

CASES 117-S-23 & 121-V-23

*PRELIMINARY MEMORANDUM
NOVEMBER 8, 2023*

Petitioner: Luke and Amanda Turner, d.b.a. Main Street Fencing Co.

Request:

Case 117-S-23

Authorize a “Contractor’s Facility with Outdoor Storage and/or Outdoor Operations” as a Special Use Permit in the AG-1 Agriculture Zoning District, subject to the variance in related Case 121-V-23.

Case 121-V-23

Authorize the following variance for the proposed Special Use Permit in related case 117-S-23:

Authorize a variance for no loading berth in lieu of the minimum required 1 loading berth, per Section 7.4.1 C.5. of the Zoning Ordinance.

Location: A 26.2-acre tract in the East Half of Section 9, Township 20 North, Range 7 East of the Third Principal Meridian in Mahomet Township, and commonly known as farmland located north of I-74 and west of Crowley Road (CR 250E).

Site Area: 26.2 acres (Special Use Permit area is less than one acre)

Time Schedule for Development: As soon as possible

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

BACKGROUND

The petitioners would like to build a new building for their business, Main Street Fencing. The building they rented in Mahomet to house their business was destroyed in a fire and the owners are not rebuilding. The proposed building needs a Special Use Permit for a “Contractor’s Facility with Outdoor Storage and/or Outdoor Operations.”

The petitioners also request a variance from the Zoning Ordinance requirement for a loading berth, which they feel is unnecessary for their operations.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Mahomet, a municipality with zoning. Zoned municipalities do not have protest rights in Special Use Permit and Variance cases were notified of these cases.

The subject property is located within Mahomet Township, which does have a Plan Commission. Townships with Planning Commissions do not have protest rights on a Special Use Permit but do have protest rights on variance cases. The Mahomet Plan Commission was notified of these cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Agriculture	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
East	Forest Preserve District	Village of Mahomet
South	Residential	Village of Mahomet

PROPOSED SPECIAL CONDITIONS

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 117-S-23.**

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

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

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

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

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

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

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

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

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

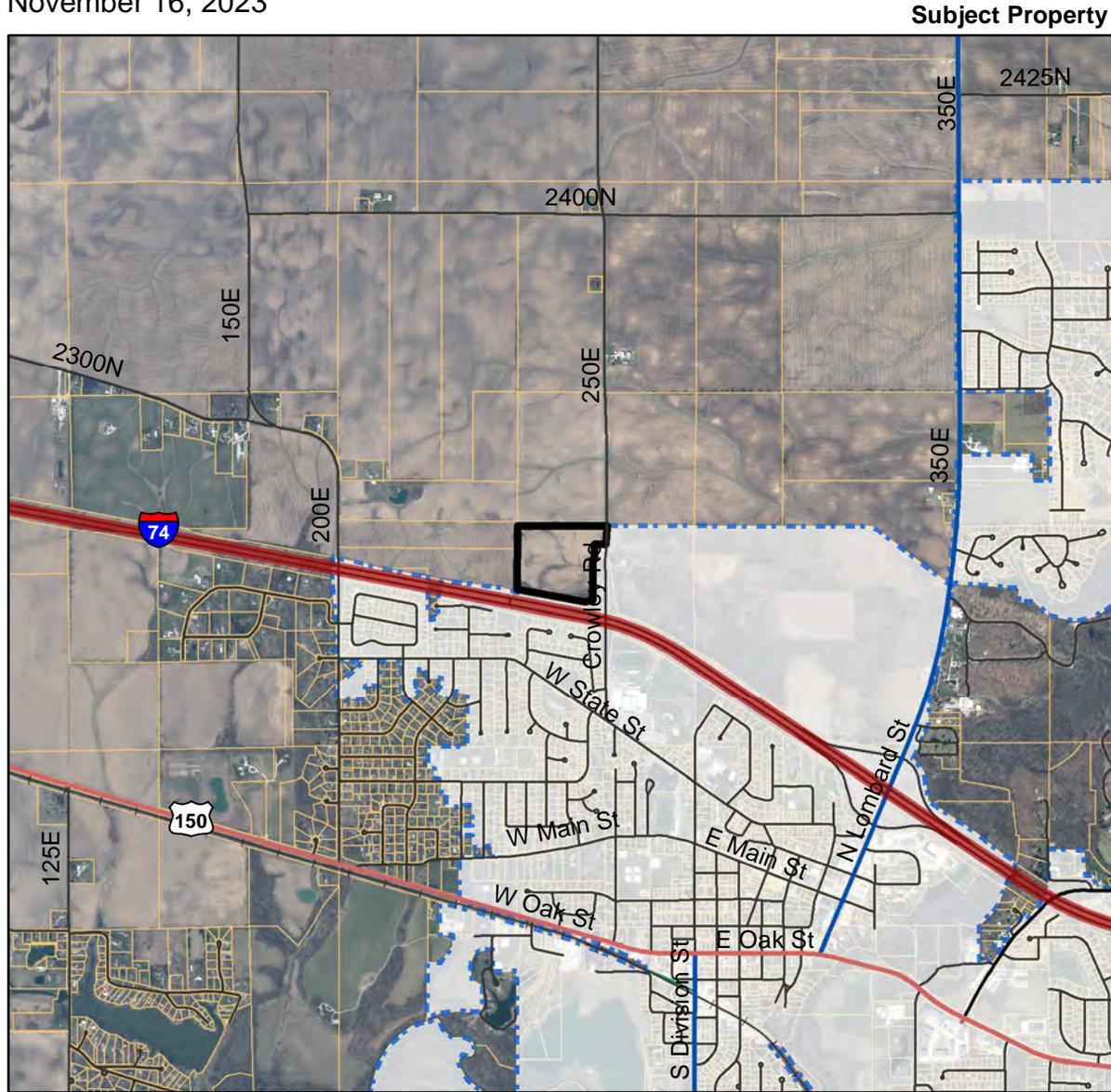
New commercial buildings shall be in conformance with Public Act 96-704.

ATTACHMENTS

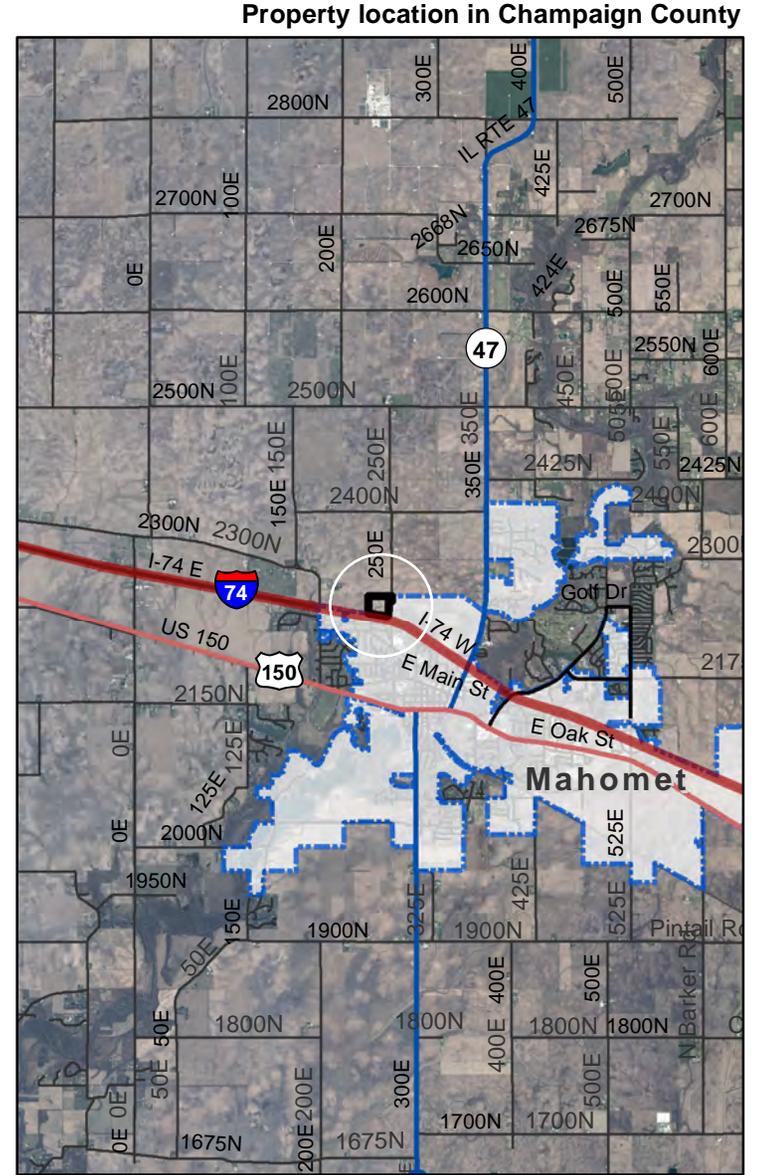
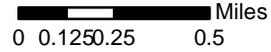
- A Case Maps
- B Revised Site Plan by BKB Engineering received November 2, 2023
- C Annotated 2023 Aerial Photo created by P&Z Staff
- D Email from Luke Turner received November 1, 2023
- E Natural Resources Information Report from the Champaign County Soil and Water Conservation District received October 26, 2023
- F Site images taken September 26, 2023
- G Summary of Evidence, Draft Summary Finding of Fact and Final Determination for Cases 117-S-23 and 121-V-23 dated November 16, 2023

