

CASES 096-AM-23 and 097-S-23

PRELIMINARY MEMORANDUM

June 21, 2023

Petitioner: Evergreen Cremation Services

Request:

Case 096-AM-23

Amend the Zoning Map to change the zoning district designation from the I-1 Light Industry Zoning District to the AG-2 Agriculture Zoning District in order to establish and operate the proposed Special Use in related Zoning Case 097-S-23.

Case 097-S-23

Authorize a Special Use to establish a crematory on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District in related zoning case 096-AM-23, with the following waivers, on the subject property described below.

Waiver Part A: A lot area of 1.69 acres in lieu of the minimum required 10 acres for a crematory.

Waiver Part B: A setback of 72 feet from the street centerline of Tiffany Court in lieu of the minimum required 100 feet for a crematory.

Location: Lot 3 of Stahly Subdivision in the Southeast Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 8 East of the Third Principal Meridian in Champaign Township with an address of 314 Tiffany Court, Champaign.

Site Area: 1.69 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 establish a crematory on the 1.69-acre subject property, using the existing building. A crematory is not allowed in the current I-1 Light Industry Zoning District, so a Map Amendment to AG-2 Agriculture will be needed. A crematory requires a Special Use Permit in the AG-2 Agriculture Zoning District.

The Zoning Ordinance has standard conditions for a crematory and the petitioner requests waivers from two of them:

1. There is a 10-acre minimum lot size for a crematory.
2. There is a 100-foot setback from street centerline for a crematory.

IMPACTS OF A CREMATORY

The petitioners are bringing an environmental expert to the ZBA hearing to answer questions about the proposed use. P&Z Staff has not received any information from the petitioners on environmental factors such as odor and air quality and therefore cannot evaluate possible environmental impacts.

COMMENTS RECEIVED

A neighboring landowner contacted the P&Z Department on June 20, 2023 with concerns about air quality and odor. They believe the proposed facility should be in a less busy area.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the City. The subject property is adjacent to the City of Champaign. The City's most recent Comprehensive Plan Map from 2021 shows the subject property to be in the "Employment Center" land use area.

The subject property is located within Champaign Township, which does not have 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	Parking and Storage	I-1 Light Industry
North	Commercial/Industrial	(Proposed rezoning to AG-2)
East	Gas Station	I-1 Light Industry
West	Commercial/Industrial	City of Champaign zoning
South	Marathon Oil Facility	I-1 Light Industry

DECISION POINTS FOR CASE 096-AM-23

P&Z Staff have made recommendations on items in the combined Finding of Fact/Summary of Evidence for the RRO, denoted by text in ***BOLD ITALICS***, which can be accepted as is or discussed by the Board. Staff did not identify any decision points for these cases, but this does not preclude the Board from raising decision points for discussion.

PROPOSED SPECIAL CONDITIONS

There is one special condition proposed for the Map Amendment:

- A. **Should a text amendment allowing a crematory in I-1 Light Industry Zoning District be approved in the future, the zoning for the subject property shall revert to the I-1 District.**

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

That zoning for the subject property reflects the general intent of the Zoning Districts.

The following special conditions are proposed for the Special Use:

- A. **The Special Use is subject to the approval of Case 097-AM-23.**

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

That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.

- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed construction 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.

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

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

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

- D. **The petitioners shall apply for a Change of Use Permit within 30 days of approval of Zoning Case 096-AM-23.**

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

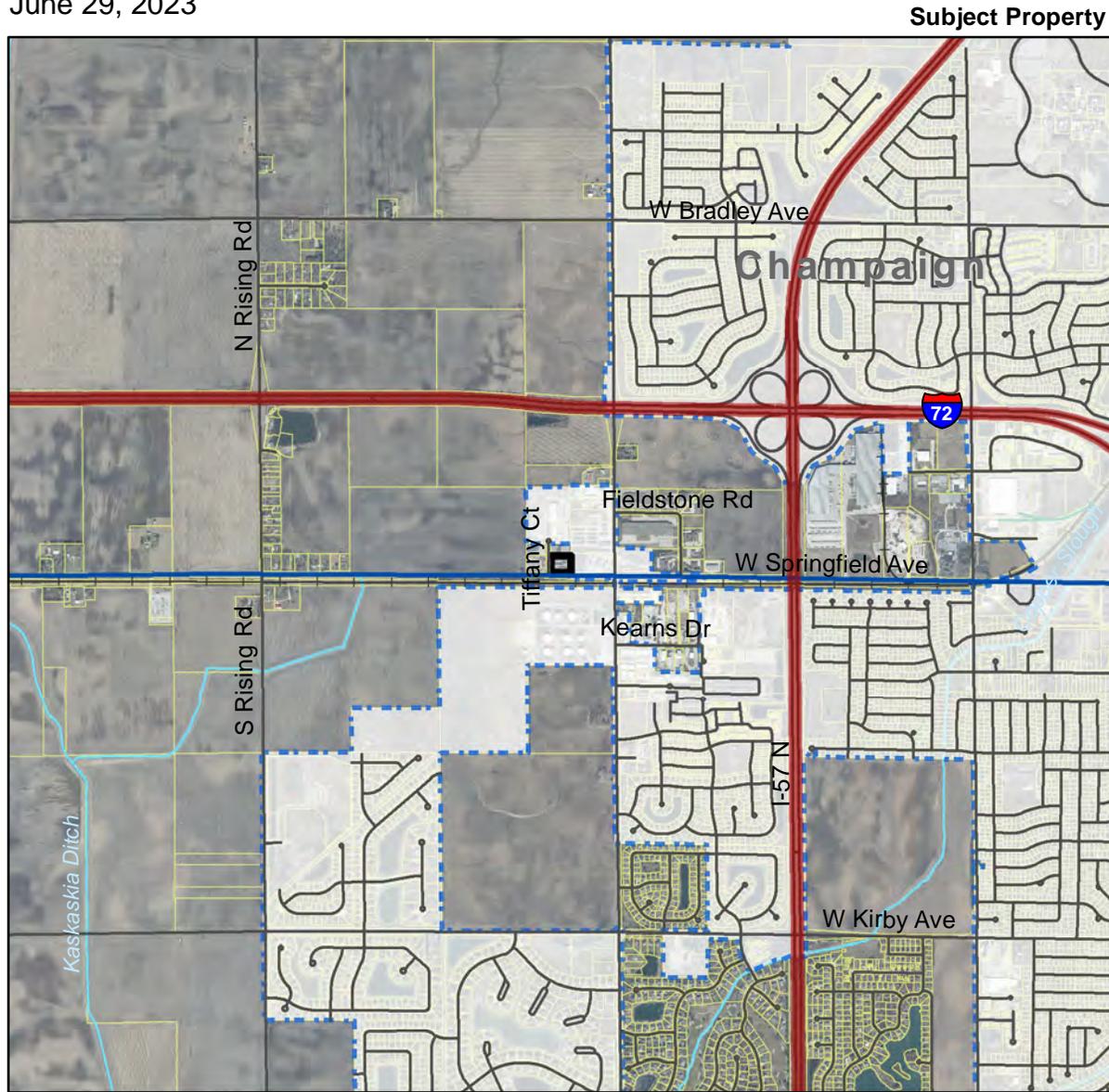
That the use complies with permitting requirements in the Zoning Ordinance.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received March 28, 2023
- C Cremation statistics provided by petitioners received June 20, 2023
- D LRMP Land Use Goals, Objectives, and Policies
- E LRMP Appendix of Defined Terms
- F Natural Resources Report from Champaign County Soil and Water Conservation District received June 20, 2023
- G Site photos taken by P&Z Staff on April 3, 2023
- H Summary of Evidence, Finding of Fact, and Final Determination for Case 096-AM-23
- I Summary of Evidence, Finding of Fact, and Final Determination for Case 097-S-23

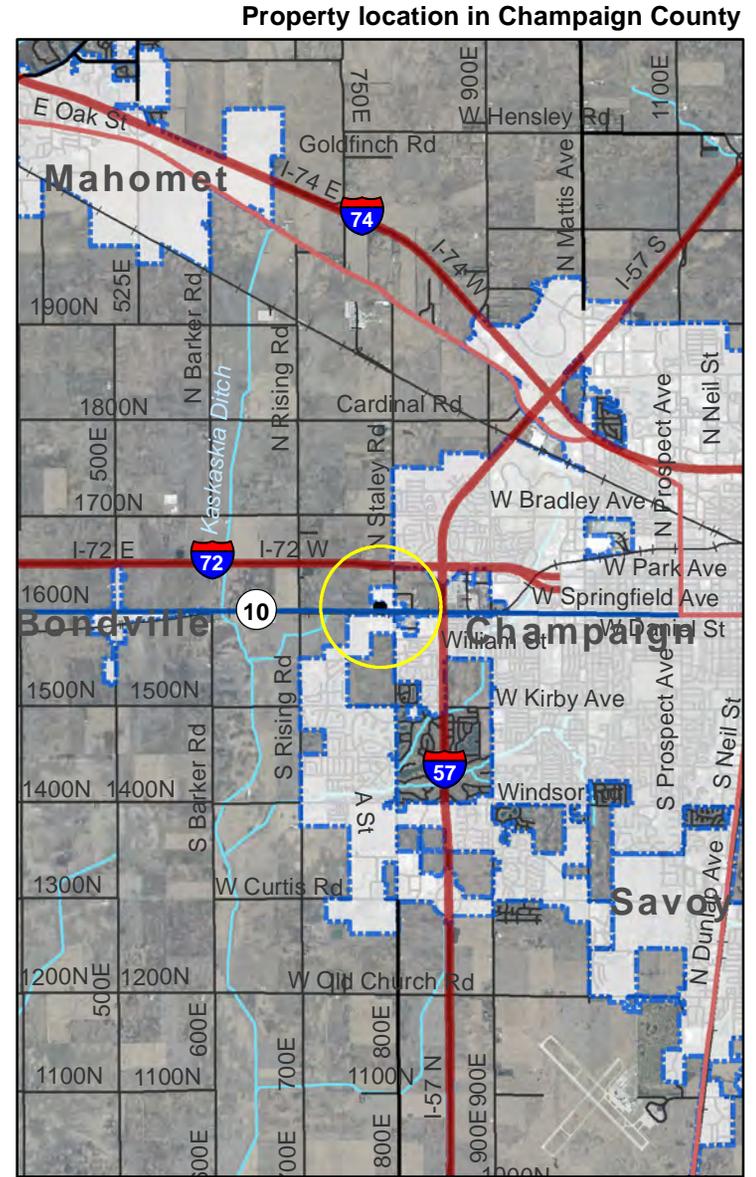
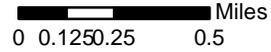
Location Map

Cases 096-AM-23 & 097-S-23
June 29, 2023



Subject Property

- Subject Property
- Municipal Boundary
- Streams
- Parcels

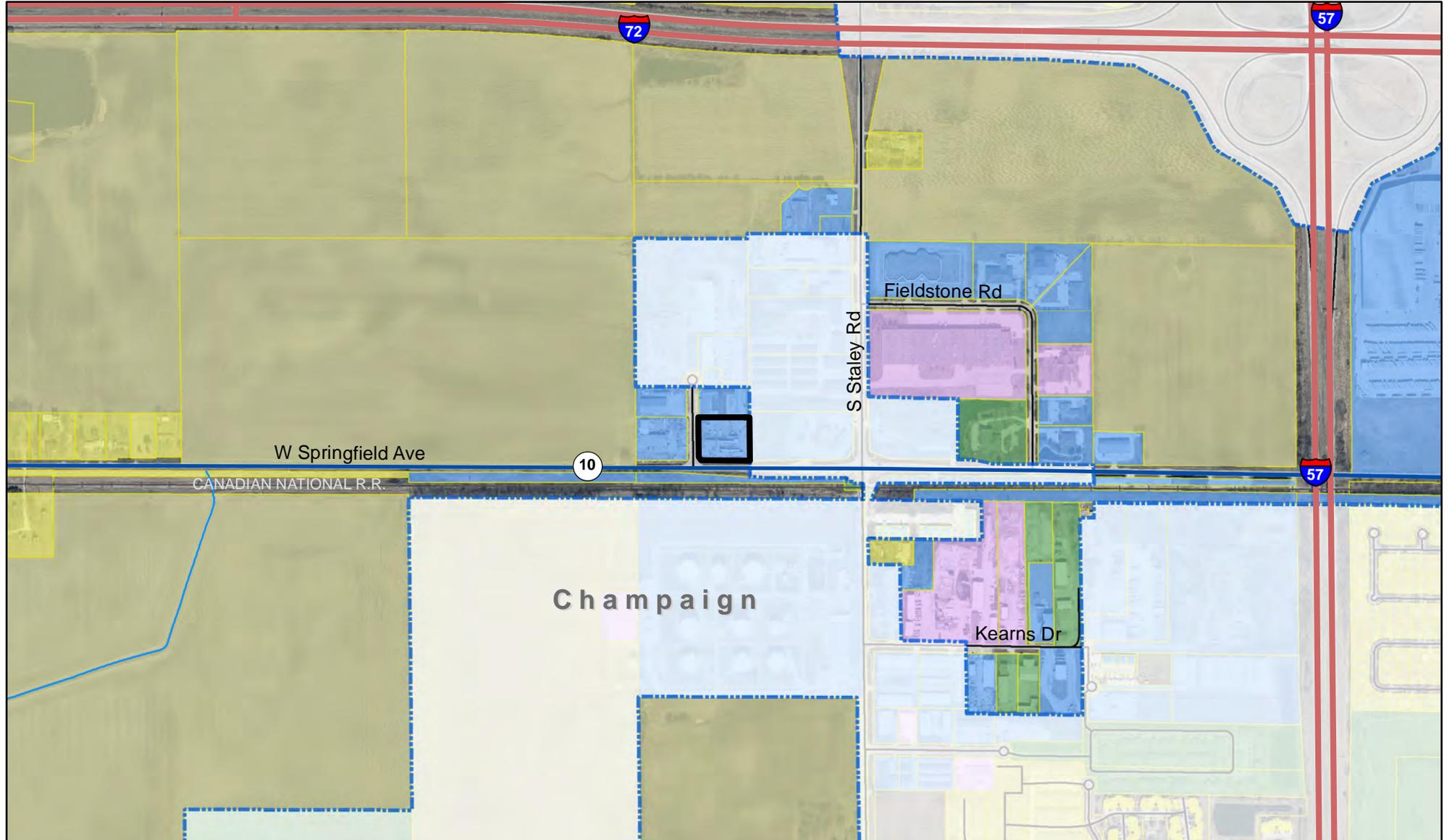


Property location in Champaign County

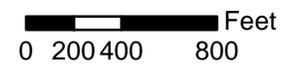


Land Use Map

Cases 096-AM-23 & 097-S-23
June 29, 2023



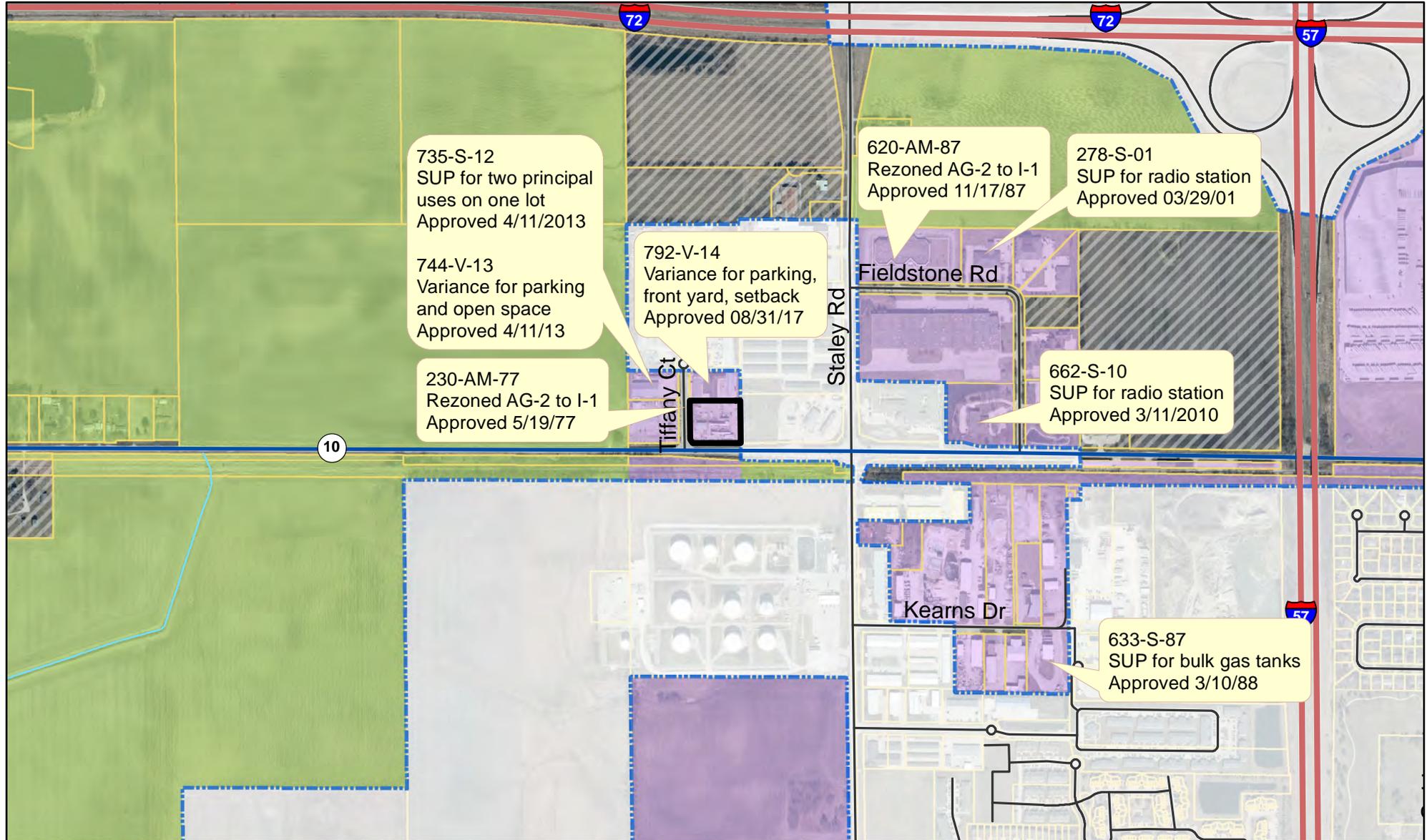
- | | | |
|---|--|--|
|  Subject Property |  Agriculture |  Commercial |
|  Parcels |  Ag/Residential |  Industrial |
| |  Residential |  Tax Exempt |



