACHIEVE* the following:
 - a. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 14.A.(1)).
 - b. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.A.(2)).
 - c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.A.(3)).
 - d. Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture or is appropriate in a rural area (see Item 14.A.(4)).
- (4) Based on achievement of the above Objectives and Policies, the proposed map amendment will *HELP ACHIEVE* Goal 4 Agriculture.

C. Regarding Goal 6:

- (1) It will *HELP ACHIEVE* Objective 6.1 regarding public health and safety because it will *HELP ACHIEVE* the following:
 - a. Policy 6.1.2 requiring that proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality (see Item 16.B.(1)).
- (2) Based on achievement of the above Objective and Policy and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will *HELP ACHIEVE* Goal 6 Public Health and Public Safety.

D. Regarding Goal 7:

- (1) It will *HELP ACHIEVE* Objective 7.1 considering traffic impact in land use decisions because it will *HELP ACHIEVE* the following:
 - a. Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation (see Item 17.A.(1)).
- (2) Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will *HELP ACHIEVE* Goal 7 Transportation.
- E. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
 - Goal 1 Planning and Public Involvement
 - Goal 2 Governmental Coordination
 - Goal 3 Prosperity

- Goal 5 Urban Land Use
- Goal 8 Natural Resources
- Goal 9 Energy Conservation
- Goal 10 Cultural Amenities
- F. Overall, the proposed map amendment will *HELP ACHIEVE* the Land Resource Management Plan.
- 2. The proposed Zoning Ordinance map amendment *IS* consistent with the *LaSalle* and *Sinclair* factors because of the following:
 - A. The gain to the public of the proposed rezoning is positive because the proposed amendment would allow for development that has not been realized with decades being zoned in B-3.
 - B. The subject property is suitable for the proposed zoned purposes; nothing developed on the property under the current B-3 zoning, which has been in place since 1973.
 - C. The proposed use generally conforms to the goals and policies of the Champaign County Land Resource Management Plan.
- 3. The proposed Zoning Ordinance map amendment will *HELP ACHIEVE* the purpose of the Zoning Ordinance because of the following:
 - A. The rezoning would achieve Purpose 2.0 (a) to secure adequate light, pure air, and safety from fire and other dangers because the proposed development is a small portion of the 5-acre lot.
 - B. The rezoning would achieve Purpose 2.0 (c) to lessen and avoid congestion in the public streets because there would be no significant increase in traffic.
 - C. The rezoning would achieve Purpose 2.0 (d) of the Ordinance to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters because the development does not trigger the need for a storm water detention basin or storm water drainage plan.

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in **Case 059-AM-22** should *{BE ENACTED / NOT BE ENACTED}}* by the County Board in the form attached hereto.

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

SIGNED:
Ryan Elwell, Chair Champaign County Zoning Board of Appeals
Champaign County Zoning Board of Appeals
ATTEST:
Secretary to the Zoning Board of Appeals
Date