Location Map

Cases 117-S-23 & 121-V-23
November 16, 2023

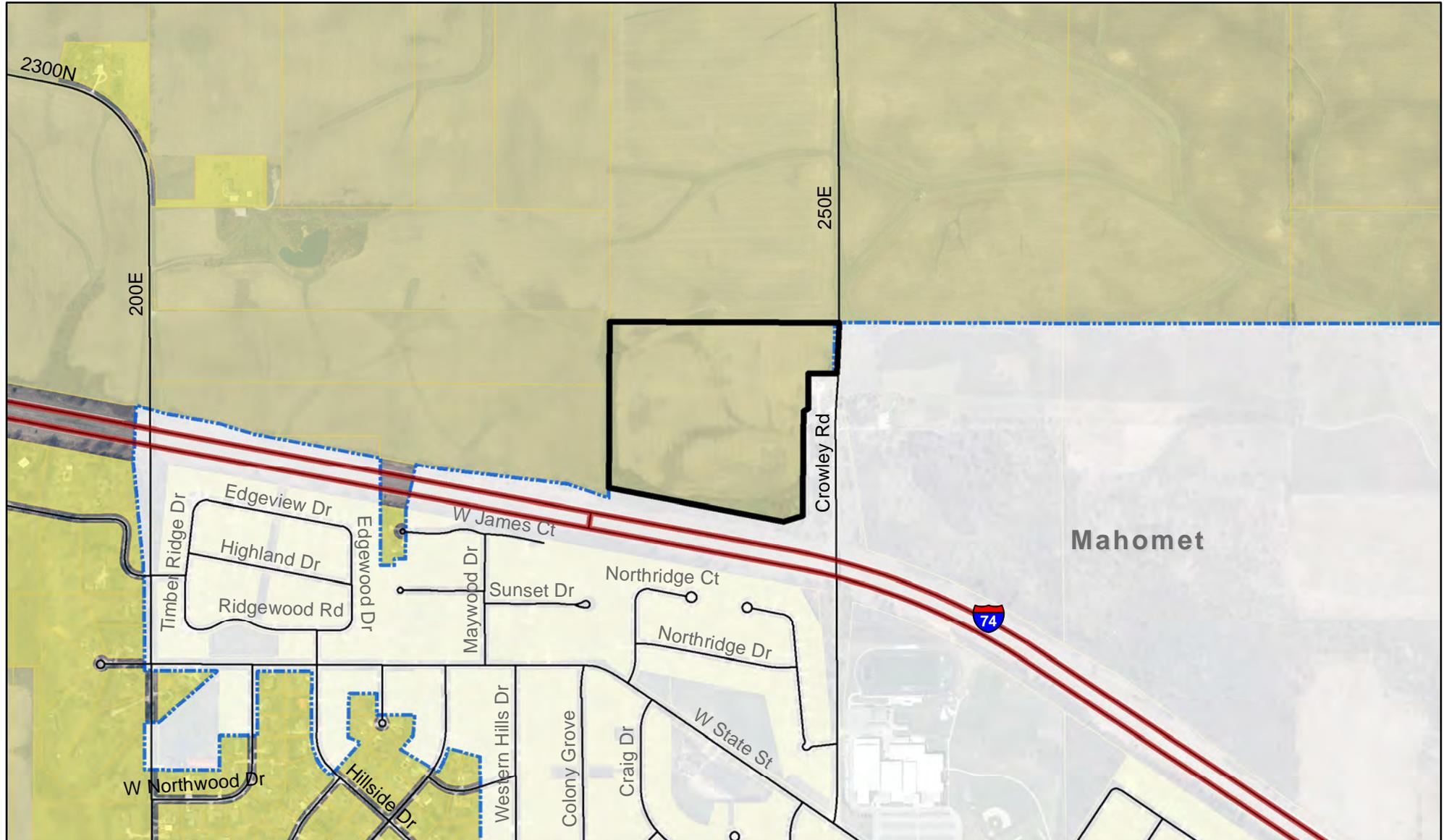


-  Subject Property
-  Municipal Boundary
-  Parcels



Land Use Map

Cases 117-S-23 & 121-V-23
November 16, 2023



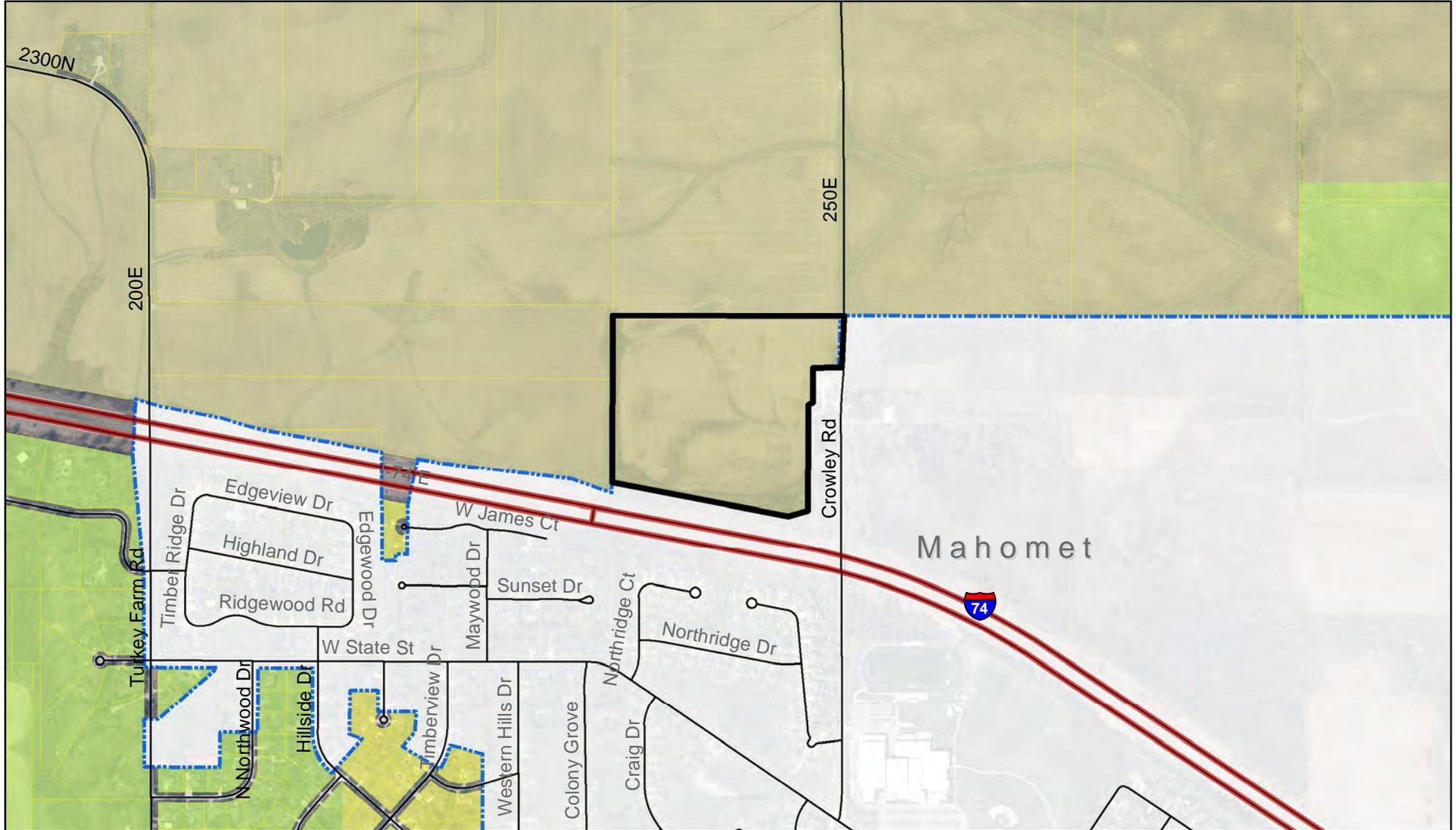
- Subject Property
- Agriculture
- Parcels
- Residential