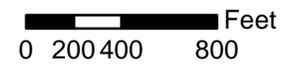
Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Cases 096-AM-23 & 097-S-23
June 29, 2023

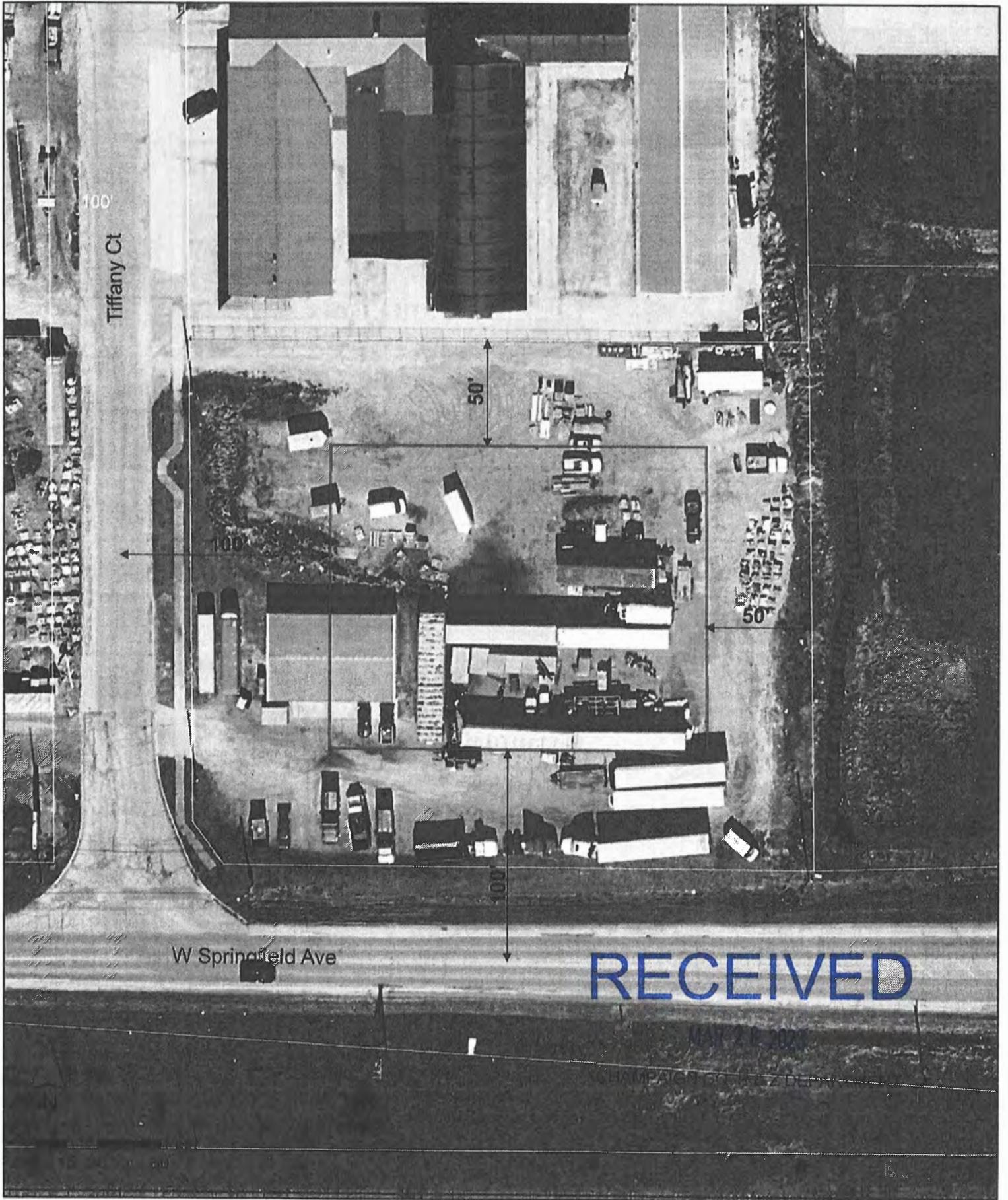


- Subject Property
- Parcels
- Annexation Agreement
- AG-2 Agriculture
- I-1 Light Industry



03-20-08-476-005

Required yards and setbacks



100'

Tiffany Ct

50'

100'

50'

100'

W Springfield Ave

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CURRENT

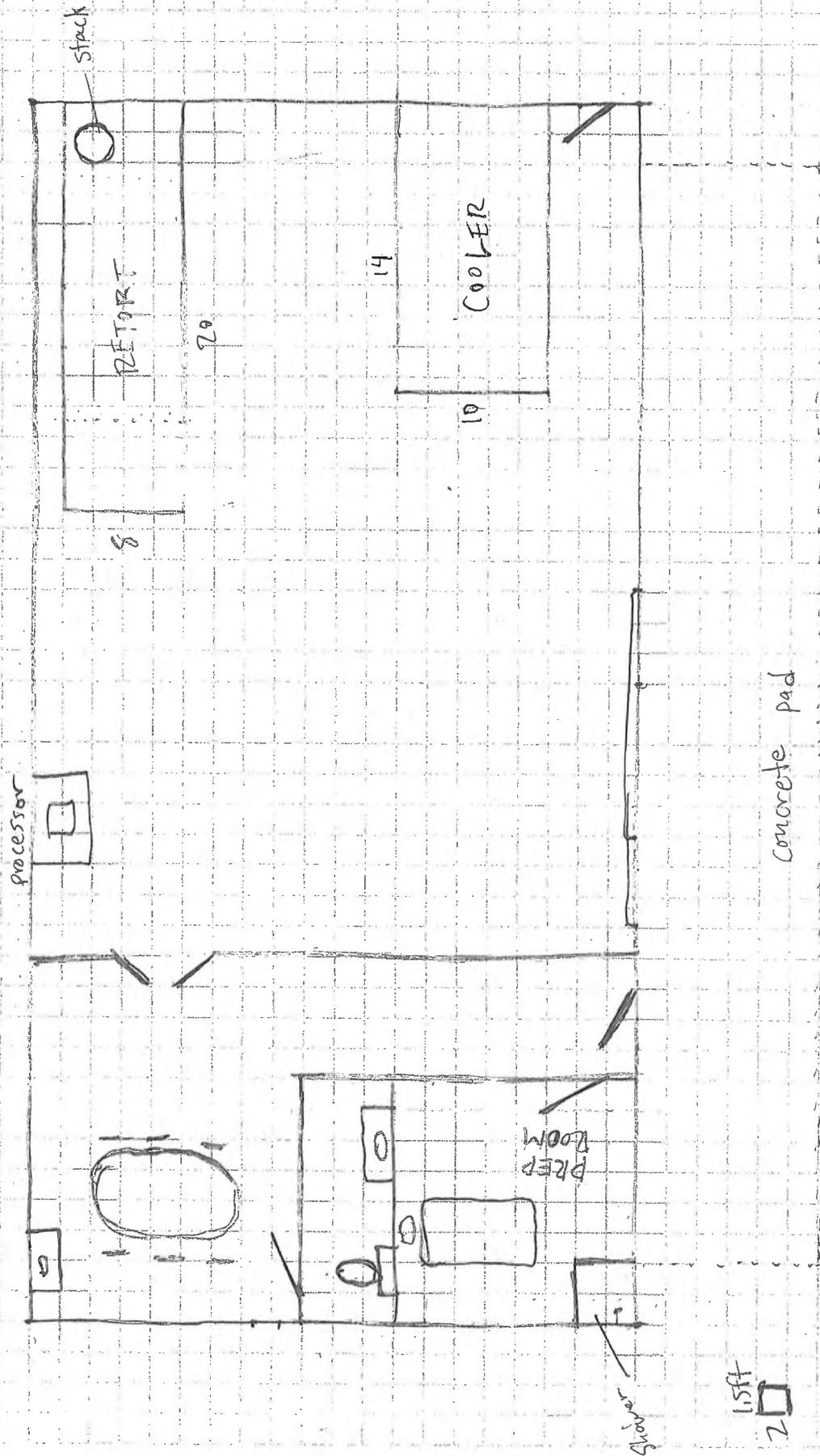


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MAR 28 2023

CHAMPAIGN CO P & Z DEPARTMENT

FUTURE PLANS

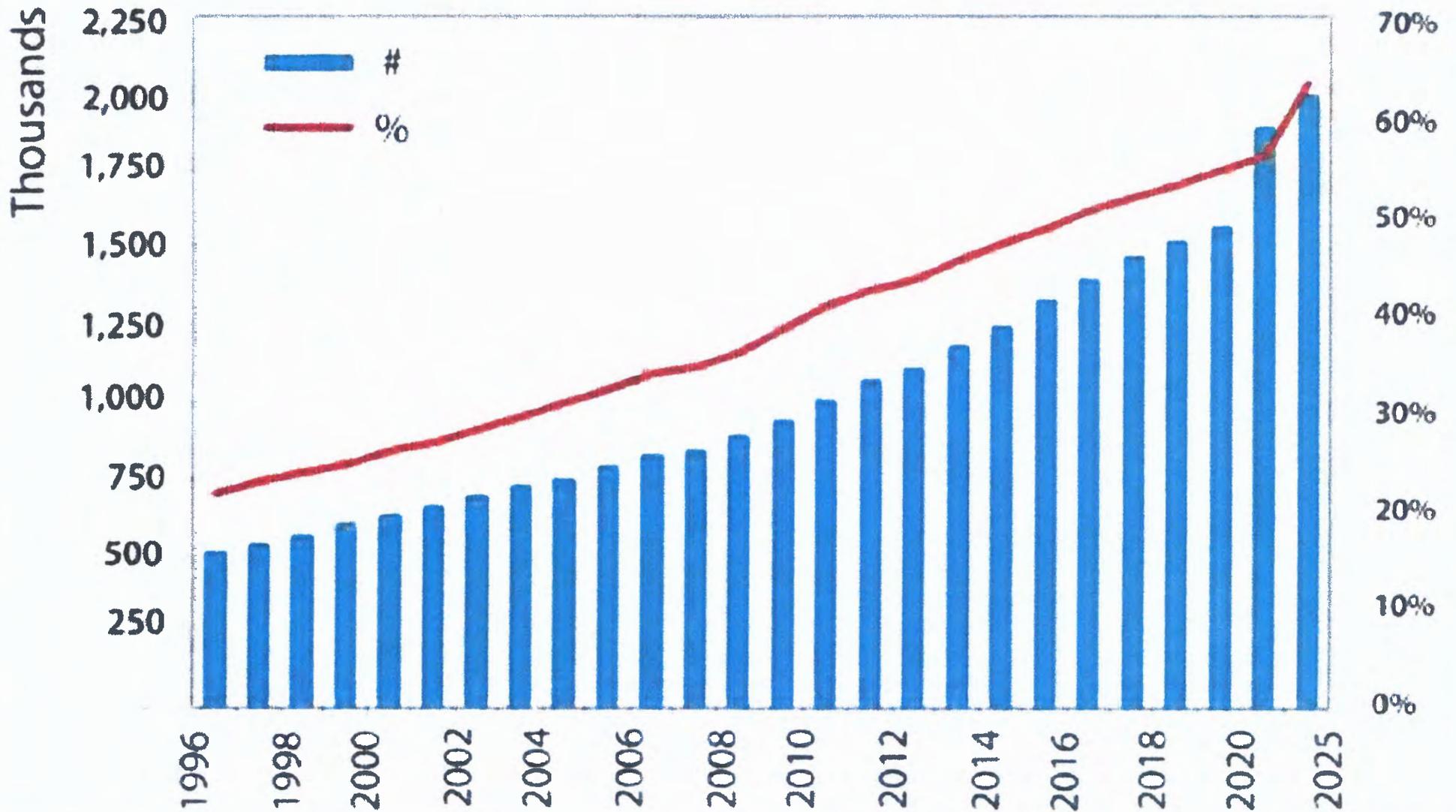


RECEIVED

MAR 28 2023

CHAMPAIGN CO. P. & Z. DEPARTMENT

USA - Numbers and Percentage of Cremations



U.S. Cremation and Burial Trends

In 2015, the national cremation rate surpassed the casketed-burial rate for the first time in U.S. history.

Overall, the annual rise in the percentage of cremations, and the corresponding decline in the percentage of burials, has followed a relatively steady pattern nationally, averaging about 1.5% per year in most U.S. states.

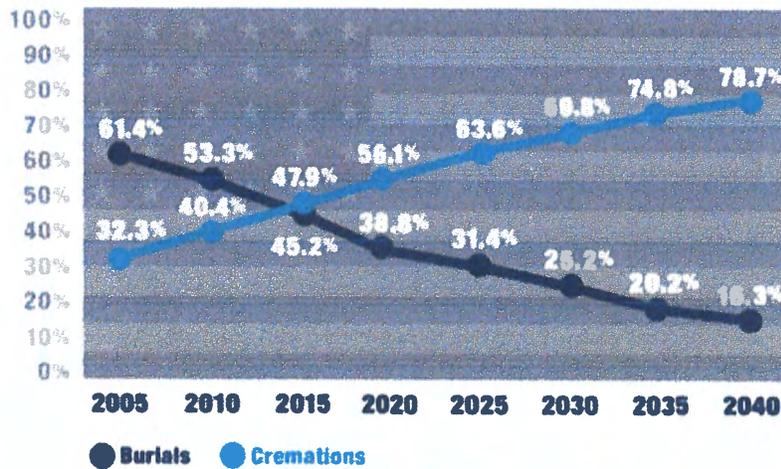
The annual number of cremations in the United States is expected to rise from 1.91 million in 2022 to 2.26 million by 2030, and to 2.94 million by 2040. (For comparison, the number of cremations in 2010 was 1 million.)

By 2040, the cremation rate is projected to grow to 78.7% of all U.S. deaths.

In 2020, 35 U.S. states and the District of Columbia had cremation rates above 50%. By 2023, 45 states and the District of Columbia are projected to reach cremation rates exceeding 50% and, by 2035, all 50 states and the District of Columbia are predicted to reach cremation rates exceeding 50%.

Despite the projected increase in U.S. annual deaths from 3.39 million in 2020 to 3.7 million in 2040 – a roughly 9% increase – increasing consumer preference for cremation will result in the number of burials declining from 1.3 million in 2020 to 817,850 in 2030, and then to 608,200 in 2040. (For comparison, the number of burials in 2010 was 1.3 million.)

U.S. Projected Cremation and Burial Rates

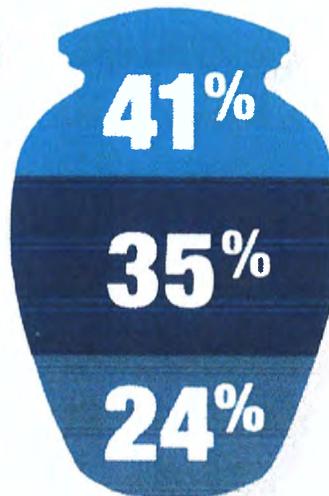


Cremations Performed in 2021

41% Direct Cremation

35% Cremation With Memorial Service

24% Casketed Adult Funeral With Viewing And Cremation



Call or Text 24/7 (512) 222-8000 (tel:(512) 222-8000)



My Account

(<https://www.cremation.green>)

August 7, 2020 Things to Consider (<https://www.cremation.green/things-to-consider/>)

The Future of Cremation

What's in store for the future of cremation? Consumer trends, professional surveys, and data all make it clear that cremation is the new normal.



Marlaena Gonzales



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3.1. Clean Flame Cremation

3.2. Water Cremation

4. More Interest in Green Burial

4.1. More Green Funeral Homes

We've explored the history of cremation (<https://www.cremation.green/the-history-of-cremation/>) and the most current statistics for cremation today, now it's time to look at what's in store for the future of cremation. (<https://www.cremation.green/cremation-today/>) Given that the **rate of cremation is expected to increase from 56%** (<https://www.nfda.org/news/statistics>) in 2020 to **78.4% by 2040**, there is **bound to be expansion and innovation**.