0 200 400 800 Feet

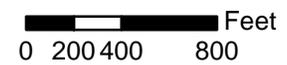
Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Cases 117-S-23 & 121-V-23
November 16, 2023

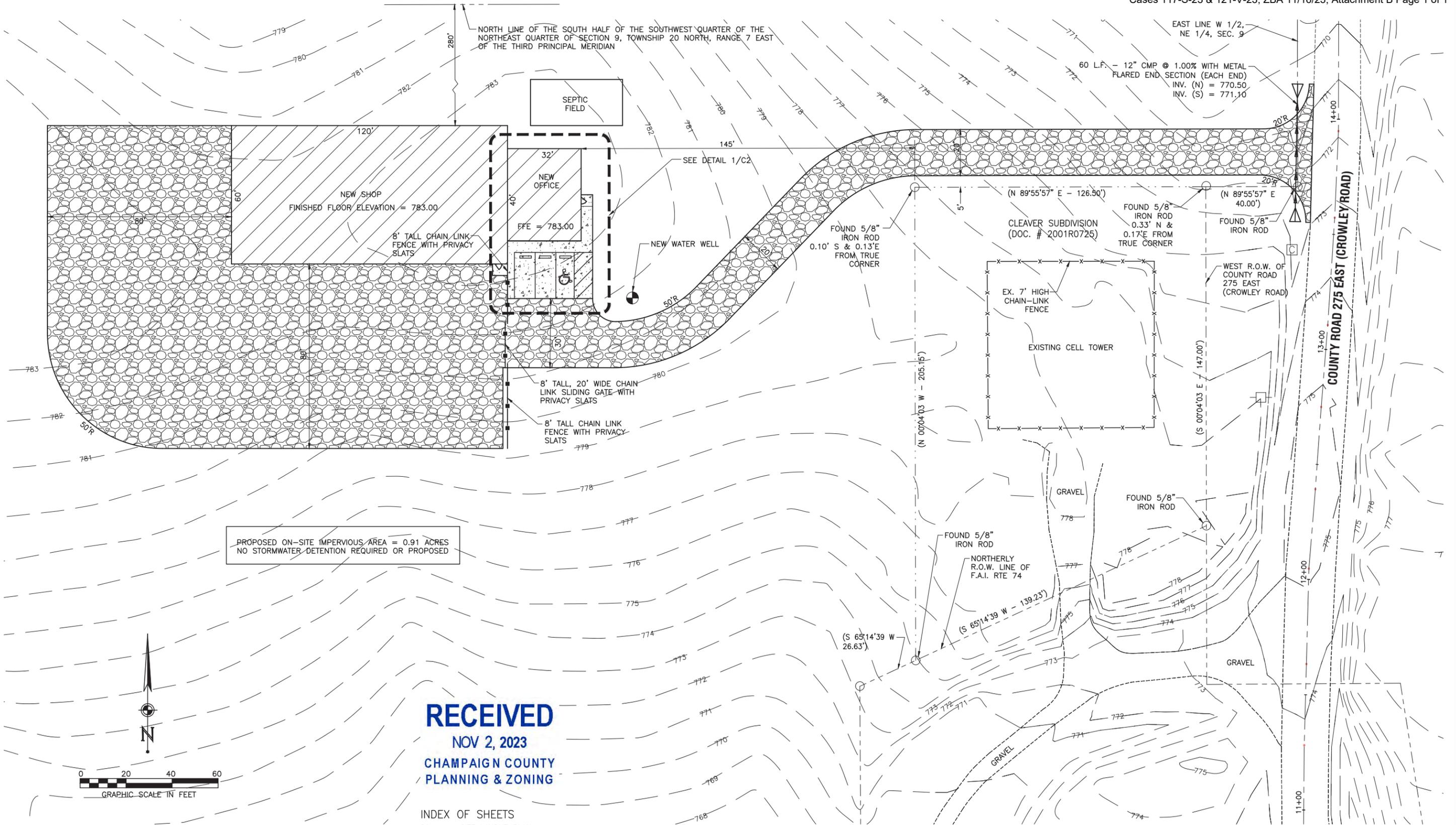


-  Subject Property
-  Municipal Boundary
-  AG-1 Agriculture
-  AG-2 Agriculture
-  R-1 Single Family Residence



NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN

EAST LINE W 1/2, NE 1/4, SEC. 9
 60 L.F. - 12" CMP @ 1.00% WITH METAL FLARED END SECTION (EACH END)
 INV. (N) = 770.50
 INV. (S) = 771.10



REVISIONS		
NO.	DATE	DESCRIPTION

BKB
 ENGINEERING
 301 N. NEIL STREET, SUITE 400 | CHAMPAIGN, IL 61820
 CELL 217.840.3546 | OFFICE 217.531.2971 | FAX 217.531.2211

SITE LAYOUT PLAN
 MAIN STREET FENCING CO.
 CROWLEY ROAD
 CHAMPAIGN COUNTY, ILLINOIS

PROJECT: 244-2301	SHEET: C1
DESIGN BY: BKB	
DRAWN BY: BKB	
DATE: 10/9/23	

Annotated 2023 Aerial

Cases 117-S-23 & 121-V-23
November 16, 2023



building
septic
gravel area

 Subject Property
 Parcels

0 50 100 200 Feet



Champaign County
Department of
PLANNING &
ZONING

From: [Main Street Fencing Co Main Street Fencing Co](#)
To: [Susan Burgstrom](#)
Subject: Re: questions for the Special Use Case
Date: Wednesday, November 1, 2023 4:25:31 PM

CAUTION: External email, be careful when opening.

Hello Susan,

I've answered each question below in RED below.
Luke

*Main Street Fencing Co.
Main Street Construction
506 W Hickory St., Bldg B
Mahomet, IL 61853
217-586-7504 office
217-586-7512 fax*

RECEIVED
NOV 1, 2023
CHAMPAIGN COUNTY
PLANNING & ZONING

On Wednesday, November 1, 2023 at 03:53:30 PM CDT, Susan Burgstrom
<sburgstrom@co.champaign.il.us> wrote:

Hi Luke,

I have a few questions about storage and operations. Could you please respond by close of business Monday 11/6?