Consumer trends, professional surveys, and data all make it clear that **cremation is the new normal**. If nothing else, normalcy means cremation is going to be a part of our lives for years to come.

More Crematoriums Replacing Traditional Funeral Homes

As more people choose cremation over burial, there has been a notable drop in the number of funeral homes across the country. Of those in service, only a third currently have an onsite crematorium, but that will likely change.

The National Funeral Directors Association (NFDA) projects that **traditional burial will only account for 24.8% of services in 2030 and 16% in 2040**. The downward trend holds true to what has been experienced over the last decade. The numbers suggest that the only way for many funeral homes to remain in business is to offer cremation services.



Embalming Fluid: Don't Miss What It Is and What It Does (<https://www.cremation.green/embalming-fluid/>)

(<https://www.cremation.green/embalming-fluid/>)

The more end-of-life preferences shift towards cremation, the more crematoriums there will be. It's a simple case of supply and demand. By 2024 the number of crematoriums is expected to increase by 11% (<https://www.forbes.com/sites/jeannecroteau/2019/08/30/by-2040-nearly-80-will-be-cremated--why-we-need-to-start-talking-about-it/#2987112668d3>). Exactly what those crematoriums will look like and how they will operate is still to be determined.

in addition to adding onsite crematoriums, funeral homes are also expected to:

- Renovate funeral home properties to diversify the types of memorials that can be held.

- Accommodate outdoor memorial services.
- Increase the number of staff that are certified in crematory operation.
- Offer a greater variety of cremation services.

The COVID-19 pandemic has only reinforced these trends. So if anything, the projections from 2019 could be conservative.

More Personalized Cremation Memorials

Another factor that has encouraged cremation is the memorial service. Many families feel that viewings and memorial services at the funeral home prior to a burial are too impersonal and don't reflect who their loved one was and what they enjoyed in life. Funeral home memorials are an option with cremations, but the family can also hold a memorial service after the cremation wherever and however they want. The memorials often involve burying the remains or scattering them.

This is a fact that doesn't escape funeral directors. As a result, consumers can expect to have more personalized memorial options regardless of whether they choose cremation or burial. Funeral directors will be more open to discussing unconventional services that incorporate the deceased's interests and hobbies. They will deviate away from "standard" options in favor of customizable services. Funeral homes will offer outdoor and indoor spaces for a memorial.

Trending



Cremation Today: Trends and Statistics for Cremation in the U.S.
(<https://www.cremation.green/cremation-today/>)

(<https://www.cremation.green/cremation-today/>)

Generally speaking, the cremation process will become more individualized and more families will consider a funeral home memorial if the director helps facilitate a personalized service.

More Cremation Options

For decades, modern-day cremation has been done pretty much the same way. A body is put into a chamber and flame is used to incinerate it leaving behind the bones. The bones are then ground into "ashes" and given to the family. Efficiency was always a factor, but earlier crematoriums didn't have eco-consciousness in mind.

Today, cremation is the most popular end-of-life service for a number of reasons, one being that it's lower impact compared to traditional burial. The eco-consciousness of American culture is set to drive innovation that makes cremation even greener.

Clean Flame Cremation

Attachment D: LRMP Goals, Objectives and Policies

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

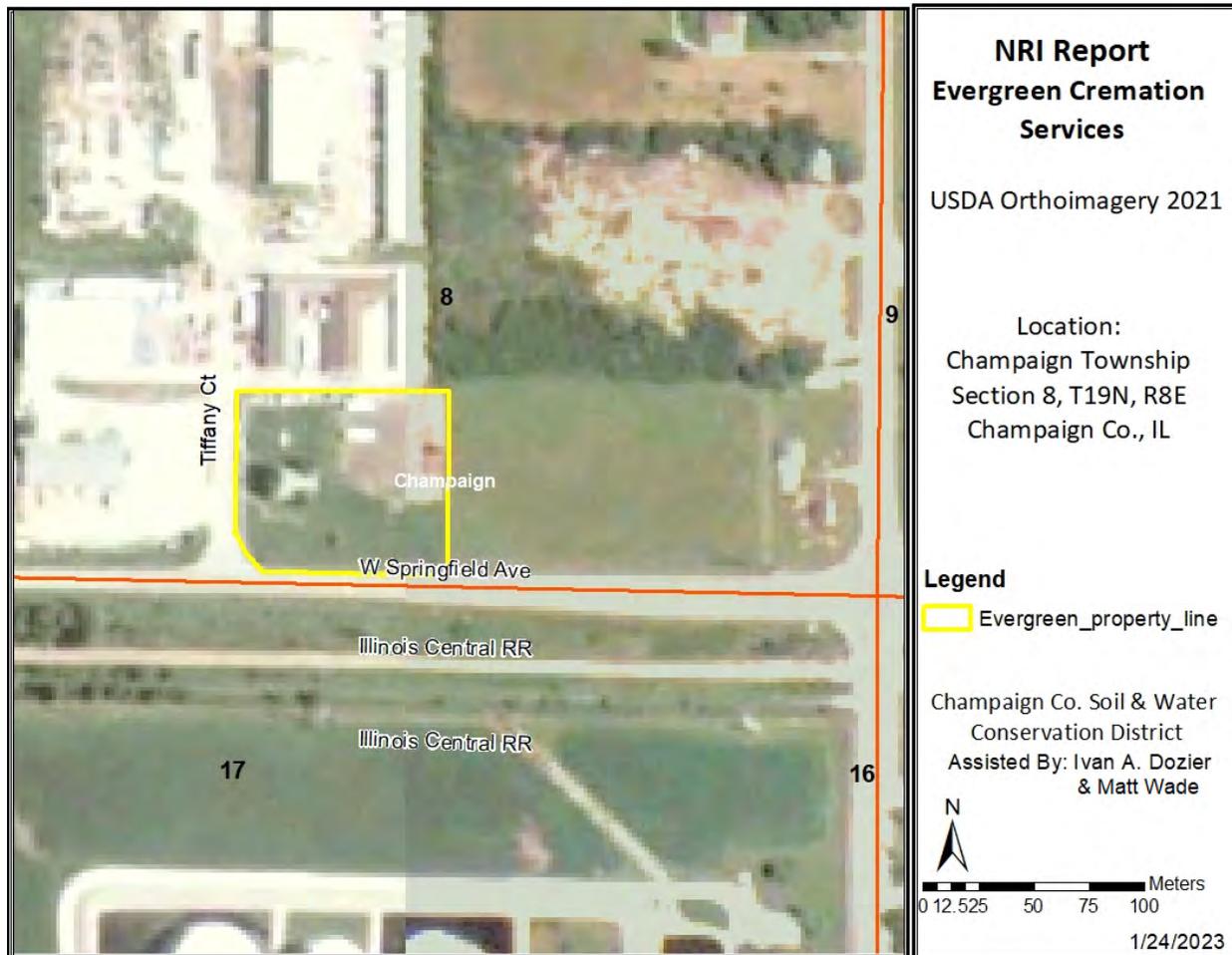
Attachment E: LRMP Defined Terms

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

JUNE 7, 2023

NATURAL RESOURCE INFORMATION (NRI) REPORT 22.02

PETITIONER: EVERGREEN CREMATION SERVICES



RECEIVED

JUN 20, 2023

CHAMPAIGN COUNTY
PLANNING & ZONING

PREPARED BY: CHAMPAIGN COUNTY SOIL & WATER
CONSERVATION DISTRICT

2110 W PARK CT, STE C, CHAMPAIGN, IL 61821
(217) 352-3536 EXT 3 | WWW.CCSWCD.COM

Champaign County Soil and Water Conservation District Natural Resource Information Report (NRI)	
Date District Board Reviewed Application	June, 7 2023
Applicant's Name	Evergreen Cremation Services
Contact Person	Vincent Sims
Size of Subject Property	1.68
Present Zoning	Improved Commercial
Proposed Zoning	AG-2
Present Land Use	Storage: Improved Commercial
Proposed Land Use	Ag-2 Cremation + Retort

<i>Copies of this report or notification of the proposed land-use change were provided to:</i>	<i>Yes</i>	<i>No</i>
The Applicant	x	
The Contact Person	x	
The Local/Township Planning Commission	n/a	n/a
The Village/City/County Planning & Zoning Department	x	
The Champaign County Soil & Water Conservation District Files	x	

Report Prepared By:

Ivan A. Dozier, Resource Conservationist &

Matt Wade, Survey Aide

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Forward

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

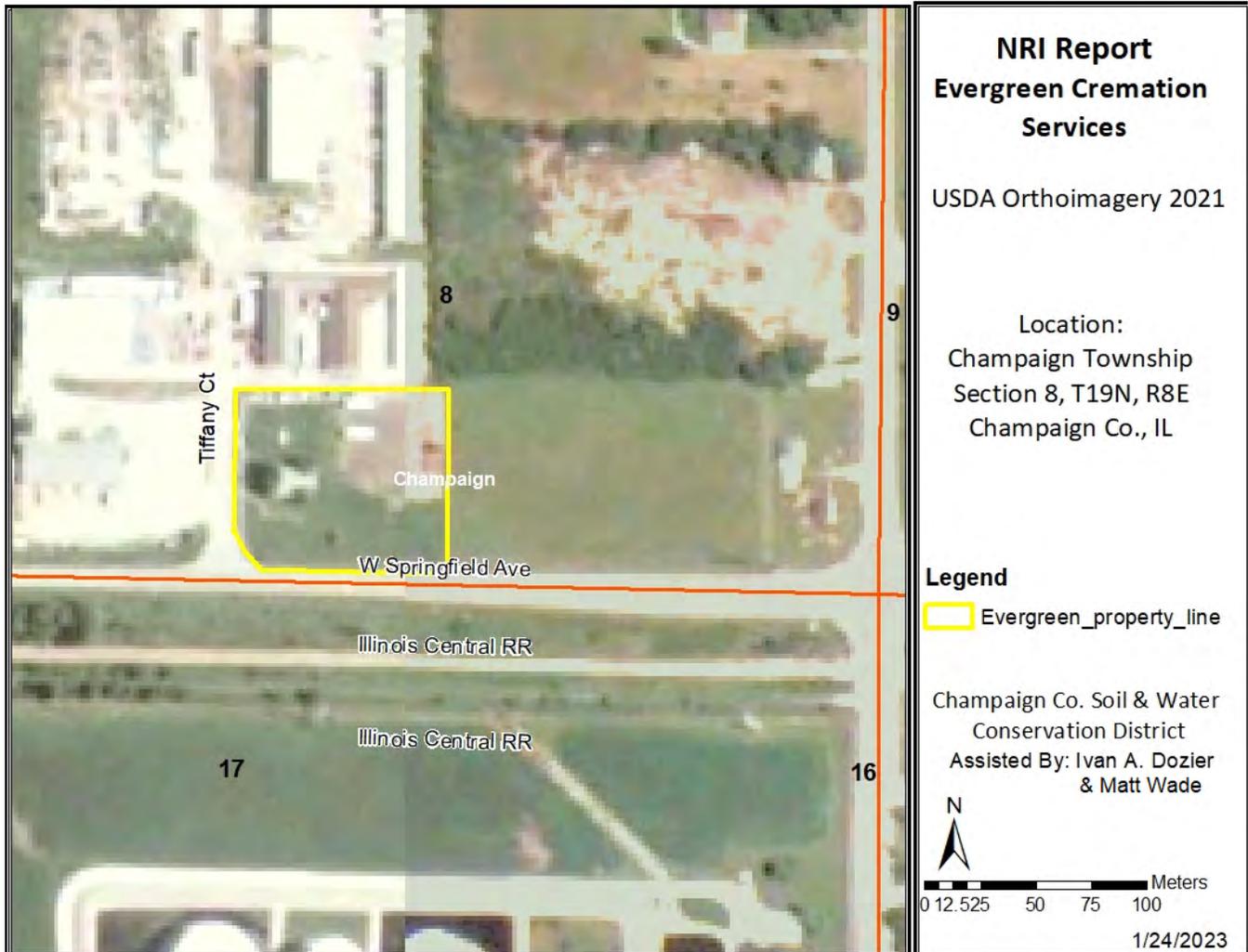
Section 22.02a The Soil and Water Conservation District shall make all natural resource information available to the appropriate county agency or municipality in the promulgation of zoning, ordinances or variances. Any person who petitions any municipality or county agency in the district for variation,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

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

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

Subject Property Location

Location Map for Natural Resources Information Report for the Evergreen Cremation Retort in Champaign, IL. The property is located in the southwest quarter of Section 8, Township 19N, Range 8E in Champaign County, Illinois.



Summary and Concerns of the Board

The Champaign County Soil and Water Conservation District has reviewed the proposed land use change and has the following concerns relevant to the impact on the area's natural resources.

1. Nearly all soils on the subject property are not suitable sanitary facilities or dwellings. It is advised to perform onsite investigations with a professional to determine construction strategy before moving forward. See pages 7-9.
2. Nearly all soils on the subject property are not suitable for dwellings or small commercial buildings. It is advised to consult with a professional to determine safety and quality of current and future construction projects. See pages 7-9.
3. The subject property is located in the *Fountain Head* drainage district. Please contact drainage district officials for questions or concerns regarding drainage management.
4. The average Land Evaluation (LE) score for this site is: 90.8. See pages 13-14.
5. Wetlands and streams are present near the subject property. It is recommended to take precautions to protect wetland and water quality and health during project lifespan. See pages 17-18.

Soil Information

The soil information comes from the United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS) Soil Survey of Champaign County. This information is important to all parties involved in determining the suitability of the proposed land use change. Each polygon is given a number with letters, which represents its soil type, slope, flooding, etc., and is then called a map unit. Each soil map unit has limitations for a variety of land uses, which are explained using interpretations.

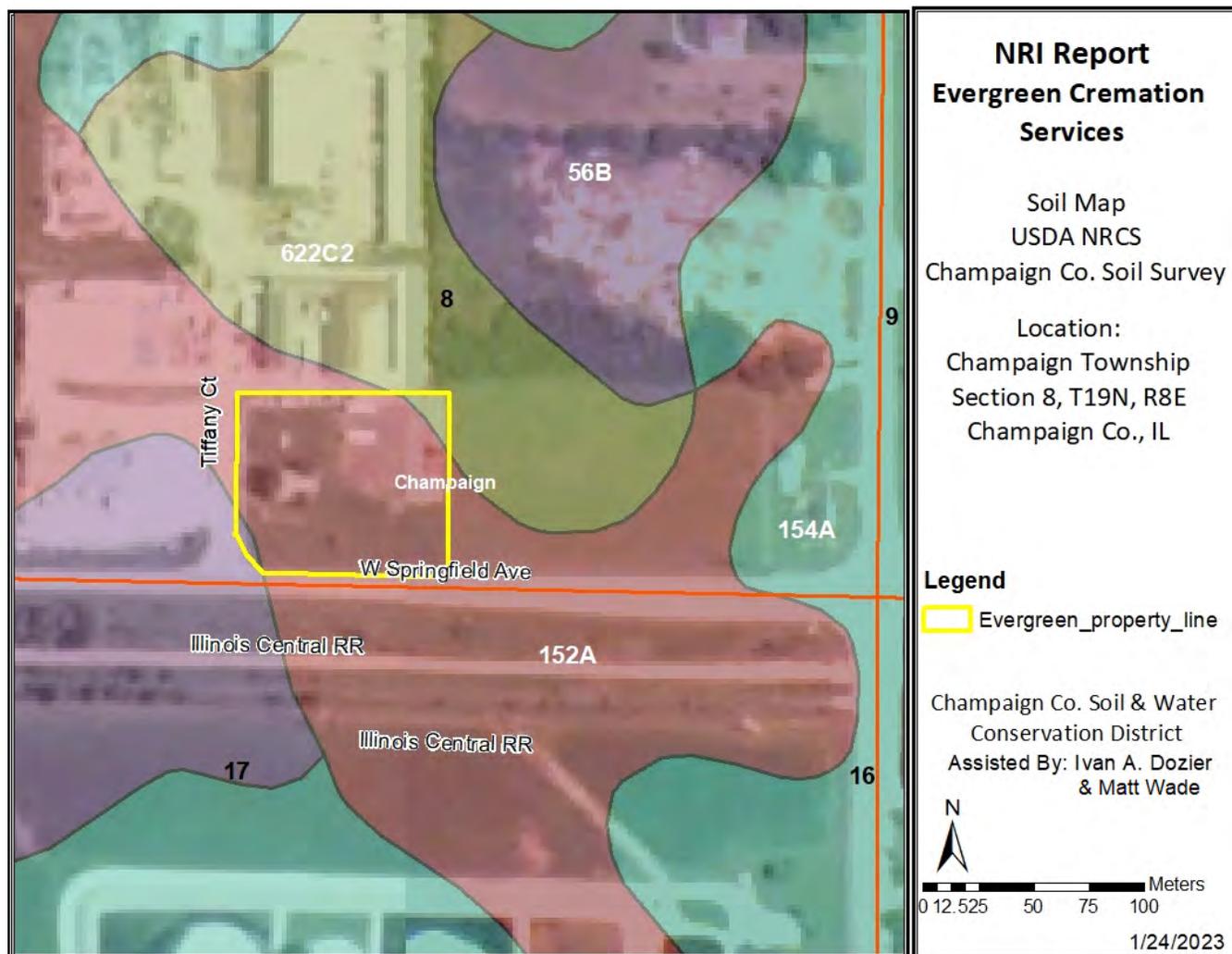


Table 1. Soil map unit descriptions.