1. Could you please specify where on the site you will have any outdoor storage of materials and equipment? **If any, material would be stored on the South side in the rocked area. For security purposes, we plan to keep vehicles and materials inside.**
2. What types of vehicles and how many of each do you have for the business (semis, trailers, vans, pickups, etc)? **3 trucks and 2 trailers - 1 truck is rarely used.**
3. How many vehicle trips (in and out) would you estimate for the site? **2 trips in and 2 trips out typically - employees arriving and leaving work and the work trucks leaving and coming back from jobsites.**

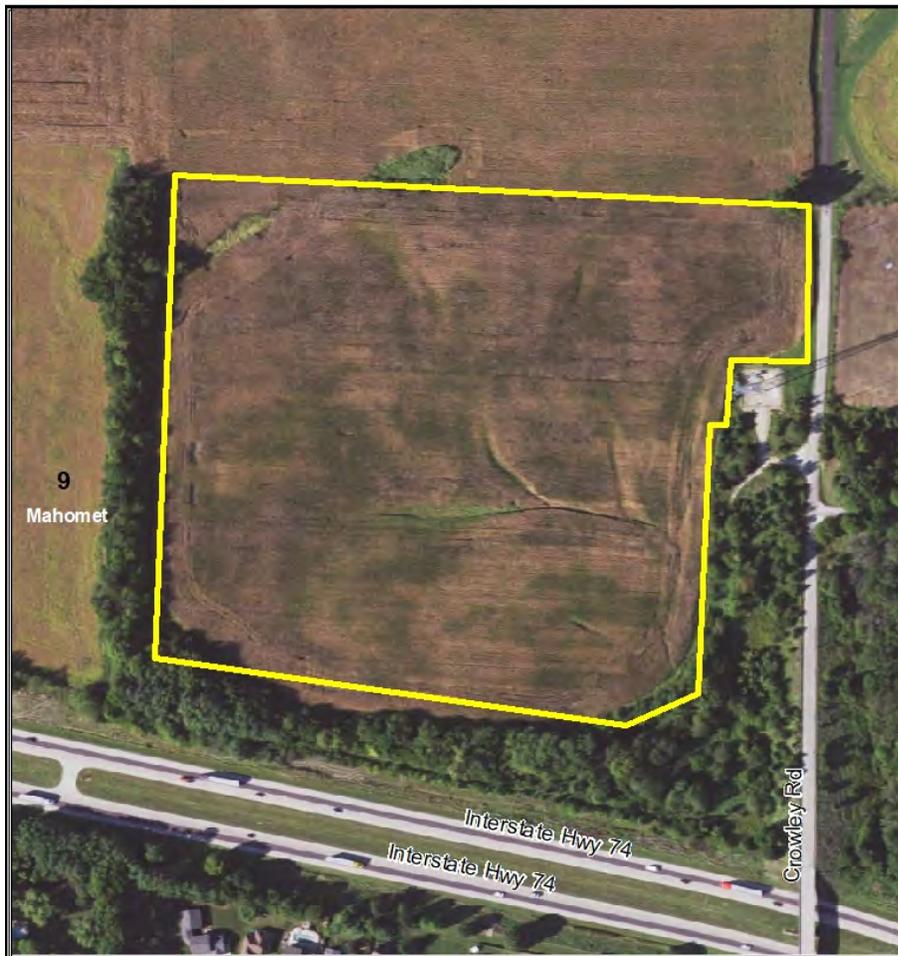
Thanks,
Susan

Susan Burgstrom, AICP
Senior Planner
Champaign County Planning & Zoning
1776 E Washington St
Urbana, IL 61802
217-384-3708
www.co.champaign.il.us

OCTOBER 25, 2023

NATURAL RESOURCE INFORMATION (NRI) REPORT 23.15

PETITIONER: MAIN STREET FENCING – MAHOMET, IL



NRI Report Main Street Fencing

USDA Orthoimagery 2021

Location:
Mahomet Township
Section 9, T20N, R7E
Champaign Co., IL

Legend

MainSt_Fencing AOI

Champaign Co. Soil & Water
Conservation District
Assisted By: Ivan A. Dozier
Matt Wade



0 15 30 60 90 120 Meters

10/3/2023

RECEIVED

OCT 26, 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	October 25, 2023
Applicant's Name	Main Street Construction
Contact Person	Luke Turner
Size of Subject Property	1
Present Zoning	N/A
Proposed Zoning	Special Use Permit
Present Land Use	Agricultural
Proposed Land Use	Combined Ag + Special Use

<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

Table of Contents

Forward	4
Subject Property Location	5
Summary and Concerns of the Board	6
Soil Information	7
Introduction to Soil Interpretations	7
Limitation Ratings	8
Soil Interpretations	8
Sanitary Facilities	8
Building Site Development	9
Soil Water (Wetness) Features	9
Hydric Soils	11
Soil Erosion and Sediment Control	12
Erosion Control at Construction Sites	12
EPA Stormwater Pollution Prevention Plan (SWPPP) Reference Tool	13
Prime Farmland Soils	13
The Land Evaluation and Site Assessment System	13
Topographic Information	14
Watershed Information	15
Floodplain and Wetland Information	16
Floodplain Information	16
Wetland Information	17
Wetland and Floodplain Regulations	18
Cultural and Animal Resources	19
Cultural Resources	19
Animal Resources	19
Ecologically Sensitive Areas	19
Historic Aerial Photos	21
Glossary and Acronyms	23
References	25

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.

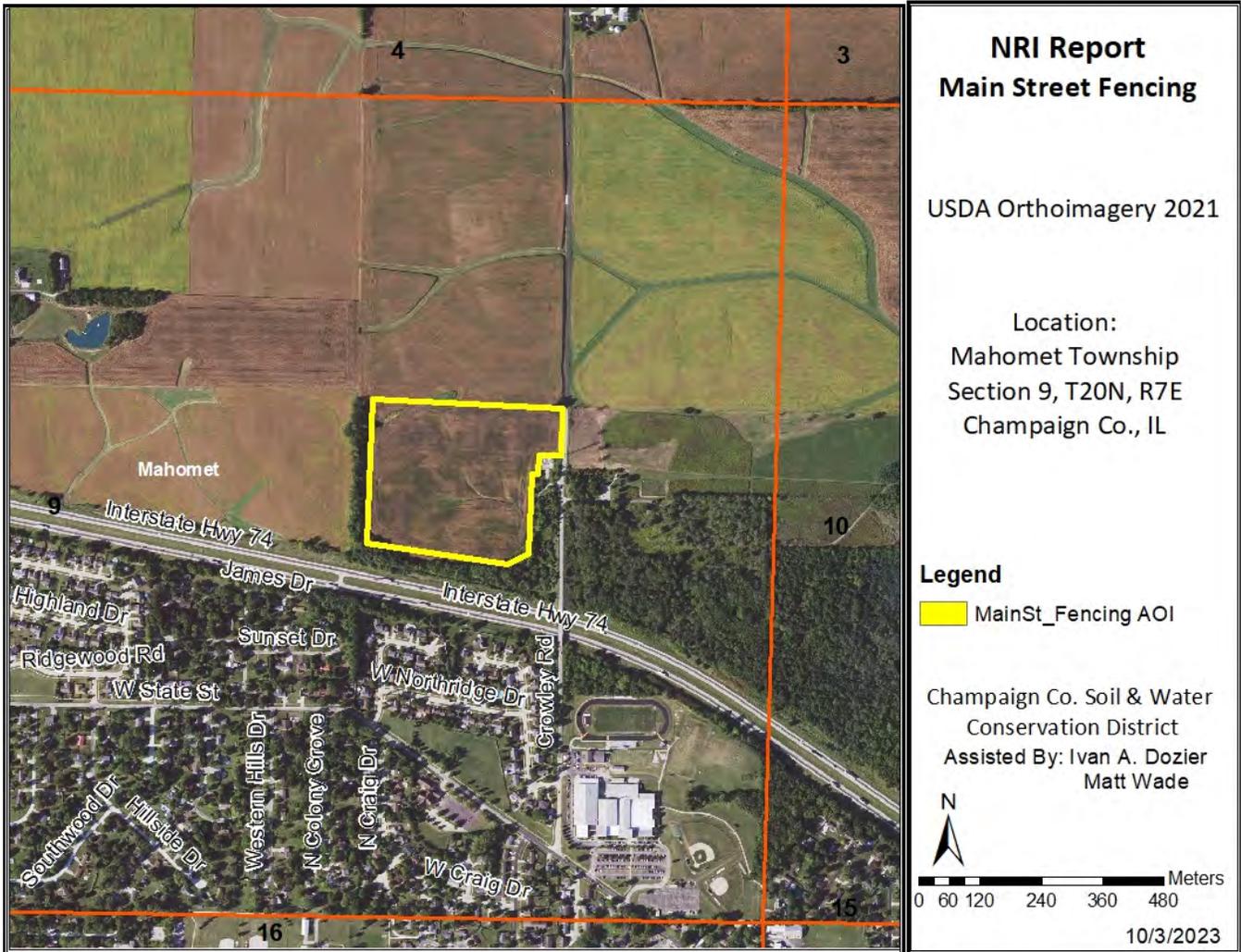
Section 22.02a The Soil and Water Conservation District shall make all natural resource information available to the appropriate county agency or municipality in the promulgation of zoning, ordinances or variances. Any person who petitions any municipality or county agency in the district for variation, 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 Main Street Fencing. The property is located in the northwest quarter of Section 9, Township 20N, Range 7E 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. All soils on the subject property are "very limited" for 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. A significant portion of the soils on the subject property are "very limited" 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 *Sangamon River* 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: 86.7. See pages 13-14.
5. Wetlands and streams are not present near the subject property. See pages 17-18.
6. There is a record of sensitive areas or endangered species in or near the subject property: The Salamander Mussel (*Simpsonaias ambigua*). See pages 19-20.