Map Unit Symbol	Description	Acres	Percent of Area
56B	Dana Silt Loam, 2-5% Slopes	0.02	0.9%
152A	Drummer silty clay loam, 0-2% Slopes	1.62	96.3%
622C2	Wyant silt loam, 5-10% slopes, eroded	0.05	2.7%

Introduction to Soil Interpretations

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

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

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of slight, moderate, and severe are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common type of building limitation this report gives limitations ratings for is septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Organic soils, when present on the subject property, are referenced in the hydric soils section of the report.

The area of development will be susceptible to erosion both during and after construction. Any areas left bare for more than 7 days should be temporarily seeded or mulched and permanent vegetation needs to be established as soon as possible.

Limitation Ratings

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

Soil Interpretations

Sanitary Facilities

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

Septic Tank Absorption Fields: Areas in which effluent from a septic tank is distributed into the soil through subsurface tiles or perforated pipe. The ratings are based on soil properties, site features, and observed performance of the soils. Permeability, high water table, depth to bedrock or a cemented pan, and flooding affect absorption of the effluent. Large stones and bedrock or a cemented pan interfere with installation. Unsatisfactory performance of septic tank absorption fields, including excessively slow absorption of effluent, surfacing of effluent, and hillside seepage can affect public health. There must be unsaturated soil material beneath the absorption field to filter the effluent effectively.

Table 2. Septic tank absorption fields.

Map Unit Symbol	Septic Tank Absorption Fields	Acres	Percent of Area
56B	Very limited: depth to saturated zone, slow water movement; ponding	0.02	0.9%

152A	Very limited: depth to saturated zone, slow water movement; ponding	1.62	96.3%
622C2	Very limited: depth to saturated zone, slow water movement; ponding	0.05	2.7%

For the subject property: 100% of the soils on the property are very limited for the use of septic tank absorption fields and special design is required for any septic tank absorption field.

Building Site Development

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

Dwellings and Small Commercial Buildings: Structures built on a shallow foundation on undisturbed soil that are three stories or less. The ratings are based on soil properties, site features, and observed performance of the soils. High water table, depth to bedrock or to a cemented pan, large stones, slope, and flooding effect the ease of excavation, construction, and maintenance.

Table 3. Dwellings and small commercial buildings limitations.

Map Unit Symbol	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Acres	Percent of Area
56B	Very limited: ponding, depth to saturated zone; shrink-swell	Somewhat limited: depth to saturated zone; shrink-swell	Somewhat limited: depth to saturated zone; shrink-swell	0.02	0.9%
152A	Very limited: ponding, depth to saturated zone; shrink-swell	Very limited: ponding, depth to saturated zone, shrink-swell	Very limited: ponding, depth to saturated zone, shrink-swell	1.62	96.3%
622C2	Not Limited	Not Limited	Somewhat limited: Slope, depth to saturated zone; shrink-swell	0.05	2.7%

Soil Water (Wetness) Features

This section gives estimates of various soil water (wetness) features that should be taken into consideration when reviewing engineering for a land use project.

Hydrologic Soil Groups (HSGs): The groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

- Group A: Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- Group B: Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.
- Group C: Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- Group D: Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Note: if a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D) the first letter is for drained areas and the second is for undrained areas.

Surface Runoff: Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate, and vegetative cover and indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from the irregularities in the ground surface is minimal). The classes are negligible, very low, low, medium, high, and very high.

Water Table: Refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles, called redoximorphic features) in the soil. Note: a saturated zone that lasts for less than a month is not considered a water table.

Ponding: Refers to standing water in a closed depression and the data indicates duration and frequency of ponding.

- Duration: expressed as *very brief* if less than 2 days, *brief* if 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.
- Frequency: expressed as *none* (ponding is not possible), *rare* (unlikely but possible under unusual weather conditions), *occasional* (occurs, on average, once or less in 2 years), *frequent* (occurs, on average, more than once in 2 years).

Flooding: The temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

- Duration: Expressed as *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.
- Frequency: Expressed as *none* (flooding is not probable), *very rare* (very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year)), *rare* (unlikely but possible under unusual weather conditions (chance of flooding is 1 to 5% in any year)), *occasional* (occurs infrequently under normal weather conditions (chance of flooding is 5 to 50% in any year but is less than 50% in all months in any year)), and *very frequent* (likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year)).

Note: The information is based on evidence in the soil profile. In addition, consideration is also given to local information about the extent and levels of flooding and the relation of each soil on the landscape to historic floods. Information on the extent of flooding based on soil data is less specific than that provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.

Table 4. Soil water (wetness) features.

Map Unit Symbol	HSG	Surface Runoff	Depth to Water Table (ft)			Ponding		Flooding	
			Upper Limit	Lower Limit	Kind	Duration	Frequency	Duration	Frequency
56B	C	Low	2.0-3.5	3.3-5.0	Perched	-	None	-	None
152A	B/D	Neg	0.0-1.0	6.0	Apparent	Brief	Frequent	-	None
622C2	C	Low	-	-	-	-	None	-	None

Hydric Soils

Hydric soils by definition have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems. All hydric soils range from poorly suited to unsuitable for building. Soil maps may not be small enough to show inclusions of hydric soils, so it is important to consult a soil scientist if building residential areas on hydric soils or soils with hydric inclusions.

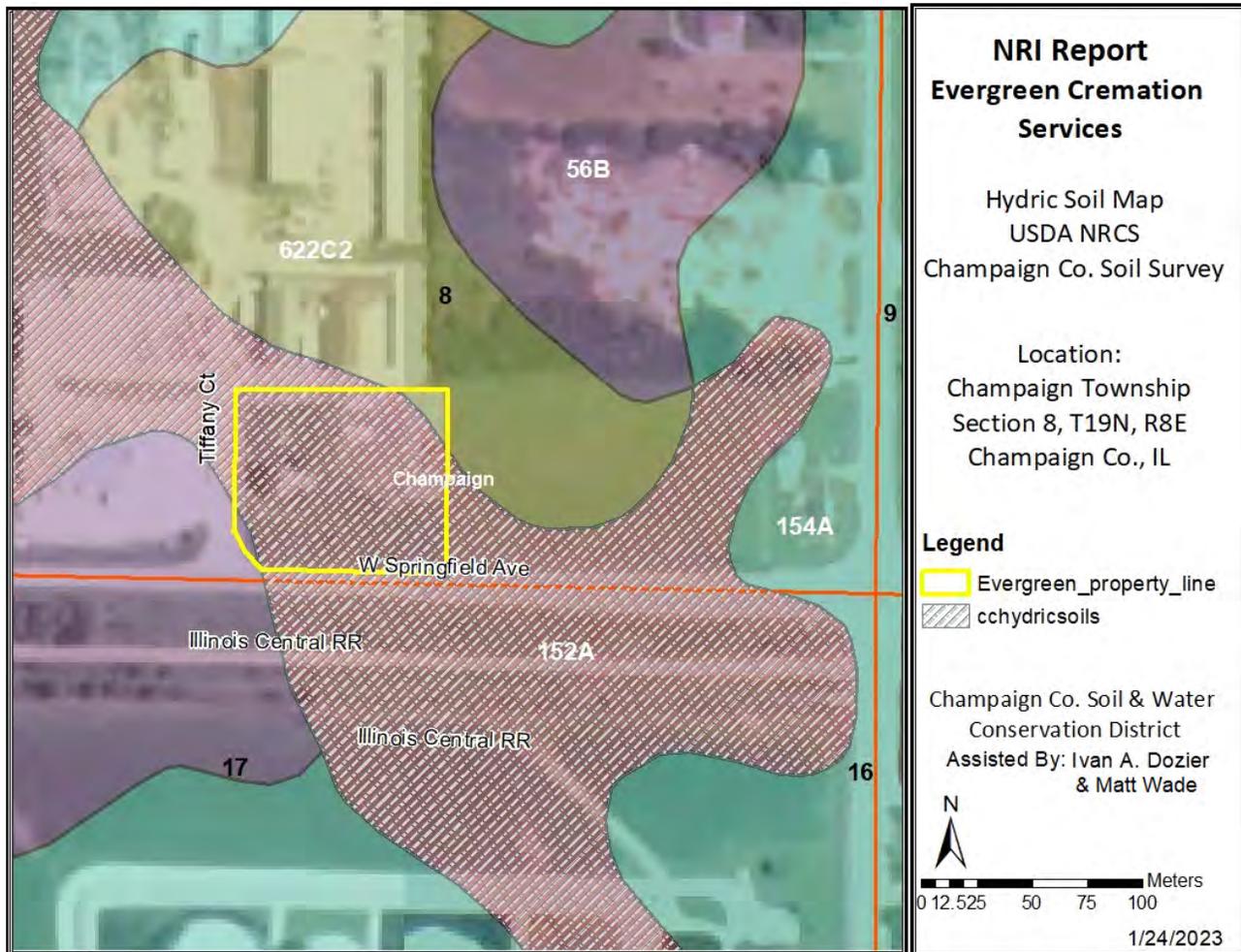
On most agricultural soils in the county that are poorly or somewhat poorly drained, subsurface agriculture drainage tile occurs. This expedites drainage but must be maintained and undisturbed so the soil does not return to its original hydrologic condition.

The Champaign County SWCD recommends the following for an intense land use, such as a subdivision:

1. A topographical survey with 1-foot contour intervals to define the flood area.
2. An intensive soil survey to define locations of hydric inclusions.
3. A drainage tile survey to locate tiles that must be preserved.

Table 5. Hydric soils.

Map Unit Symbol	Drainage Class	Hydric Designation	Acres	Percent of Area
56B	Moderately well drained	Non hydric	0.02	0.9%
152A	Poorly drained	Hydric	1.62	96.3%
622C2	Well drained	Non hydric	0.05	2.7%
			Percent Hydric	96.3%



Soil Erosion and Sediment Control

Erosion is the wearing away of the soil by water, wind, and other forces and a soil's erodibility is mainly determined by the following properties: soil texture, slope, soil structure, soil organic matter content. Soil erosion threatens the nation's soil productivity and contributes to pollutants in waterways. Sediment entering creeks, rivers, and lakes degrade water quality and reduce capacity, which increases the risk of flooding and disrupts ecosystems. Sediment also carries other possible pollutants, such as chemicals and metals, by adhering to the sediment's surface.

Erosion Control at Construction Sites

Construction sites can experience 20 to 200 tons/acre/year of soil loss, which is greater than other land uses, like agriculture, averaging 4-5 tons/acre/year. It is extremely important that the developer employ Best Management Practices, like the ones listed below, to help reduce soil erosion and protect water quality during and after construction.

- **Silt Fencing:** A woven geotextile fabric stretched across and attached to supporting posts used to intercept sediment-laden runoff from small drainage areas of disturbed soil. The purpose is to filter out sediment from runoff before it enters a water body.
- **Construction Road Stabilization:** The stabilization of temporary construction access routes, subdivision roads, on-site vehicle transportation routes, and construction parking areas with stone immediately after grading the area to reduce erosion.
- **Vegetative Cover:** One of the most important means to control runoff is to plant temporary vegetation around the perimeter of the construction site. This provides a natural buffer to filter

sediment and chemicals. The CCSWCD recommends that temporary grass be planted (i.e. smooth bromegrass, oats, cereal rye) to help protect soil from erosion during construction.

EPA Stormwater Pollution Prevention Plan (SWPPP) Reference Tool

EPA requires a plan to control storm water pollution for all construction sites over 1 acre in size. *A Guide for Construction Sites* is a reference tool for construction site operators who must prepare a SWPPP to obtain NPDES permit coverage for their storm water discharges. More information at the following website: <http://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>.

Table 6. Soil erosion potential.

Map Unit Symbol	Slope	Rating	Acres	Percent of Area
56B	3.0%	Moderate	0.02	0.9%
152A	0.5%	Slight	1.62	96.3%
622C2	7.0%	Severe	0.05	2.7%

Prime Farmland Soils

Prime farmland soils are an important resource to Champaign County. Some of the most productive soils in the world occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Urban or built-up land on prime farmland soils is not prime farmland.

Table 7. Prime farmland designation.

Map Unit Symbol	Prime Designation	Acres	Percent of Area
56B	All areas are prime farmland	0.02	0.9%
152A	Prime farmland if drained	1.62	96.3%
622C2	Farmland of Statewide Importance	0.05	2.7%
Percent Prime Farmland			97.2%

The Land Evaluation and Site Assessment System

Decision-makers in Champaign County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESAs system was developed by the USDA-NRCS and takes into consideration local conditions, such as physical characteristics of the land, compatibility of surrounding land uses, and urban growth factors. The LESAs system is a two-step procedure:

- Land Evaluation (LE) – the soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agricultural use. The best group is assigned a value of 100 and is based on data from the Champaign County Soil Survey. The Champaign County LE designates soils with a score of 91 to 100 as best prime farmland, as reported in Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils. Best Prime Farmland consists of:
 - a) Soils identified as agricultural value groups 1, 2, 3, and/or 4
 - b) Soils that, in combination on a subject site, have an average LE of 91 or higher
 - c) Any 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
- Site Assessment (SA) – the site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives.

The Champaign County LESA system is designed to provide officials with a systematic objective means to numerically rate a site in terms of its agricultural importance.

- To assist officials in evaluating the proposed conversion of farmland on a parcel or site in zoning cases that include farmland conversion to a non-agricultural land use.
- To assist in the review of state and federal projects for compliance with the Illinois Farmland Preservation Act and the Federal Farmland Protection Policy Act in terms of their impact on important farmland.

Note: A land evaluation (LE) score will be compiled for every project property, but a site assessment score is not applicable in most cases, making the full LESA score unavailable.

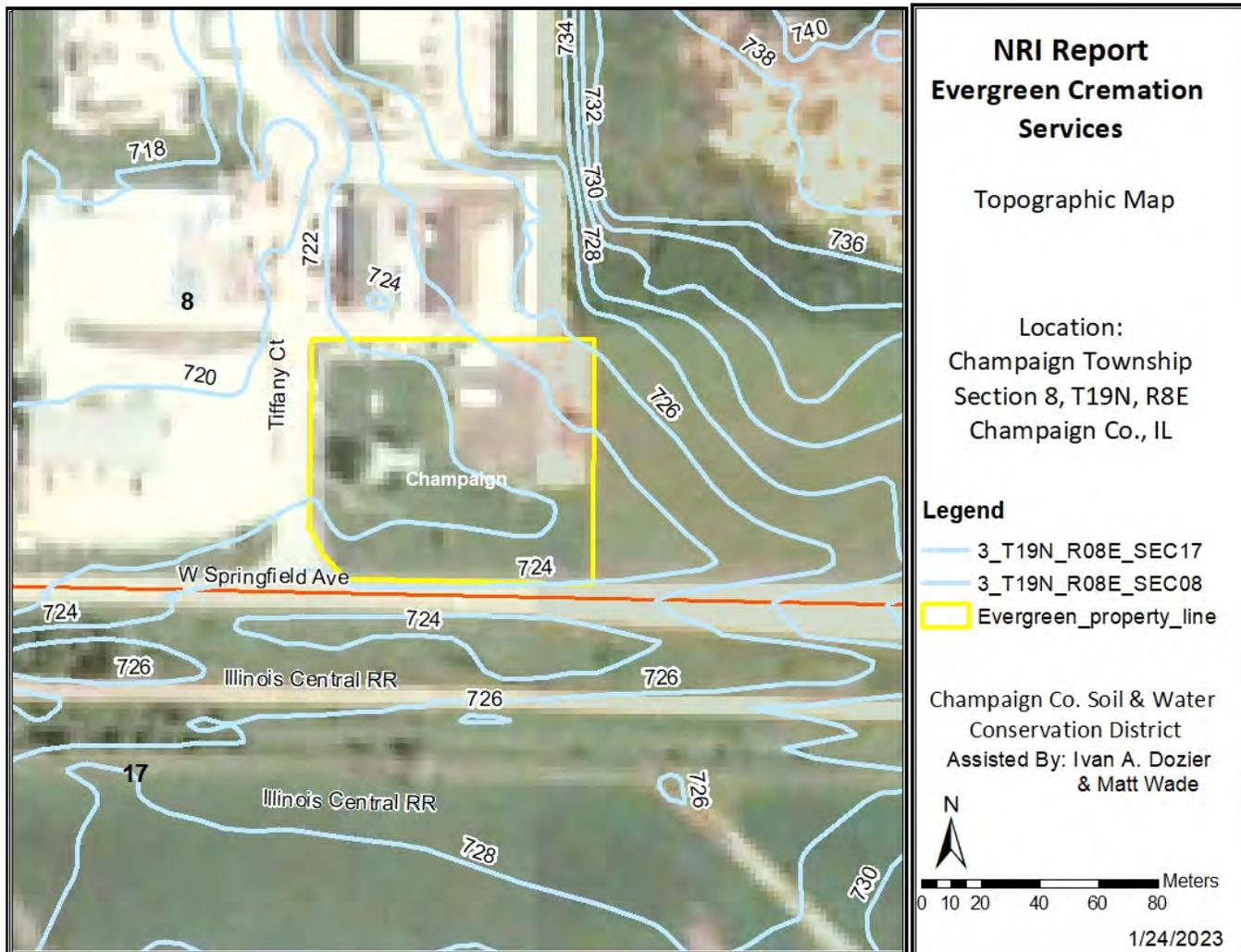
Table 8. Land Evaluation and Site Assessment System score.

Map Unit Symbol	Value Group	Relative Value	Acres	Product (Relative Value*Acres)
56B	4	91	0.02	1.5
152A	2	100	1.62	147.2
622C2	9	83	0.05	3.8
Totals			1.68	152.5
LE Score		LE = 152.5/1.68		LE = 90.8

For the subject property: the overall Land Evaluation (LE) score is 90.8.

Topographic Information

United States Geologic Survey (USGA) topographic maps give information on elevation, which are important mostly to determine slope, drainage direction, and watershed information. Elevation determines the area of impact of floods. Slope information determines steepness and erosion potential. Drainage directions determine where water leaves the subject property, possibly impacting surrounding natural resources.



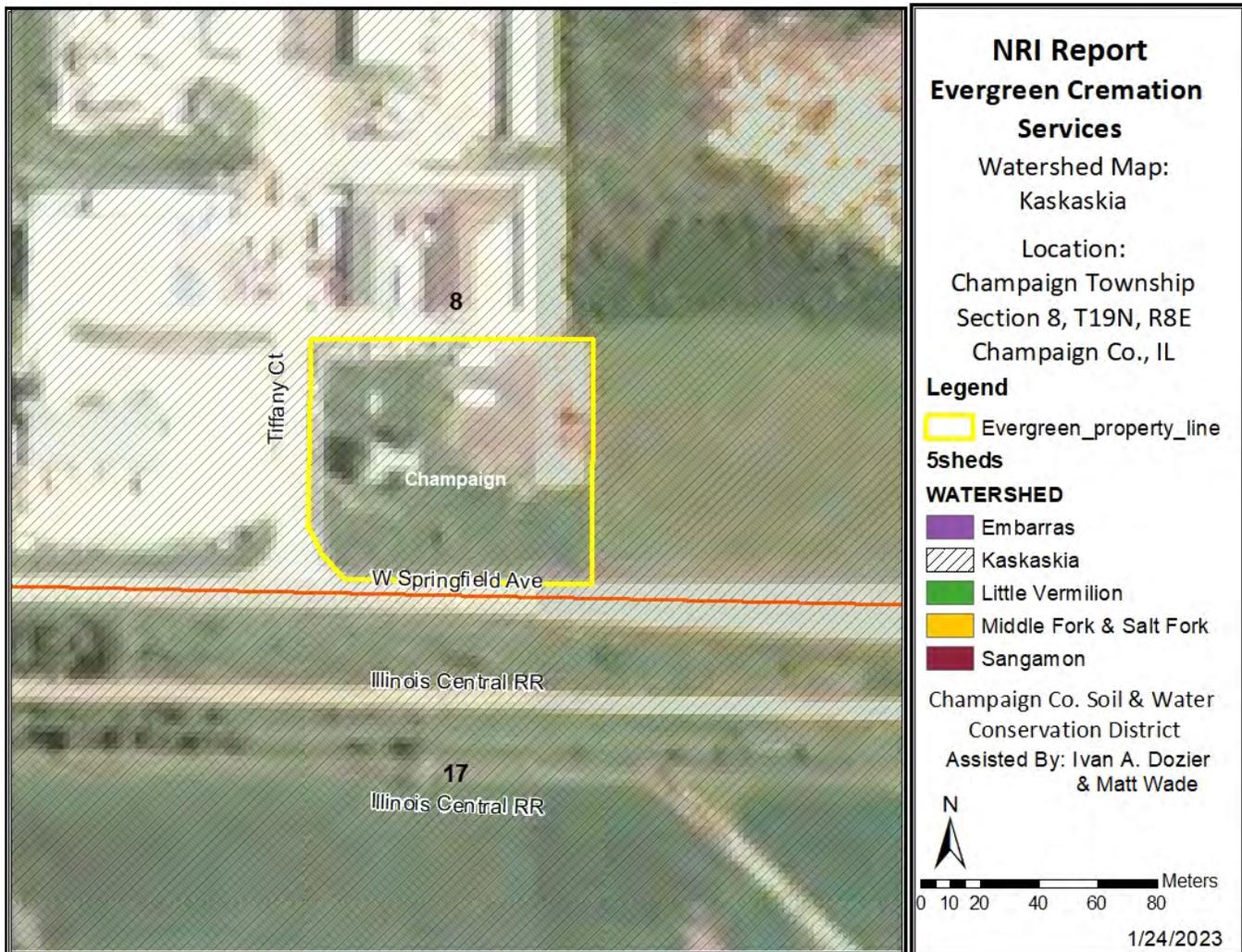
Watershed Information

Watershed information is given when land use is changed to a subdivision type of development on parcels greater than 10 acres. A watershed is an area of land that drains to an associated water resource, such as a wetland, river, or lake. Rainwater carries pollutants through watersheds, impacting natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and implications of their activities.

The following are recommendations to developers for protection of watersheds:

- Preserve open space
- Maintain wetlands as part of development
- Use natural water management
- Prevent soil from leaving construction sites
- Protect subsurface drainage
- Use native vegetation
- Retain natural features
- Mix housing and style types
- Decrease impervious surfaces
- Reduce area disturbed by mass grading
- Treat water where it falls

For the subject property: the property is located in the Kaskaskia Watershed.



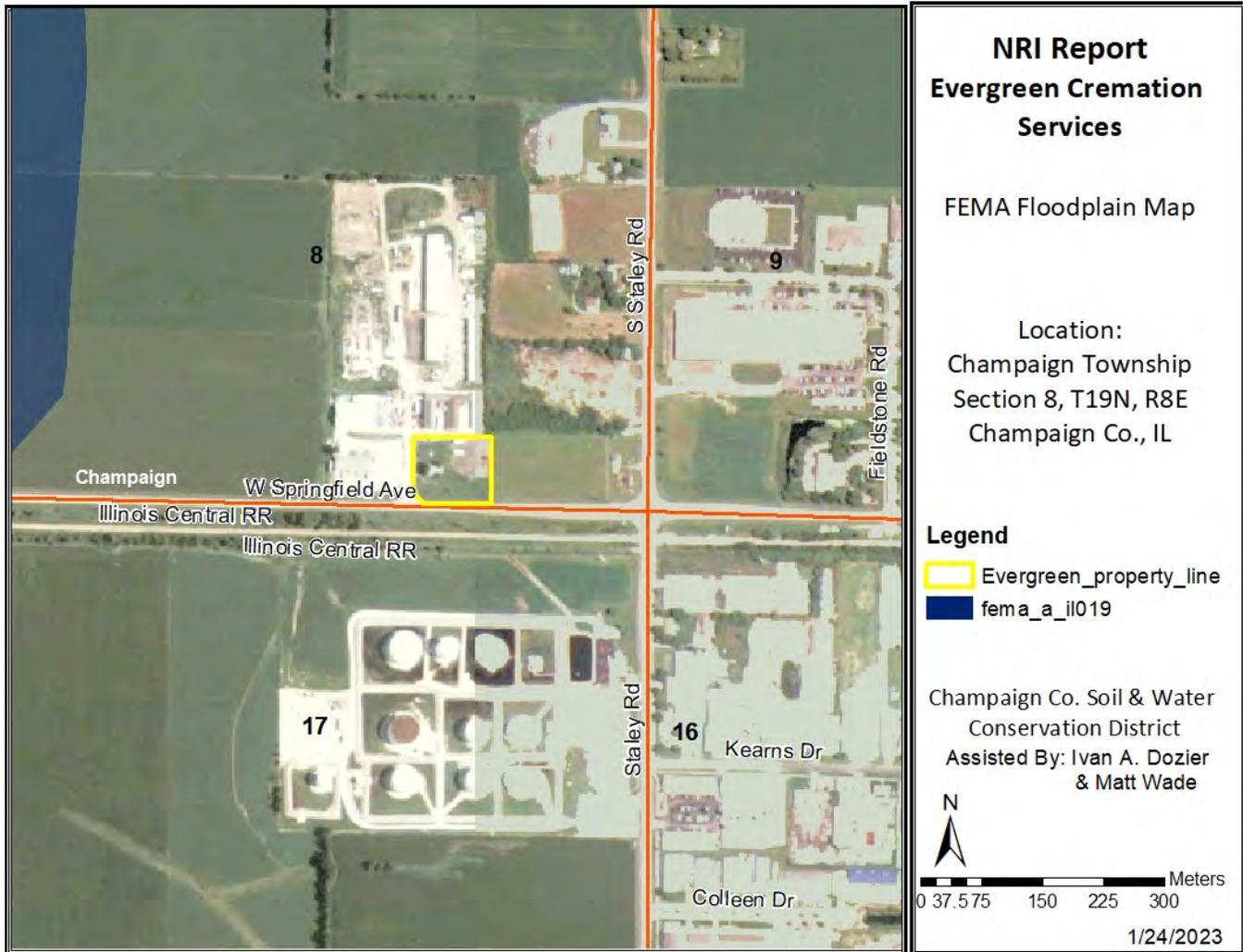
Floodplain and Wetland Information

Floodplain Information

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

Flooding is dangerous to people and destructive to their properties. The following map can help developers and future homeowners to “sidestep” potential flooding or ponding problems. The Flood Insurance Rate Map (FIRM) was produced by the Federal Emergency Management Agency (FEMA) to define flood elevation adjacent to tributaries and major bodies of water that are superimposed onto a simplified USGS topographic map.

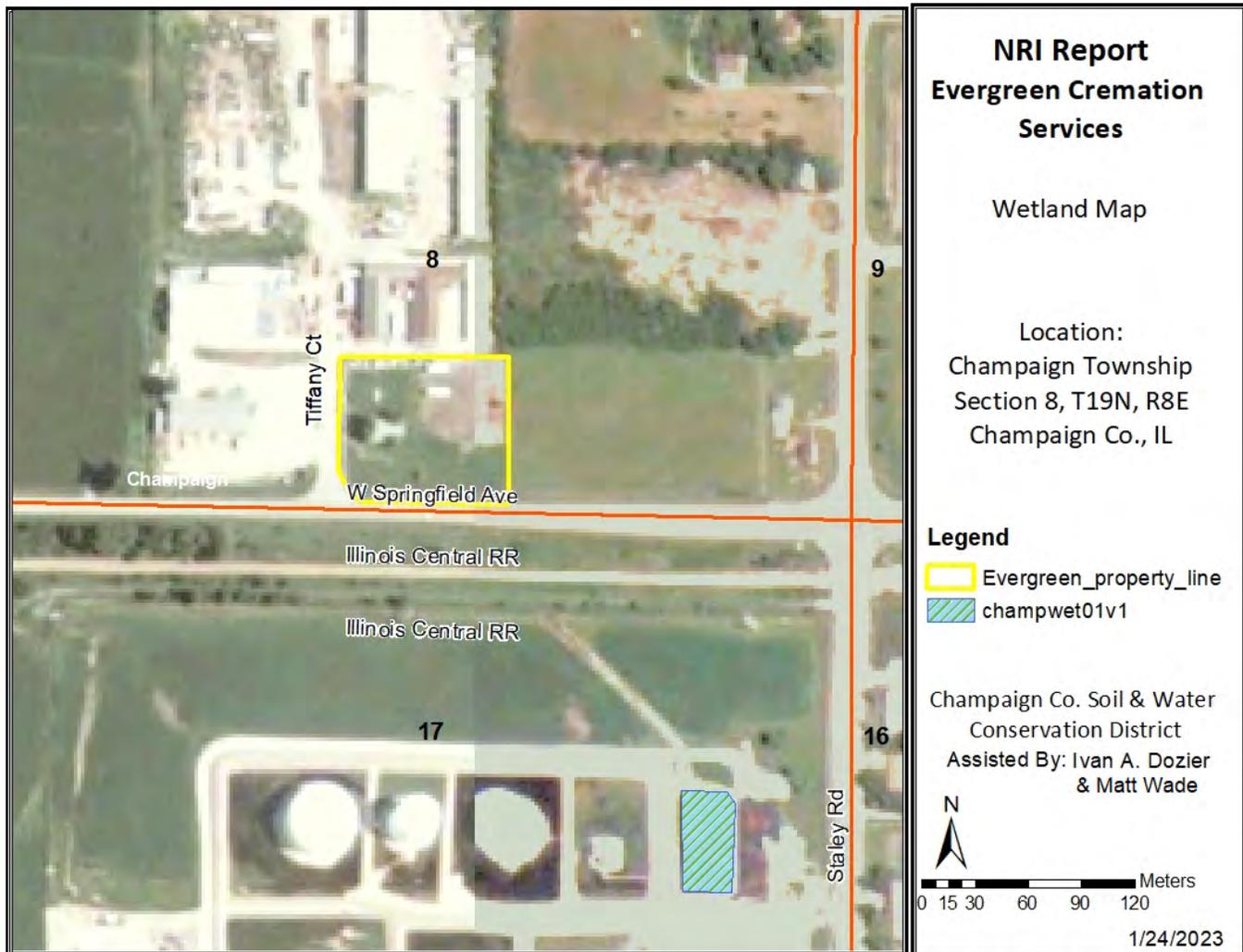
For the subject property: Property is in the vicinity of a floodplain.



Wetland Information

Wetlands function in many ways to provide numerous benefits to society and the environment, including flood control, cleanse water, recharge groundwater, and provide a wildlife habitat. However, approximately 95% of the wetlands that were historically present in Illinois have been destroyed. It is crucial that we take steps to conserve current wetlands and reestablish new wetlands where once destroyed. Wetland determinations are made by a certified NRCS staff.

For the subject property: Property is in the vicinity of a wetland.



Wetland and Floodplain Regulations

Please read the following if you are planning to do any work near a stream, lake, wetland, or floodway, including: dredge, fill, rip rap, or otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, sluice, dam, piling, wall, fence, utility, flood plain, or floodway subject to State or Federal regulatory jurisdiction.

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against flood way encroachments, maintenance and enhancement of water quality, protection of fish and wildlife habitat and recreational resources, and, in general, the protection of total public interest. Unregulated use of the waters within the State of Illinois could permanently destroy and adversely impact the public. Therefore, please contact the proper authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

Regulatory Agencies:

- Wetlands or U.S. Waters: U.S. Army Corps of Engineers
- Floodplains: Illinois Department of Natural Resources/Office of Water Resources, Natural Resources Way, Springfield, IL
- Water Quality/Erosion Control: Illinois Environmental Protection Agency

Coordination: we recommend early coordination with the agencies BEFORE finalizing work plans. This allows the agencies to recommend measures to mitigate or compensate for adverse impacts. This could reduce time required to process necessary approvals and reduce expense.

Cultural and Animal Resources

Cultural Resources

The most common cultural resources found during changes in land use are historical properties or non-structural archaeological sites. These sites often extend below the soil surface and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are non-renewable because there is no way to grow a site to replace a disrupted site. Landowners with historical properties on their land have ownership of that historical property. However, the State of Illinois owns all of the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains. Non-grave artifacts from archaeological sites and historical buildings are the property of the landowner. The landowner may choose to disturb a historical property but may not receive federal or state assistance to do so. If an earth-moving activity disturbs human remains, the landowner must contact the county coroner within 48 hours.

The Illinois Historic Preservation Agency may require a Phase 1 Archaeological review to identify any cultural resources that may be on the site. The IHPA has not been contacted by the Champaign County SWCD. The applicant may need to contact the IHPA according to current Illinois law.

Animal Resources

According to the Illinois Endangered Species Protection Act & Illinois Natural Areas Preservation Act, state agencies or local units of government must consult Illinois Department of Natural Resources (IDNR) about proposed actions that they will authorize, fund, or perform. Private parties do not have to consult, but they are liable for prohibited taking of state-listed plants and animals or for adversely modifying a Nature Preserve or a Land and Water Preserve. Home rule governments may delegate this responsibility through duly enacted ordinances to the parties seeking authorization or funding of the action.

Ecologically Sensitive Areas

Biodiversity is the sum of total of all the plants, animals, fungi, and microorganisms in the world, or in a particular area that make up the fabric of the Earth and allow it to function. Biodiversity must be protected, as it is diminishing, which weakens entire natural systems. It is intrinsically valuable for an ecosystem to be biologically diverse to sustain ecosystem health and support life.

As part of the Natural Resources Information Report, staff checks if any nature preserves are in the general vicinity of the subject property. If there is a nature preserve in the area, then that resource will be identified as part of the report. The SWCD recommends that every effort be made to protect that resource. Such efforts should include but are not limited to erosion control, sediment control, stormwater management, and groundwater monitoring.

For the subject property: as shown on the below EcoCAT, there is no record of sensitive areas or endangered species in or near the subject property.