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.

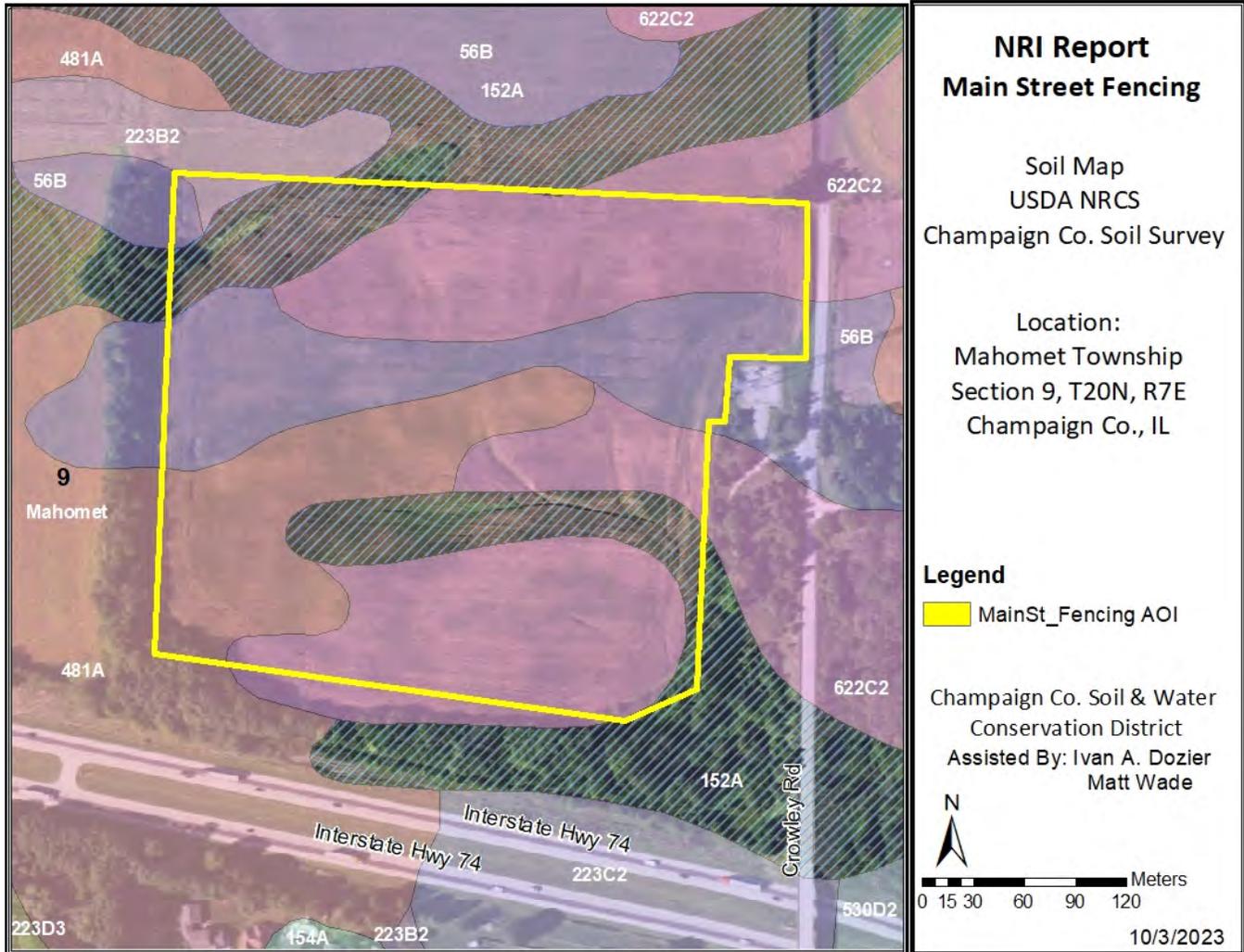


Table 1. Soil map unit descriptions.

Map Unit Symbol	Description	Acres	Percent of Area
56B	Dana silt loam, 2-5% slopes	5.3	20.9%
152A	Drummer silty clay loam, 0-2% slopes	3.8	14.7%
223B2	Varna silt loam, 2-4% slope, eroded	0.2	0.6%
481A	Raub silt loam, non-densic substratum, 0-2% slopes	4.3	17.0%
622C2	Wyant silt loam, 5-10% slopes, eroded	11.9	46.8%

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: ponding, depth to saturated zone, slow water movement	5.3	20.9%
152A	Very limited: ponding, depth to saturated zone, slow water movement	3.8	14.7%
223B2	Very limited: ponding, depth to saturated zone, slow water movement	0.2	0.6%
481A	Very limited: ponding, depth to saturated zone, slow water movement	4.3	17.0%
622C2	Very limited: ponding, depth to saturated zone, slow water movement	11.9	46.8%

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	5.3	20.9%
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	3.8	14.7%
223B2	Somewhat Limited: depth to saturated zone	Somewhat Limited: shrink-swell	Somewhat Limited: shrink-swell	0.2	0.6%
481A	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	4.3	17.0%
622C2	Not Limited	Not Limited	Somewhat Limited: slope, depth to saturated zone, shrink-swell	11.9	46.8%

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
223B2	C	Med	2.0-3.5	2.2-5.5	Perched	-	None	-	None
481A	B/D	Low	1.0-2.0	3.3-5.8	Perched	-	None	-	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.