Applicant: Champaign County Soil & Water Conservation District **IDNR Project Number:** 2316302
Contact: Ivan Dozier **Date:** 06/07/2023
Address: 2110 West Park Court
 Suite C
 Champaign, IL 61821

Project: Evergreen
Address: 702 Bloomington Road, Champaign

Description: NRI

Natural Resource Review Results

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

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

Location

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

County: Champaign

Township, Range, Section:
19N, 8E, 8



IL Department of Natural Resources

Contact

Impact Assessment Section
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction

U.S. Department of Agriculture

Disclaimer

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

Terms of Use

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

Historic Aerial Photos



NRI Report Evergreen Cremation Services

USDA Orthoimagery 2021

Location:
Champaign Township
Section 8, T19N, R8E
Champaign Co., IL

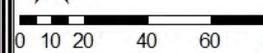
Legend

 Evergreen_property_line

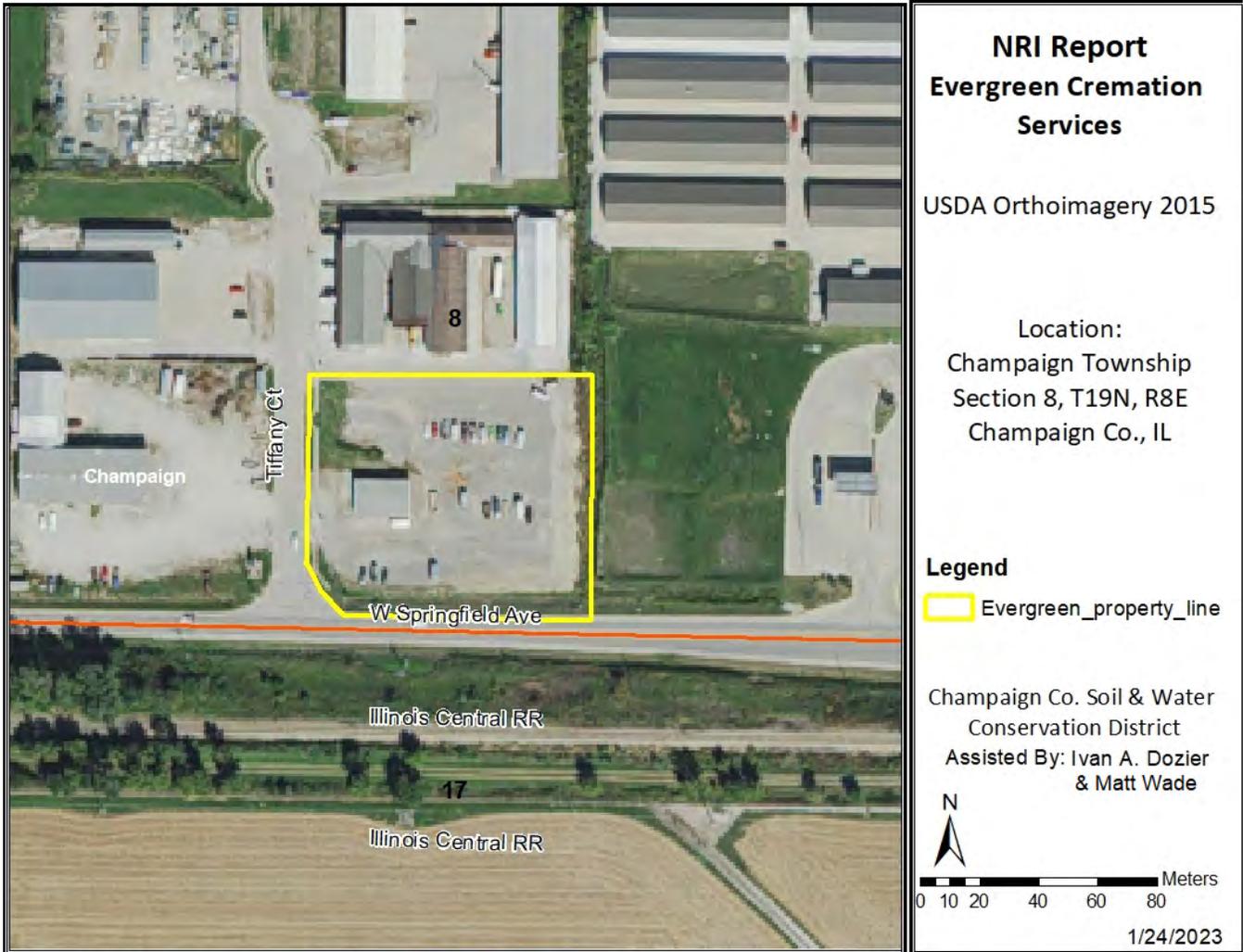
Champaign Co. Soil & Water
Conservation District

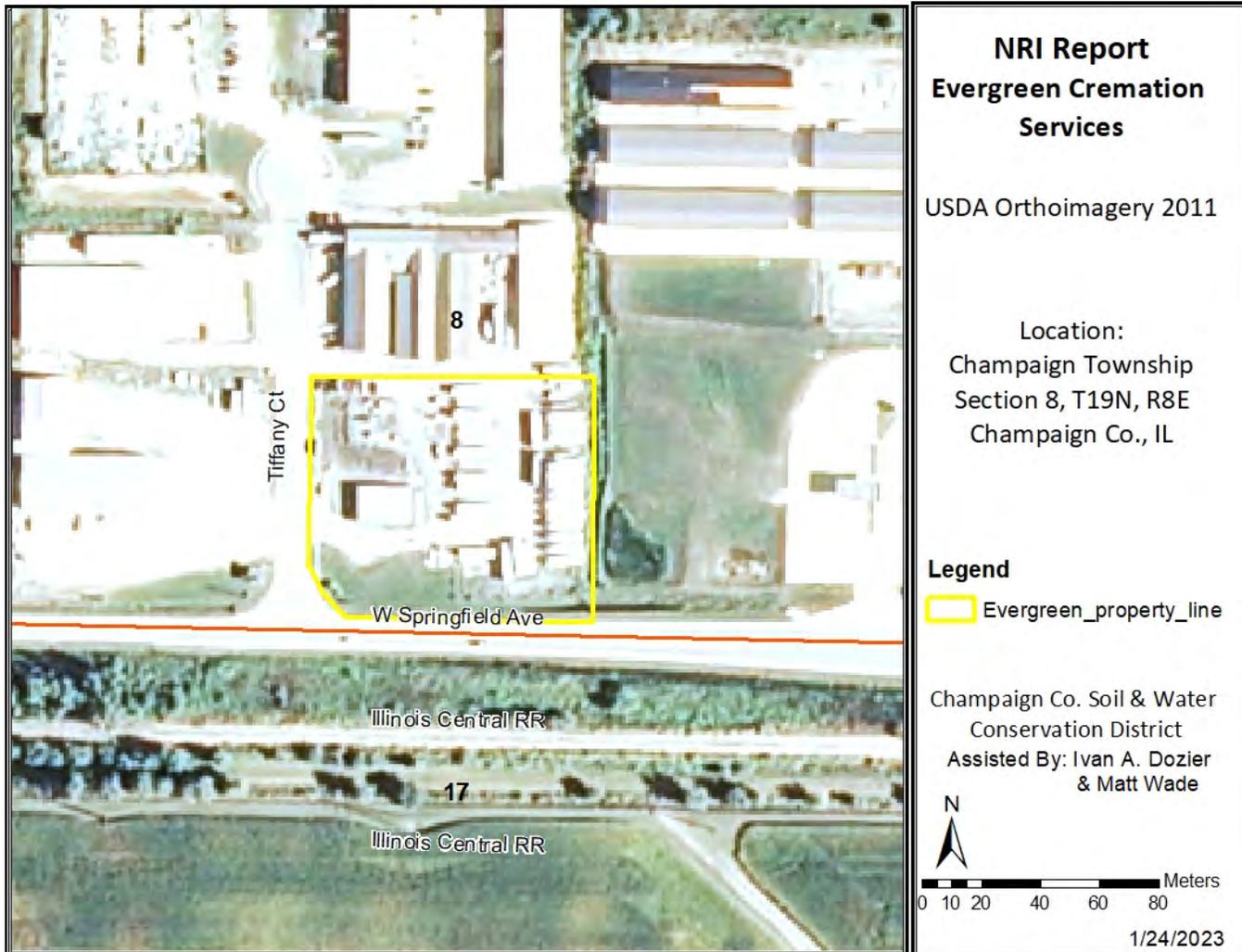
Assisted By: Ivan A. Dozier
& Matt Wade



 Meters

1/24/2023





Glossary and Acronyms

Agriculture – The growing, harvesting, and storing of crops, including legumes, hay, grain, fruit; and truck or vegetables, including dairy, poultry, swine, sheep, beef cattle, pony and horse, fur, and fish and wildlife; 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, or for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants, or seasonal or year around hired farm workers.

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

B.G. – below grade. Under the surface of the Earth.

Bedrock – indicates depth at which bedrock occurs. Also lists hardness as rippable or hard.

Flooding – indicates frequency, duration, and period during year when floods are likely to occur.

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

reduce harvesting losses (within limits imposed by weather).

High Water Table – a seasonal highwater table is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian.

Water Table, Apparent – a thick zone of free water in the soil indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.

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

Water Table, Perched – a water table standing above an unsaturated zone, often separated from a lower wet zone by a dry zone.

Delineation – (for wetlands) a series of orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

Determination – (for wetlands) a polygon drawn on a map using map information that gives an outline of a wetland.

Hydric Soil – soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service, 1987).

Intensive Soil Mapping – mapping done on a small, intensive scale than a modern soil survey to determine soil properties of a specific site, i.e. mapping for septic suitability.

Land Evaluation Site Assessment (L.E.S.A.) – LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

Modern Soil Survey – a soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent is shown on a map. An accompanying report describes, defines, classifies, and interprets the soils.

Interpretations predict the behavior of soils under different uses and the soils' response to management. Predictions are made for areas of soil at specific places. Soil information collected in a soil survey are useful in developing land use plans and alternatives.

Palustrine – name given to inland fresh water wetlands.

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

PIQ – parcel in question

Potential Frost Action – damage that may occur to structures and roads due to ice lens formation, causing upward and lateral soil movement. Based primarily on soil texture and wetness.

Prime Farmland – lands that are best suited for food, feed, forage, fiber, and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban, built up land, or water areas. When well-managed, the soil qualities and moisture supply provide a sustained high yield of crops with minimum inputs of energy and economic resources in the least damage to the environment. Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated with water for long periods and is not frequently flooding during the growing season. The slope ranges from 0 to 5 percent. (USDA Natural Resources Conservation Service)

Productivity Indexes – express the estimated yields of the major grain crops in Illinois as a single percentage of the average yields obtained under basic management from several of the more productive soils in the state (Muscatine, Ipava, Sable, Lisbon, Drummer, Flanagan, Littleton, Elburn, Joy soil

series). See Circular 1156 from the Illinois Cooperative Extension Service.

Seasonal – when used in reference to wetlands, indicates the area flooded only during a portion of the year.

Shrink-Swell Potential – indicates volume changes to be expected for the specific soil material with changes in moisture content.

Soil Mapping Unit – collection of soil and miscellaneous areas delineated in mapping. Generally, an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for tax and in terms of ranges of tax adjuncts and inclusions.

Soil Series – a group of soils formed from a type of parent material, having horizons that, except for texture of the surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color,

texture, structure, reaction, consistence, mineralogy, and chemical composition.

Subsidence – applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

Terrain – the area or surface over which a particular rock or group of rocks is prevalent.

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

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

Wetland – an area that has a predominance of hydric soils that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophilic vegetation typically adapted for life in saturated soil conditions.

References

Field Office Technical Guide. USDA Natural Resources Conservation Service.

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

Illinois Urban Manual. 2016. Association of Illinois Soil & Water Conservation Districts.

Soil Survey of Champaign County. USDA Natural Resources Conservation Service.

Wetlands Inventory Maps. Department of the Interior.

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

Land Evaluation and Site Assessment System. The Kendall County Department of Planning, Building, and Zoning, and the Champaign County Soil and Water Conservation District. In cooperation with USDA Natural Resources Conservation Service.

096-AM-23 & 097-S-23 Site Images



From east side of subject property facing NW



From east side of subject property facing SW

096-AM-23 & 097-S-23 Site Images



From Tiffany Court facing SE



From Tiffany Court facing east

PRELIMINARY DRAFT

096-AM-23

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

Final Determination: ***{RECOMMEND ENACTMENT / RECOMMEND DENIAL}***

Date: ***{June 29, 2023}***

Petitioners: **Justin and Heidi Blake, Les and Emily Cotton, and Vincent and Cheryl Sims, d.b.a. Evergreen Cremation Services Inc.**

Request: **Amend the Zoning Map to change the zoning district designation from the I-1 Light Industry Zoning District to the AG-2 Agriculture Zoning District in order to establish and operate the proposed Special Use in related Zoning Case 097-S-23.**

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Case 096-AM-23

PRELIMINARY DRAFT

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 29, 2023**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 097-S-23)

- *1. Evergreen Cremation Services Inc. is on contract to purchase the subject property pending the outcome of these zoning cases.
 - *A. Evergreen Cremation Services Inc. has the following officers and shareholders: Vincent Sims, President, and Cheryl Sims, 2806 Susan Stone Dr, Urbana; Les Cotton, Chairman, and Emily Cotton, 302 Harlan Wise Drive, St. Joseph; Justin Blake, Chairman, and Heidi Blake, 2199 Parrish Dr, St. Joseph.
- *2. The subject property is Lot 3 of Stahly Subdivision in the Southeast Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 8 East of the Third Principal Meridian in Champaign Township with an address of 314 Tiffany Court, Champaign.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the City.
 - *1) The subject property is adjacent to the City of Champaign. The City's most recent Comprehensive Plan Map from 2021 shows the subject property to be in the "Employment Center" land use area.
 - *B. The subject property is located within Champaign Township, which does not have a Plan Commission. Townships with Plan 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: **"Only AG-2 allows a crematory."**
5. Regarding comments by the petitioner, when asked on the petition what other circumstances justify the rezoning the petitioner did not provide a response.

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 1.69-acre tract and is currently zoned I-1 Light Industry and is in use as a parking lot and storage area.
 - *B. Land to the north of the subject property is zoned I-1 Light Industry and is commercial and industrial in use.
 - *C. Land to the south of the subject property is in the City of Champaign and is a Marathon Oil distribution facility.
 - *D. Land to the east is in the City of Champaign and is a gas station.

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- *E. Land to the west is zoned I-1 Light Industry and is commercial and industrial in use.
- *7. Regarding the site plan and proposed operations of the subject property:
- *A. The site plan received March 28, 2023, indicates the following:
- * (1) The existing 2,400 square feet building will be used for a crematory.
 - * (2) The existing 8-foot by 50-foot concrete pad on the south side of the building will remain.
- *B. Previous Zoning Use Permits on the subject property are as follows:
- * (1) ZUPA #084-87-01 was approved on March 25, 1987, for construction of a warehouse.
 - * (2) ZUPA #246-97-03 was approved on September 19, 1997, to install an off-premises freestanding sign.
- *C. Previous Zoning Cases on the subject property are as follows:
- * (1) Case 230-AM-77 was approved on May 17, 1977 to rezone the property from AG-2 Agriculture to I-1 Light Industry.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

8. 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 I-1 Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
 - (2) 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.
- 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 97 types of uses authorized by right in the I-1 District and there are 15 types of uses authorized by right in the AG-2 District:
 - a. The following 8 uses are authorized by right in both the I-1 District and AG-2 District:
 - (a) Subdivisions of three lots or less;
 - (b) AGRICULTURE, including customary ACCESSORY USES;
 - (c) Plant Nursery;
 - (d) ADULT USE CANNABIS CULTIVATION CENTER;
 - (e) ADULT USE CANNABIS CRAFT GROWER;

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- (f) Country club or golf course;
 - (g) Christmas tree sales lot; and
 - (h) Temporary Uses.
- b. The following 51 uses are authorized by right in the I-1 District and are not authorized at all in the AG-2 District:
- (a) PARKING GARAGE;
 - (b) PARKING LOT;
 - (c) Telegraph office;
 - (d) Railway Station;
 - (e) Drycleaning ESTABLISHMENT;
 - (f) Laundry and/or drycleaning pick-up;
 - (g) Millinery shop;
 - (h) Diaper Service ESTABLISHMENT;
 - (i) Clothing Repair and Storage;
 - (j) Farm equipment sales and service;
 - (k) Business Office;
 - (l) Vocational, Trade or Business SCHOOL;
 - (m) Wholesale Produce Terminal;
 - (n) Bakery (more than 2,500 SF);
 - (o) Major AUTOMOBILE Repair (all indoors);
 - (p) Minor AUTOMOBILE Repair (all indoors);
 - (q) Gasoline Service Station;
 - (r) AUTOMOBILE Washing Facility;
 - (s) Building Material Sales (excluding concrete or asphalt mixing);
 - (t) Fuel Oil, ice, coal, wood (sales only);
 - (u) Monument Sales (excludes stone cutting);
 - (v) Heating, Ventilating, Air Conditioning Sales and Service;
 - (w) Wholesale Business;
 - (x) Warehouse;
 - (y) Self-storage Warehouses, providing heat and utilities to individual units;
 - (z) OFF-PREMISES SIGN;
 - (aa) RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS;
 - (bb) RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS;
 - (cc) Dairy Products Manufacturing, Processing and Packaging;
 - (dd) Wool, cotton, silk and man-made fiber manufacturing;
 - (ee) Manufacturing and Processing Wearing Apparel and Related Finished Products Manufacturing;
 - (ff) Miscellaneous Finished Products Manufacturing including Home Products, Canvas Products, Decorative Textiles, Luggage, Umbrellas, and similar products;
 - (gg) Electrical and Electronic Machinery, Equipment and Supplies Manufacturing;