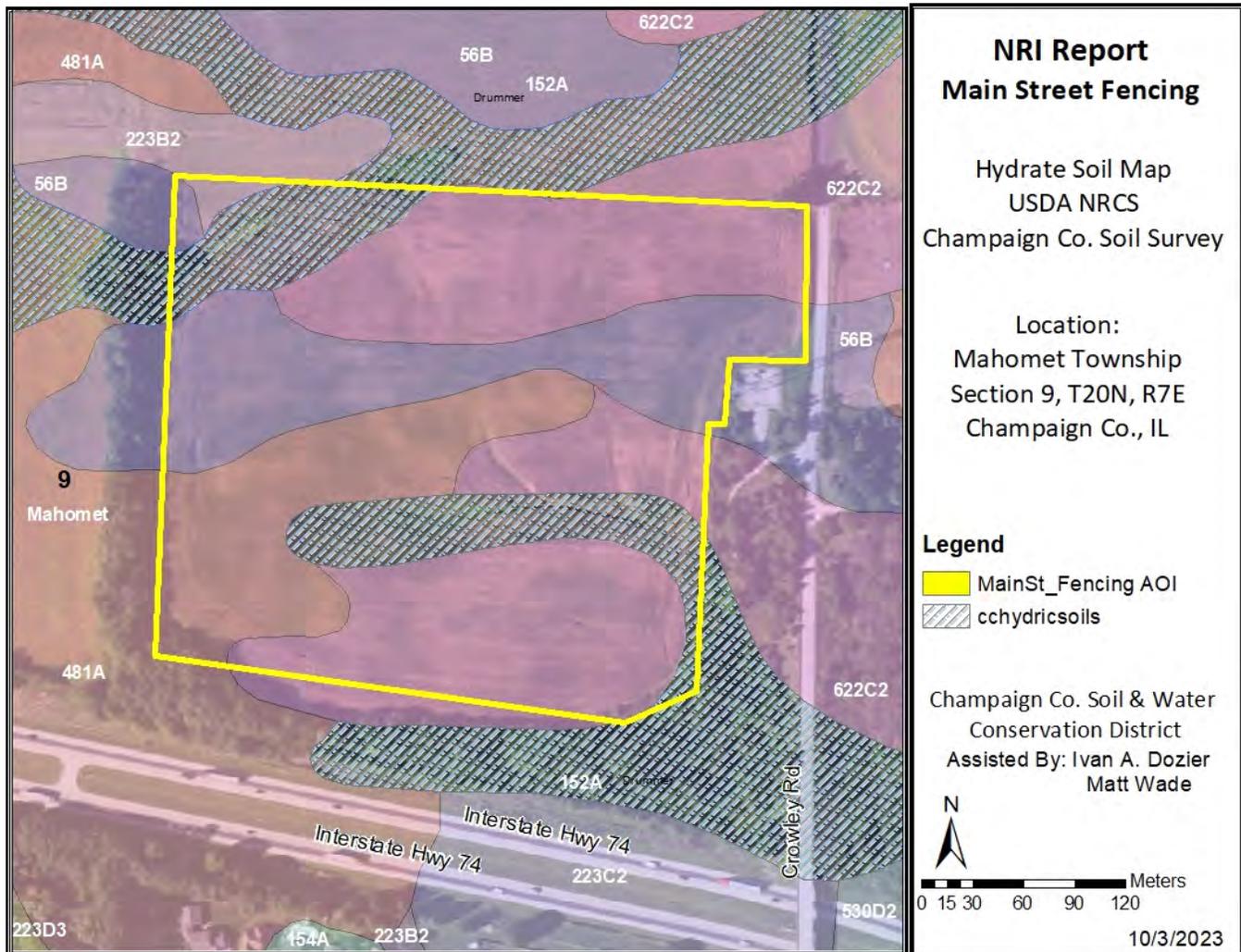
On most agricultural soils in the county that are poorly or somewhat poorly drained, subsurface agriculture drainage tile occurs. This expedites drainage but must be maintained and undisturbed so the soil does not return to its original hydrologic condition.

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	5.3	20.9%
152A	Poorly drained	Hydric	3.8	14.7%
223B2	Moderately well drained	Non hydric	0.2	0.6%
481A	Somewhat poorly drained	Non hydric	4.3	17.0%
622C2	Well drained	Non hydric	11.9	46.8%
			Percent Hydric	14.7%



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 brome grass, 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	5.3	20.9%
152A	0.5%	Slight	3.8	14.7%
223B2	3.0%	Moderate	0.2	0.6%
481A	0.9%	Slight	4.3	17.0%
622C2	7.0%	Severe	11.9	46.8%

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	5.3	20.9%
152A	Prime farmland, if drained	3.8	14.7%
223B2	All areas are prime farmland	0.2	0.6%
481A	All areas are prime farmland	4.3	17.0%
622C2	Farmland of Statewide Importance	11.9	46.8%
Percent Prime Farmland			53.2%

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.

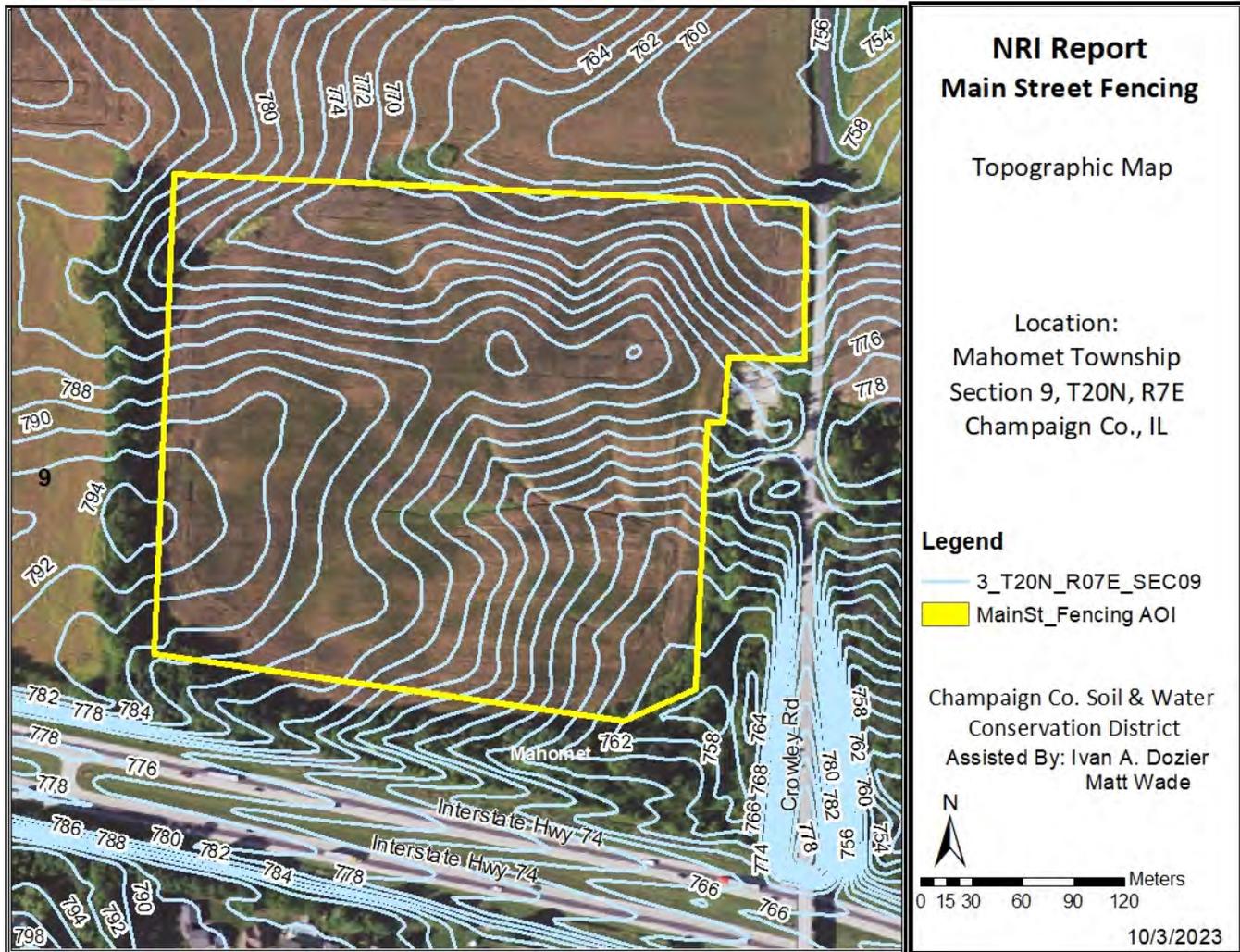
Table 8. Land Evaluation and Site Assessment System score.

Map Unit Symbol	Value Group	Relative Value	Acres	Product (Relative Value*Acres)
56B	4	91	5.3	482.3
152A	2	100	3.8	380
223B2	12	76	0.2	15.2
481A	3	94	4.3	404.2
622C2	11	78	11.9	928.2
Totals			25.5	2210
LE Score		LE = 2210/25.5		LE = 86.7

For the subject property: the overall Land Evaluation (LE) score is 86.7.

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.