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- (hh) Engineering, Laboratory, Scientific and Research Instruments Manufacturing;
 - (ii) Mechanical Measuring and Controlling Instruments Manufacturing;
 - (jj) Optical Instruments and Lenses Manufacturing;
 - (kk) Surgical, Medical, Dental and Mortuary Instruments and Supplies Manufacturing;
 - (ll) Photographic Equipment and Supplies Manufacturing;
 - (mm) Watches, Clocks and Clockwork Operated Devices Manufacturing;
 - (nn) Printing and Publishing Plants for Newspapers, Periodicals, Books, Stationery, and Commercial Printing;
 - (oo) Bookbinding
 - (pp) Motion Picture Production Studio;
 - (qq) Household and Office Furniture Manufacturing;
 - (rr) Building Paper, Paper Containers, and Similar Products Manufacturing;
 - (ss) Theoretical and Applied Research Development and Prototype Light Manufacturing of the following: Drugs, Chemicals, Food products, Rubber and Petroleum Products, Light Weight Fabricated Metal Products, Electronic and Electrical Products; Physical and Aerospace Sciences, Wood and Wood Products, Non-Electrical Machinery, Textiles, Glass and Ceramic Products;
 - (tt) Non-Profit or Governmental Educational and Research Agencies;
 - (uu) Jewelry, Costume Jewelry, Novelties, Silverware and Plated Ware Manufacturing and Processing;
 - (vv) LIGHT ASSEMBY;
 - (ww) Musical Instruments and Allied Products Manufacturing;
 - (xx) Office and Artists Materials Manufacturing (except Paints, Inks, Dyes and Similar Products); and
 - (yy) SIGNS and Advertising Display Manufacturing.
- c. The following 7 uses are authorized by right in the AG-2 District and not at all in the I-1 District:
- (a) SINGLE FAMILY DWELLING;
 - (b) Roadside Stand Operated by Farm Operator;
 - (c) Minor RURAL SPECIALTY BUSINESS;
 - (d) Township Highway Maintenance Garage;
 - (e) Commercial Breeding Facility;
 - (f) OFF-PREMISES SIGN beyond 660' of the edge of the RIGHT-OF-WAY of an interstate highway; and
 - (g) OFF_PREMISES SIGN along federal highways except interstate highways.
- d. There are two uses authorized by right in the AG-2 District that require a Special Use Permit in the I-1 District.
- (a) ADULT USE CANNABIS CULTIVATION CENTER; and
 - (b) ADULT USE CANNABIS CRAFT GROWER;

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- e. There are 34 uses that are authorized by right in the I-1 District that require a Special Use Permit in the AG-2 District:
- (c) SUBDIVISION(S) totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS;
 - (d) Commercial greenhouse;
 - (e) Greenhouse (not exceeding 1,000 sq ft);
 - (f) Municipal or GOVERNMENT BUILDING;
 - (g) Police Station or Fire Station;
 - (h) Public park or recreational facility;
 - (i) Telephone Exchange;
 - (j) MOTOR BUS Station;
 - (k) Truck Terminal;
 - (l) Railraod Yards and Freight Terminals;
 - (m) Fertilizer Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
 - (n) Feed and Grain (sales only);
 - (o) Grain Storage Elevator and Bins;
 - (p) ADULT USE CANNABIS TRANSPORTING ORGANIZATION;
 - (q) ADULT USE CANNABIS CULTIVATION CENTER; and
 - (r) ADULT USE CANNABIS CRAFT GROWER;
 - (s) Artist Studio;
 - (t) Bait Sales;
 - (u) Country Club Clubhouse;
 - (v) Outdoor commercial recreational enterprise (except amusement park);
 - (w) Riding Stable;
 - (x) Seasonal hunting or fishing lodge;
 - (y) OUTDOOR THEATER;
 - (z) Commercial Fishing Lake;
 - (aa) Aviation sales, service or storage;
 - (bb) Pet Cemetery;
 - (cc) KENNEL;
 - (dd) VETERINARY HOSPITAL;
 - (ee) Self-Storage Warehouses, not providing heat and utilities to individual units;
 - (ff) Contractors Facilities (with No Outdoor STORAGE nor Outdoor OPERATIONS);
 - (gg) Contractors Facilities (with Outdoor STORAGE and/or Outdoor OPERATIONS);
 - (hh) AGRICULTURAL DRAINAGE CONTRACTOR Facility with no Outdoor STORAGE and/or Outdoor OPERATIONS;
 - (ii) AGRICULTURAL DRAINAGE CONTRACTOR Facility with Outdoor STORAGE and/or Outdoor OPERATIONS; and
 - (jj) SMALL SCALE METAL FABRICATING SHOP.

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- (2) There are 27 types of uses authorized by Special Use Permit (SUP) in the I-1 District (including the 2 uses authorized by right in the AG-2 District, see above) and 88 types of uses authorized by SUP in the AG-2 District:
- a. The following 23 uses may be authorized by SUP in the both the I-1 District and AG-2 District:
 - (a) Artificial lake of 1 or more acres;
 - (b) Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right in B-1, B-2, B-3, B-4, B-5 and I-1;
 - (c) Private or commercial transmission and receiving towers (including antennas) over 100' in height;
 - (d) Water Treatment Plant;
 - (e) Radio or Television Station;
 - (f) Electrical Substation;
 - (g) Public Fairgrounds;
 - (h) AIRPORT;
 - (i) RESTRICTED LANDING AREAS;
 - (j) HELIPORT/HELISTOPS;
 - (k) HELIPORT-RESTRICTED LANDING AREAS;
 - (l) Slaughter Houses;
 - (m) ADULT USE CANNABIS CULTIVATION CENTER;
 - (n) ADULT USE CANNABIS CRAFT GROWER;
 - (o) DATA CENTER;
 - (p) Amusement Park;
 - (q) Stadium or Coliseum;
 - (r) LANDSCAPE WASTE COMPOSTING FACILITY;
 - (s) PERMANENT COMPOSTABLE WASTE COLLECTION POINT;
 - (t) SPECIFIC MATERIAL COLLECTION SITE;
 - (u) Gas Turbine Peaker;
 - (v) BIG WIND TURBINE TOWER (1-3 BIG WIND TURBINE TOWERS); and
 - (w) PV SOLAR ARRAY.

 - b. The following 4 uses may be authorized by Special Use Permit in the I-1 District and not at all in the AG-2 District:
 - (a) CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY;
 - (b) Gasoline and Volatile Oils Storage up to and including 80,000 gallons capacity in the aggregate;
 - (c) Gasoline and Volatile Oils Storage of greater than 80,000 gallons but no more than 175,000 gallon capacity in the aggregate; and
 - (d) Liquefied Petroleum Gases Storage.

 - c. The following 32 uses may be authorized by SUP in the AG-2 District and not at all in the I-1 District:
 - (a) TWO-FAMILY DWELLING;
 - (b) Home for the aged;
 - (c) NURSING HOME;

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- (d) HOTEL – No more than 15 LODGING UNITS;
- (e) TRAVEL TRAILER Camp;
- (f) Residential PLANNED UNIT DEVELOPMENT;
- (g) Major RURAL SPECIALTY BUSINESS;
- (h) Garden Shop;
- (i) Mineral Extraction, Quarrying, topsoil removal and allied activities;
- (j) Elementary SCHOOL, Jr. High SCHOOL, or High SCHOOL;
- (k) Church, Temple or church related TEMPORARY USES on church PROPERTY;
- (l) Township Highway Maintenance Garage;
- (m) Penal or correctional institution;
- (n) Library, museum or gallery;
- (o) Sewage disposal plant or lagoon;
- (p) RESIDENTIAL AIRPORTS;
- (q) Mortuary or Funeral Home;
- (r) Roadside Produce Sales Stand;
- (s) Livestock Sales Facility and Stockyards;
- (t) Agronomic Research and Training Facility;
- (u) RESIDENTIAL RECOVERY CENTER;
- (v) Antique Sales and Service;
- (w) Resort or Organized CAMP;
- (x) Lodge or private club;
- (y) Private Indoor Recreational Development;
- (z) Public CAMP or picnic area;
- (aa) **Cemetery or Crematory;**
- (bb) OFF-PREMISES SIGN beyond 660' of the edge of the RIGHT-OF-WAY of an interstate highway;
- (cc) LANDSCAPE WASTE PROCESSING FACILITIES;
- (dd) Wood Fabricating Shop and Related Activities;
- (ee) Sawmills and Planing Mills and Related Activities; and
- (ff) Pre-Existing Industrial Uses (existing prior to October 10, 1973).

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

9. 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, 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

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- (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)

10. 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.

11. 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.

12. 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 HELP ACHIEVE** Goal 3 for the following reasons:

- A. The three objectives are:
- (1) Objective 3.1 is entitled “Business Climate” and states: Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.
 - (2) Objective 3.2 is entitled “Efficient County Administration” and states: “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”
 - (3) Objective 3.3 is entitled “County Economic Development Policy” and states: “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.”

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- B. Although the proposed rezoning is ***NOT DIRECTLY RELEVANT*** to any of these objectives, the proposed rezoning will allow the Petitioners to establish a mix of business uses that could benefit Champaign County’s business climate; therefore, the proposed rezoning can be said to ***HELP ACHIEVE*** Goal 3.

13. 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 ***NOT IMPEDE*** the achievement of Goal 4.

14. 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 for the following reasons:

- A. The Land Resource Management Plan defines “urban land use” as generally any land use that is connected and served by a public sanitary system and “urban development” is defined as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary system.
- B. The subject property is within the Contiguous Urban Growth Area (CUGA) of the City of Champaign. The CUGA is defined in the Land Resource Management Plan as unincorporated land within the County that meets one of the following criteria:
- (1) Land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
 - a. The subject property is not serviced by sanitary sewer.
 - b. The uses proposed in related Case 097-S-23 do not need access to a sanitary sewer and should not be considered “urban development.”
 - c. The City of Champaign is aware of the proposed development, and no comments have been received.
 - (2) Land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
 - a. The nearest sewer line is approximately 1,000 feet away from the subject property.

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- (3) Land surrounded by incorporated land or other urban land within the County.
 - a. The subject property is bordered on two sides by the City of Champaign.

15. 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.

The proposed amendment will **NOT IMPEDE** the achievement of Goal 6.

16. 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.

The proposed amendment will **NOT IMPEDE** the achievement of Goal 7.

17. 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.

18. 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.

19. 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.

GENERALLY REGARDING THE LASALLE FACTORS

20. 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

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

Direction	Land Use	Zoning
Onsite	Parking and storage	I-1 Light Industry (Proposed rezoning to AG-2)
North	Commercial/Industrial	I-1 Light Industry
East	Gas Station	City of Champaign zoning
West	Commercial/Industrial	I-1 Light Industry
South	Marathon Oil facility	City of Champaign zoning

- B. ***LaSalle* factor: The extent to which property values are diminished by the particular zoning restrictions.** Regarding this factor:
- (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) This area has a mix of land uses and the subject property has been a storage and parking area for many years. The petitioners intend to clean up the subject property.
 - (3) There are no residential properties near the subject property.
- 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.** Regarding this factor:
- (1) There has been no evidence submitted regarding property values.
 - (2) This area has a mix of land uses and the subject property has been a storage and parking area for many years. The petitioners intend to clean up the subject property.
 - (3) Presumably, the petitioner seeks to develop the property because there is more value to the proposed development than leaving the land in its current use and condition.
- D. ***LaSalle* factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) The gain to the public of the proposed rezoning is positive because it will provide a service to Champaign County residents for which there is significant demand.
 - (2) The public will benefit from the property being cleaned up.

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- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
Regarding this factor:
- (1) The crematory proposed in related case 097-S-23 is allowed with a Special Use Permit in the proposed AG-2 Zoning District.
- 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.** Regarding this factor:
- (1) The subject property has been used as a storage and parking area for years.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) The petitioners have demonstrated that there is significant demand for the crematory proposed in related case 097-S-23.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
- (1) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
 - (2) The subject property is adjacent to the City of Champaign. The City's most recent Comprehensive Plan Map from 2021 shows the subject property to be in the "employment center" future land use area.
- I. Overall, the proposed map amendment **IS CONSISTENT** with the LaSalle and Sinclair factors.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

21. 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.
- 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, subject to the waivers proposed in related case 097-S-23.
- 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.
- It is not clear whether the proposed rezoning 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.

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- 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.
- (1) The ZBA has recommended that the proposed rezoning will ***NOT IMPEDE*** Goal 7 Transportation, but no Traffic Impact Assessment has been made.
 - * (2) The petitioners do not anticipate traffic other than employees at this site.

- 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 floodwaters.

The proposed rezoning will not trigger the need for storm water management, and there is no proposed construction for the crematory proposed in related case 097-S-23.

- *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) Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - * (2) Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
 - * (3) P&Z Staff has not received any information from the petitioners on environmental factors such as odor and air quality for the related proposed Special Use and therefore cannot evaluate potential environmental impacts.
 - * (4) A neighboring landowner contacted the P&Z Department on June 20, 2023 with concerns about air quality and odor. They believe the related proposed Special Use should be in a less busy area.

- *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, subject to the waivers requested in related case 097-S-23.

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- *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 Special Use Permit 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 Special 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.

The proposed Special Use in related Case 097-S-23 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.

- *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.

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The proposed Special Use in related Case 097-S-23 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.

- *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.
 - *(1) The proposed use will not remove any acreage from agricultural production.
 - *(2) The subject property is surrounded by non-agricultural uses.
- *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 and proposed Special Use will not hinder the development of renewable energy sources.

REGARDING SPECIAL CONDITIONS OF APPROVAL

23. Proposed special condition of approval:

- A. **Should a text amendment allowing a crematory in I-1 Light Industry Zoning District be approved in the future, the zoning for the subject property shall revert to the I-1 District.**

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

That zoning for the subject property reflects the general intent of the Zoning Districts.

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DOCUMENTS OF RECORD

1. Application for Map Amendment received March 28, 2023
2. Application for Special Use Permit received March 28, 2023
3. Site Plan received March 28, 2023
4. Cremation statistics provided by petitioners received June 20, 2023
5. Natural Resources Report from Champaign County Soil and Water Conservation District received June 20, 2023
6. Preliminary Memorandum dated June 21, 2023 for Cases 096-AM-23 and 097-S-23, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received March 28, 2023
 - C Cremation statistics provided by petitioners received June 20, 2023
 - D LRMP Land Use Goals, Objectives, and Policies
 - E LRMP Appendix of Defined Terms
 - F Natural Resources Report from Champaign County Soil and Water Conservation District received June 20, 2023
 - G Site photos taken by P&Z Staff on April 3, 2023
 - H Summary of Evidence, Finding of Fact, and Final Determination for Case 096-AM-23
 - I Summary of Evidence, Finding of Fact, and Final Determination for Case 097-S-23

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SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 29, 2023**, 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 3:
 - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioners to establish a business for which there is significant demand.
 - (2) Based on achievement of the above 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 3 Prosperity.
 - C. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
 - Goal 1 Planning and Public Involvement
 - Goal 2 Governmental Coordination
 - Goal 4 Agriculture
 - Goal 5 Urban Land Use
 - Goal 6 Public Health and Public Safety
 - Goal 7 Transportation
 - Goal 8 Natural Resources
 - Goal 9 Energy Conservation
 - Goal 10 Cultural Amenities
 - D. 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. This area has a mix of land uses and the subject property has been a storage and parking area for many years.
 - B. It is impossible to establish property values without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
 - C. The gain to the public of the proposed rezoning is positive because it will allow a business to establish for which there is significant demand in Champaign County.
 - D. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:

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- A. Establishing the AG-2 District at this location ***WILL*** help classify, regulate, and restrict the location of the uses authorized in the AG-2 District (Purpose 2.0 (i), see Item 21.G.).
 - B. The proposed rezoning and proposed Special Use ***WILL NOT*** hinder the development of renewable energy sources (Purpose 2.0(r), see Item 21.M).
4. The following is a proposed special condition of approval:

- A. **Should a text amendment allowing a crematory in I-1 Light Industry Zoning District be approved in the future, the zoning for the subject property shall revert to the I-1 District.**

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

That zoning for the subject property reflects the general intent of the Zoning Districts.

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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 recommends that:

The Zoning Ordinance Amendment requested in **Case 096-AM-23** *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

SUBJECT TO THE FOLLOWING SPECIAL CONDITION:

- A. **Should a text amendment allowing a crematory in I-1 Light Industry Zoning District be approved in the future, the zoning for the subject property shall revert to the I-1 District.**

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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**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: ***{June 29, 2023}***

Petitioners: **Justin and Heidi Blake, Les and Emily Cotton, and Vincent and Cheryl Sims, d.b.a. Evergreen Cremation Services Inc.**

Request: **Authorize a Special Use to establish a crematory on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District in related zoning case 096-AM-23, with the following waivers, on the subject property described below.**

Waiver Part A: A lot area of 1.69 acres in lieu of the minimum required 10 acres for a crematory.

Waiver Part B: A setback of 72 feet from the street centerline of Tiffany Court in lieu of the minimum required 100 feet for a crematory.