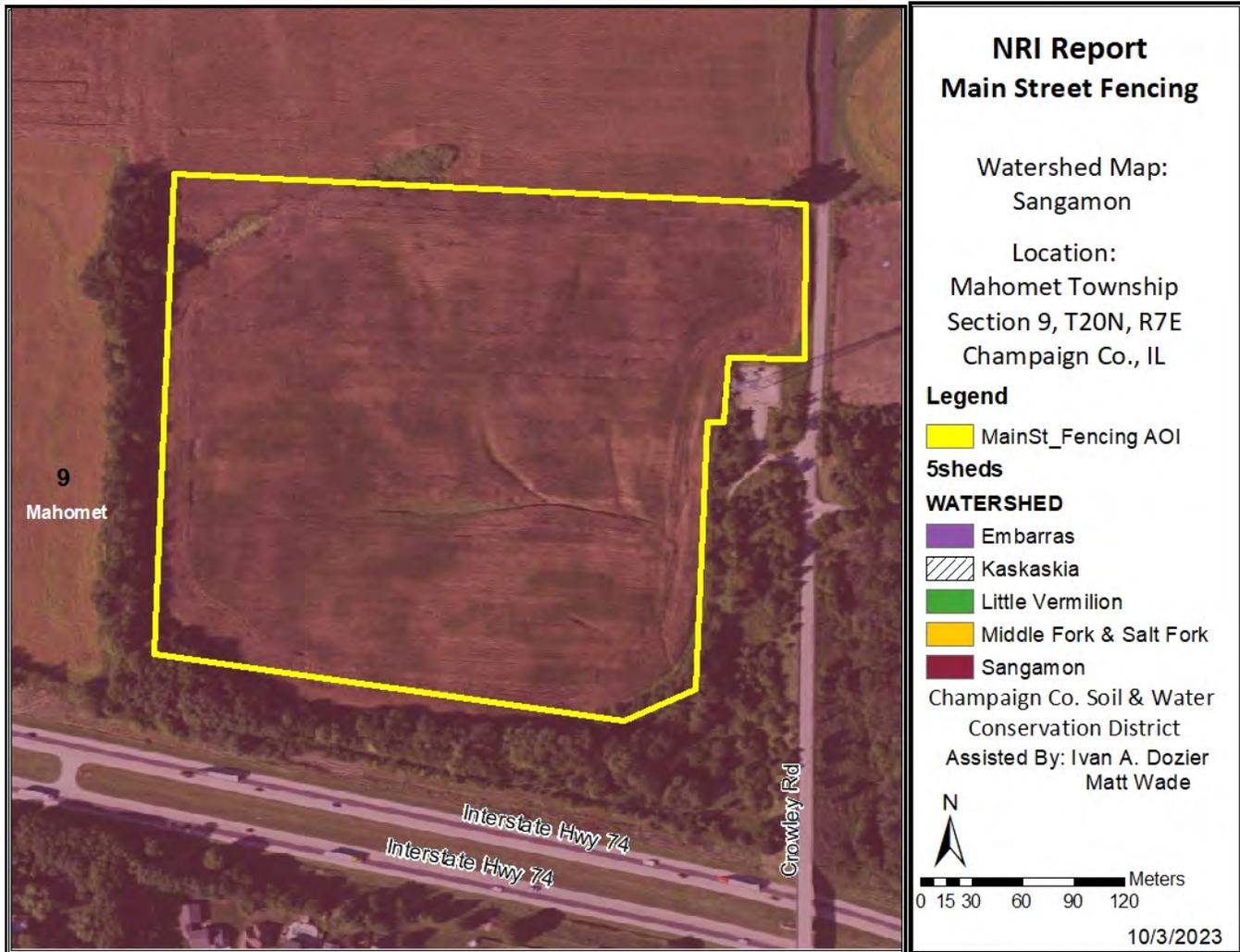
Watershed Information

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 Sangamon Watershed.



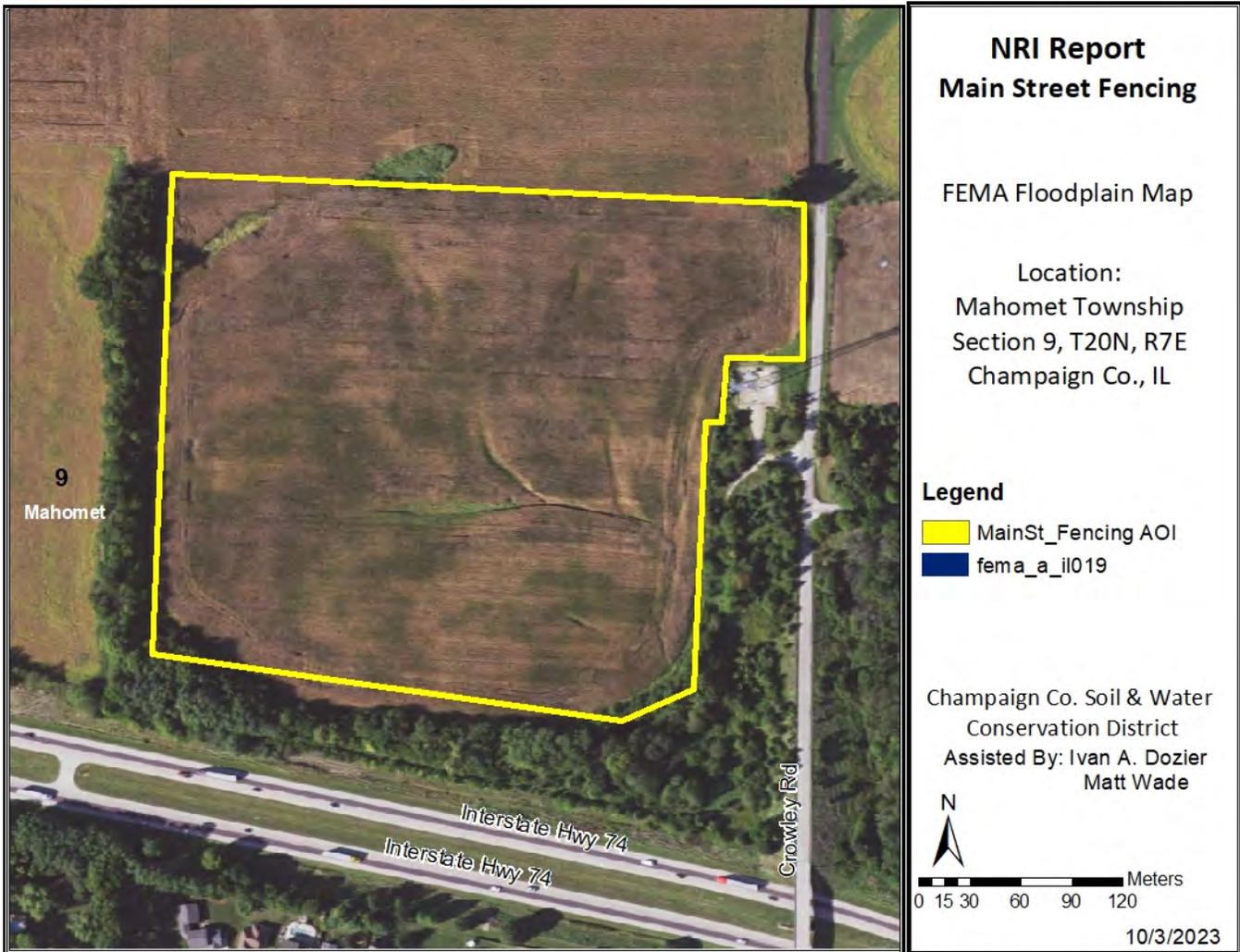
Floodplain and Wetland Information

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.