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From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 29, 2023**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 096-AM-23)

- *1. Evergreen Cremation Services Inc. is on contract to purchase the subject property pending the outcome of these zoning cases.
 - *A. Evergreen Cremation Services Inc. has the following officers and shareholders: Vincent Sims, President, and Cheryl Sims, 2806 Susan Stone Dr, Urbana; Les Cotton, Chairman, and Emily Cotton, 302 Harlan Wise Drive, St. Joseph; Justin Blake, Chairman, and Heidi Blake, 2199 Parrish Dr, St. Joseph.
- *2. The subject property is Lot 3 of Stahly Subdivision in the Southeast Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 8 East of the Third Principal Meridian in Champaign Township with an address of 314 Tiffany Court, Champaign.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the City.
 - *1) The subject property is adjacent to the City of Champaign. The City's most recent Comprehensive Plan Map from 2021 shows the subject property to be in the "Employment Center" land use area.
 - *B. The subject property is located within Champaign Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.

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 1.69-acre tract and is currently zoned I-1 Light Industry and is in use as a parking lot and storage area.
 - *B. Land to the north of the subject property is zoned I-1 Light Industry and is commercial and industrial in use.
 - *C. Land to the south of the subject property is in the City of Champaign and is a Marathon Oil distribution facility.
 - *D. Land to the east is in the City of Champaign and is a gas station.
 - *E. Land to the west is zoned I-1 Light Industry and is commercial and industrial in use.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- 5. Regarding the site plan and operations of the proposed Special Use:
 - *A. The site plan received March 28, 2023, indicates the following:

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- * (1) The existing 2,400 square feet building will be used for a crematory.
 - * (2) The existing 8-foot by 50-foot concrete pad on the south side of the building will remain.
- *B. Previous Zoning Use Permits on the subject property are as follows:
- * (1) ZUPA #084-87-01 was approved on March 25, 1987, for construction of a warehouse.
 - * (2) ZUPA #246-97-03 was approved on September 19, 1997, to install an off-premises freestanding sign.
- *C. Previous Zoning Cases on the subject property are as follows:
- * (1) Case 230-AM-77 was approved on May 17, 1977 to rezone the property from AG-2 Agriculture to I-1 Light Industry.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for multiple principal buildings in the proposed 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) “AREA, LOT” is the total area within the LOT LINES.
 - (2) “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.
 - (3) “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.
 - (4) “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

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- (5) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
- (6) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (7) “LOT LINES” are the lines bounding a LOT.
- (8) “PARCEL” is a designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.
- (9) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (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:
 - (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.

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- (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. Section 6.1 contains standard conditions that apply to all **SPECIAL USES**, standard conditions that may apply to all **SPECIAL USES**, and standard conditions for specific types of **SPECIAL USES**. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- C. Section 6.1.3 has standard conditions for a crematory **SPECIAL USE**:
- (1) Minimum 10 acre lot size;
 - (2) 100 foot setback from street centerline;
 - (3) 50 foot side and rear yards;
 - (4) A crematory is not permitted within 100 feet of any **R DISTRICT** or residential **USE**.
- D. 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.

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- 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) 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 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

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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.”

- (4) Section 7.4.2 refers to off-street LOADING BERTHS for commercial uses:
 - 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:
 - (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
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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)

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

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:

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- A. The Petitioners testified on the application, **“Current facilities can’t keep up with demand so they have to network with out of town cremation facilities. Stats show that cremations will continue to increase as it has surpassed traditional burial.”**
- B. The subject property is centrally located in the petitioner’s service area, is adjacent to IL Route 10 (Springfield Avenue) and is approximately 2.2 miles from the I-72 interchange at University Avenue in Champaign.

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, **“Crematorium and retort will be over 1,000 feet from residential facility.”**
 - B. Regarding surface drainage:
 - (1) The site generally drains toward the west and south.
 - (2) A Storm Water Drainage Plan is not required because no new construction is proposed.
 - C. Regarding impacts on traffic:
 - (1) The subject property is on the north side of IL Route 10 at the intersection with Tiffany Court. The property only has access on Tiffany Court.
 - (2) IL Route 10 is a 2-lane highway with paved shoulders. Tiffany Court is a local road and is a cul-de-sac.
 - (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 2021 near the subject property. IL Route 10 near west of Staley Road had an ADT of 4,250.
 - (4) Traffic volumes are not expected to increase significantly because no visitors are expected at the proposed facility, but no Traffic Impact Analysis has been done.
 - (5) IDOT and the Champaign Township Road Commissioner have been notified of this case, and no comments have been received.
 - D. Regarding fire protection on the subject property:
 - (1) The subject property is located approximately 2.8 road miles from the Bondville fire station. Notice of these zoning cases was sent to the Bondville station, and no comments have been received.
 - E. No part of the subject property is located within a mapped floodplain.

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- F. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam, 56B Dana silt loam, and 622C2 Wyanet silt loam, and has an average Land Evaluation (LE) of 99.
- (1) The subject property has not been in agricultural production for many years.
- G. Regarding outdoor lighting on the subject property:
- (1) No outdoor lighting was indicated on the Site Plan received March 28, 2023. A special condition has been added to ensure compliance for any future exterior light installations.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) The subject property has a septic system.
- I. P&Z Staff has not received any information from the petitioners on environmental factors such as odor and air quality and therefore cannot evaluate potential environmental impacts.
- J. Regarding public comments on the proposed use:
- (1) A neighboring landowner contacted the P&Z Department on June 20, 2023 with concerns about air quality and odor. They believe the proposed facility should be in a less busy area.
- K. 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: **“See attached condition of facility. We will clean up the lot so it’s just a building and empty lot.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) A crematory is authorized only by Special Use Permit in the AG-2 Agriculture Zoning District.
- (2) Regarding parking on the subject property:
- a. A crematory is considered to be a commercial use, and requires one parking space per 200 square feet of floor area or portion thereof.
- (a) The proposed use would require 12 parking spaces.

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- (b) The proposed site plan appears to include more than enough area to accommodate all required off-street parking.
 - b. Loading berth requirements are based on building square footage and must be surfaced with an all-weather dustless material. Total building area is 2,400 square feet, which requires one 12 feet by 40 feet loading berth.
 - (a) There is sufficient area on site that can serve as a loading berth.
 - c. No screening is required for parking on the subject property because the parking area is more than 100 feet from the building restriction line of a residence.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
- (1) The proposed Special Use is exempt from the SWMEC Ordinance because no construction is proposed.
- D. Regarding the *Special Flood Hazard Areas Ordinance*, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the City of Champaign subdivision jurisdiction and is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District:
- (1) A crematory requires a Special Use Permit in the AG-2 Agriculture Zoning DISTRICT.
- G. Currently, the subject property is zoned I-1 Light Industry and the Petitioner has requested to rezone the property to AG-2 Agriculture in related Case 096-AM-23. Regarding whether or not the proposed Special Use will preserve the essential character of the District in which it will be located:
- (1) A crematory requires a Special Use Permit in the AG-2 Agriculture Zoning DISTRICT and is not allowed at all in the I-1 Light Industry Zoning DISTRICT.
 - (2) The subject property is located on IL Route 10. Land use and zoning in the immediate area of the subject property are discussed under Item 4 of this Summary of Evidence.
- H. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

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

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:

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- A. Regarding the proposed Special Use:
- (1) A crematory requires a Special Use Permit in the AG-2 Agriculture Zoning DISTRICT.
- B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
- (1) Subsection 5.1.2 of the Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):
The AG-2 Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which 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, subject to the requested waivers.
 - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

It is not clear whether the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
 - (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The petitioners do not anticipate traffic other than employees at this site.
 - (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

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to persons and damage to property resulting from the accumulation of runoff of storm or floodwaters.

The proposed Special Use will not trigger the need for storm water management, and there is no proposed construction for the proposed crematory.

- * (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
 - *a. Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - *b. Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
 - *c. P&Z Staff has not received any information from the petitioners on environmental factors such as odor and air quality and therefore cannot evaluate potential environmental impacts.
 - *d. A neighboring landowner contacted the P&Z Department on June 20, 2023 with concerns about air quality and odor. They believe the proposed facility should be in a less busy area.
- * (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

- * (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

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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.

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.

- * (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

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preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

*(1) The proposed use will not remove any acreage from agricultural production.

*(2) The subject property is surrounded by non-agricultural uses.

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

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

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

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

12. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. Regarding proposed waiver Part A, for a lot area of 1.69 acres in lieu of the minimum required 10 acres for a crematory:
 - (1) The petitioners have demonstrated through their interest in this particular property that a crematory does not need a large lot area.
 - B. Regarding proposed waiver Part B, for a setback of 72 feet from the street centerline of Tiffany Court in lieu of the minimum required 100 feet for a crematory:
 - (1) The petitioners have demonstrated through their interest in this particular property that a crematory does not need a setback of 100 feet.
 - (2) The existing setback of 72 feet exceeds the typical 55 feet minimum setback requirement for a building on a local road.

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

13. 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. Regarding proposed waiver Part A, for a lot area of 1.69 acres in lieu of the minimum required 10 acres for a crematory:

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- (1) Without the proposed waiver, the petitioners could not locate the crematory on the subject property.
- B. Regarding proposed waiver Part B, for a setback of 72 feet from the street centerline of Tiffany Court in lieu of the minimum required 100 feet for a crematory:
 - (1) Without the proposed waiver, the petitioners would have to move the building 28 feet east or would not be able to establish the crematory on the subject property.

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

- 14. 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. Regarding proposed waiver Part A, for a lot area of 1.69 acres in lieu of the minimum required 10 acres for a crematory: the petitioners were not aware of the 10 acre minimum lot area when they contracted to purchase the property.
 - B. Regarding proposed waiver Part B, for a setback of 72 feet from the street centerline of Tiffany Court in lieu of the minimum required 100 feet for a crematory: the petitioners were not aware of the 100-foot minimum setback when they contracted to purchase the property.

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

- 15. Regarding the *Zoning Ordinance* requirement that the waivers of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
 - A. Regarding proposed waiver Part A, for a lot area of 1.69 acres in lieu of the minimum required 10 acres for a crematory: the requested waiver is 16.9% of the minimum required, for a waiver of 83.1%.
 - B. Regarding proposed waiver Part B, for a setback of 72 feet from the street centerline of Tiffany Court in lieu of the minimum required 100 feet for a crematory: the requested waiver is 72% of the minimum required, for a waiver of 28%.

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

- 16. Regarding the Zoning Ordinance requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Champaign Township Highway Commissioner and Supervisor have been notified of this case, and no comments have been received.
 - B. Bondville Fire has been notified of this case, and no comments have been received.
 - C. IDOT has been notified of this case, and no comments have been received.

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- D. P&Z Staff has not received any information from the petitioners on environmental factors such as odor and air quality and therefore cannot evaluate potential environmental impacts.
- E. Regarding public comments on the proposed use:
- (1) A neighboring landowner contacted the P&Z Department on June 20, 2023 with concerns about air quality and odor. They believe the proposed facility should be in a less busy area.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

17. Regarding proposed special conditions of approval:

- A. **The Special Use is subject to the approval of Case 097-AM-23.**

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

That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.

- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed construction 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.

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

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

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

- D. **The petitioners shall apply for a Change of Use Permit within 30 days of approval of Zoning Case 096-AM-23.**

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

That the use complies with permitting requirements in the Zoning Ordinance.

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DOCUMENTS OF RECORD

1. Application for Map Amendment received March 28, 2023
2. Application for Special Use Permit received March 28, 2023
3. Site Plan received March 28, 2023
4. Cremation statistics provided by petitioners received June 20, 2023
5. Natural Resources Report from Champaign County Soil and Water Conservation District received June 20, 2023
6. Preliminary Memorandum dated June 21, 2023 for Cases 096-AM-23 and 097-S-23, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received March 28, 2023
 - C Cremation statistics provided by petitioners received June 20, 2023
 - D LRMP Land Use Goals, Objectives, and Policies
 - E LRMP Appendix of Defined Terms
 - F Natural Resources Report from Champaign County Soil and Water Conservation District received June 20, 2023
 - G Site photos taken by P&Z Staff on April 3, 2023
 - H Summary of Evidence, Finding of Fact, and Final Determination for Case 096-AM-23
 - I Summary of Evidence, Finding of Fact, and Final Determination for Case 097-S-23

PRELIMINARY DRAFT**Case 097-S-23****Page 19 of 24****FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **097-S-23** held on **June 29, 2023**, 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:
 - a. *The subject property is centrally located in the petitioner's service area.*
 - b. *The subject property is approximately 2.2 miles from the I-72 interchange at University Avenue in Champaign.*

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 / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *because*: the subject property is located approximately 2.8 road miles from the Bondville fire station. Notice of these zoning cases was sent to Bondville Fire, and no comments have been received.*
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *because**:
 - a. *The petitioners will make use of the existing building and no new construction is proposed.*
 - b. *P&Z Staff has not received any information from the petitioners on environmental factors such as odor and air quality and therefore cannot evaluate potential environmental impacts.*
 - c. *A neighboring landowner contacted the P&Z Department on June 20, 2023 with concerns about air quality and odor. They believe the proposed facility should be in a less busy area.*
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *because*: no new construction is proposed and the subject property is not in the Special Flood Hazard Area.*
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}: the Township Highway Commissioner, IDOT, and Bondville Fire have been notified of this case, and no comments have been received.*
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *because*: the proposed site plan appears to include more than enough area to accommodate all required off-street parking.*
 - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *because*: the petitioners are using the existing building and no other construction is proposed.*

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- h. Existing public services ***{ARE/ARE NOT}*** available to support the proposed SPECIAL USE without undue public expense ***because*: all services are in place for this property, and no new public services are needed for the proposed use.***
- i. Existing public infrastructure together with the proposed development ***{IS/IS NOT}*** adequate to support the proposed development effectively and safely without undue public expense ***because*: adjacent roads have sufficient capacity to handle traffic volumes with no improvements necessary, and no new utilities are required for the proposed use.***

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

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

- 3a. The requested Special Use Permit, ***SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, {DOES / DOES NOT}*** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit, ***SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to ***{CONFORM / NOT CONFORM}*** to all relevant County ordinances and codes.
 - b. The Special Use ***{WILL / WILL NOT}*** be compatible with adjacent uses.
 - c. Public safety will be ***{ADEQUATE / INADEQUATE}***.
- 4. The requested Special Use Permit, ***SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit ***{IS/ IS NOT}*** necessary for the public convenience at this location.
 - c. The requested Special Use Permit, ***SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN***, is so designed, located, and proposed to be operated so that it ***{WILL / WILL NOT}*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit, ***SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.
- 5. The requested Special Use **IS NOT** an existing nonconforming use.
- 6. ***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 for a lot area of 1.69 acres in lieu of the minimum required 10 acres:
 - (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:
 - a. ***The requested waiver is 16.9% of the minimum required, for a waiver of 83.1%.***

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- b. *Relevant jurisdictions have been notified, and no comments have been received.*
 - c. *P&Z Staff has not received any information from the petitioners on environmental factors such as odor and air quality and therefore cannot evaluate potential environmental impacts.*
 - d. *A neighboring landowner contacted the P&Z Department on June 20, 2023 with concerns about air quality and odor. They believe the proposed facility should be in a less busy area.*
- (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:
- a. *The petitioners have demonstrated through their interest in this particular property that a crematory does not need a large lot area.*
- (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:
- a. *Without the proposed waiver, the petitioners could not locate the crematory on the subject property.*
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- a. *The petitioner was not aware of the 10-acre minimum when they contracted to purchase the property.*
- (5) The requested waiver **{IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure.
- B. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning Ordinance for a setback of 72 feet from street centerline in lieu of the minimum required 100 feet:
- (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:
- a. *The requested waiver is 72% of the minimum required, for a waiver of 28%.*
 - b. *Relevant jurisdictions have been notified, and no comments have been received.*
 - c. *P&Z Staff has not received any information from the petitioners on environmental factors such as odor and air quality and therefore cannot evaluate potential environmental impacts.*
 - d. *A neighboring landowner contacted the P&Z Department on June 20, 2023 with concerns about air quality and odor. They believe the proposed facility should be in a less busy area.*

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- (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:
- a. ***The petitioners have demonstrated through their interest in this particular property that a crematory does not need a setback of 100 feet.***
 - b. ***The existing setback of 72 feet exceeds the typical 55 feet minimum setback requirement for a building on a local road.***
- (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:
- a. ***Without the proposed waiver, the petitioners would have to move the building 28 feet east or would not be able to establish the crematory on the subject property.***
- (4) The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
- a. ***The petitioners were not aware of the 100-foot minimum setback when they contracted to purchase the property.***
- (5) The requested waiver ***{IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure.

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. **The Special Use is subject to the approval of Case 097-AM-23.**

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

That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.

B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed construction 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.

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

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

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

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- D. **The petitioners shall apply for a Change of Use Permit within 30 days of approval of Zoning Case 096-AM-23.**

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

That the use complies with permitting requirements in the Zoning Ordinance.

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FINAL DETERMINATION

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

The Special Use requested in Case **097-S-23** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Justin and Heidi Blake, Les and Emily Cotton, and Vincent and Cheryl Sims, d.b.a. Evergreen Cremation Services Inc.**, to authorize the following:

Authorize a Special Use to establish a crematory on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District in related zoning case 096-AM-23, with the following waivers:

Waiver Part A: A lot area of 1.69 acres in lieu of the minimum required 10 acres for a crematory.

Waiver Part B: A setback of 72 feet from the street centerline of Tiffany Court in lieu of the minimum required 100 feet for a crematory.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. The Special Use is subject to the approval of Case 097-AM-23.**
- B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed construction until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- D. The petitioners shall apply for a Change of Use Permit within 30 days of approval of Zoning Case 096-AM-23.**

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