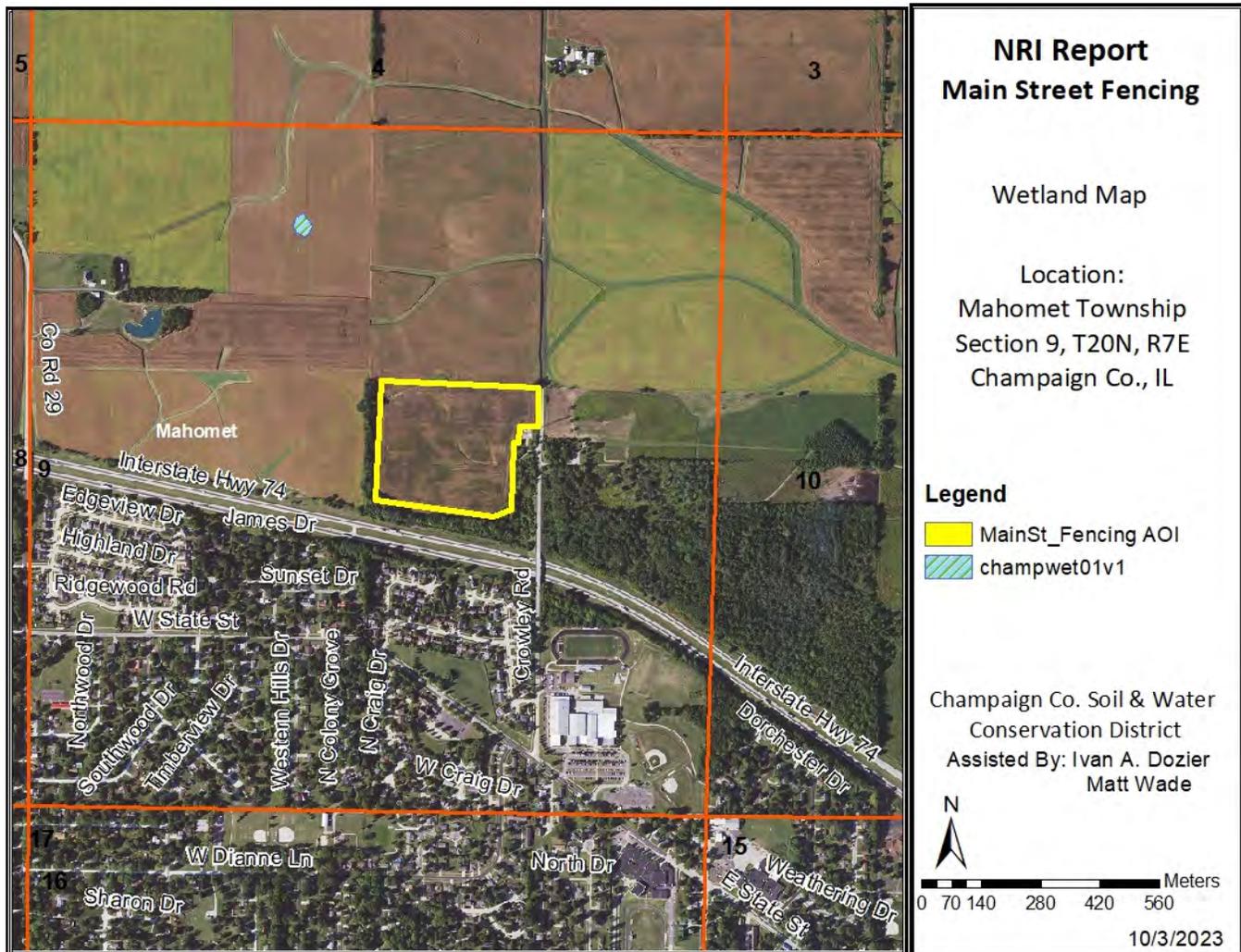
For the subject property: the property is not in the floodplain.



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: a wetland is not present near the subject property.



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 a record of sensitive areas or endangered species in or near the subject property: The Salamander Mussel (*Simpsonaias ambigua*)



Applicant: NRCS Champaign County Field Office
Contact: Ivan A. Dozier
Address: 2110 W. Park court suite C
 Champaign, IL 61821

IDNR Project Number: 2406073
Date: 10/24/2023

Project: Fence
Address: Mahomet, Mahomet

Description: Feeeeeeeeence

Natural Resource Review Results

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

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Mahomet Site INAI Site
 Salamander Mussel (*Simpsonaias ambigua*)

Location

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

County: Champaign

Township, Range, Section:
 20N, 7E, 9



IL Department of Natural Resources
Contact
 Impact Assessment Section
 217-785-5500
 Division of Ecosystems & Environment

Government Jurisdiction
 U.S. Department of Agriculture

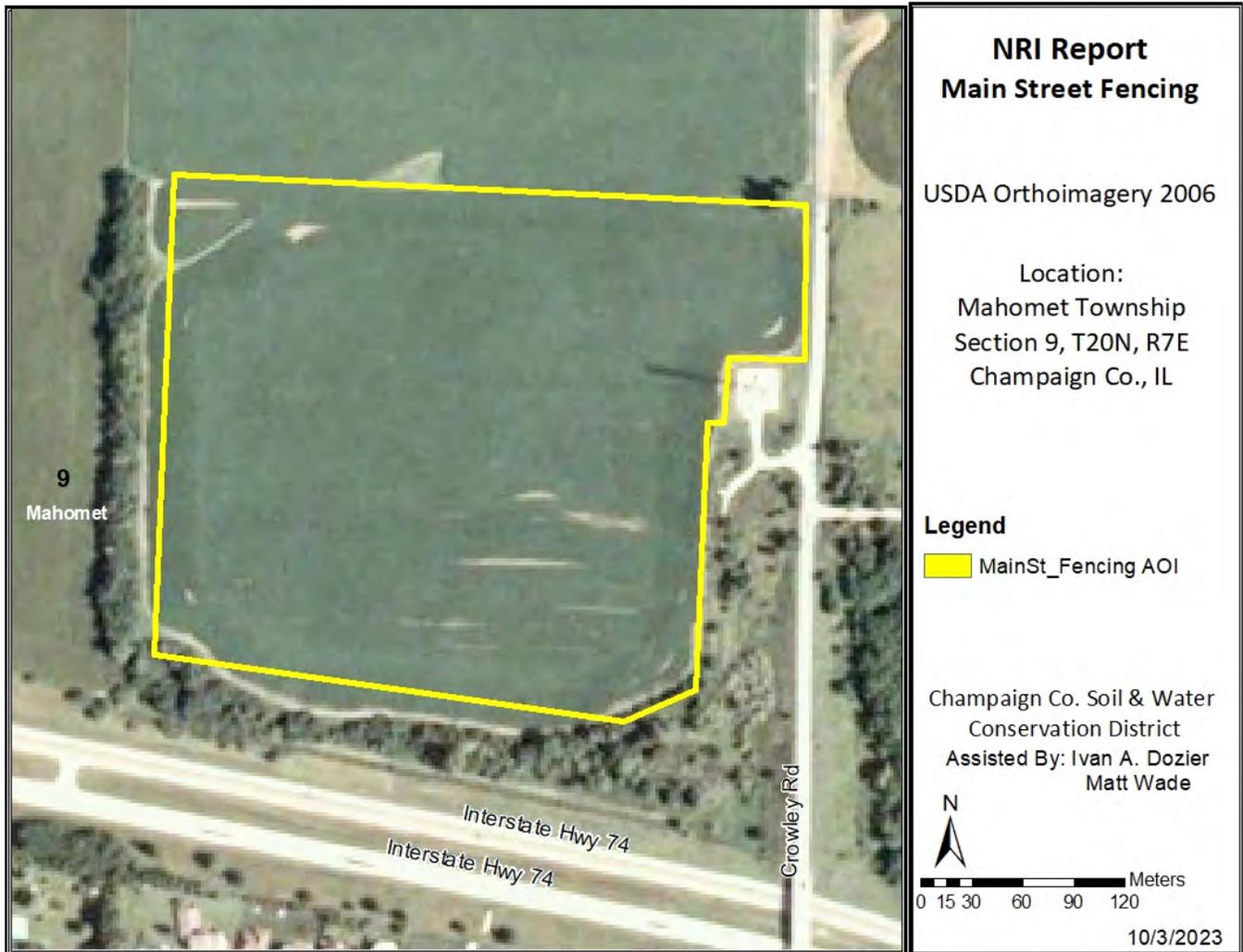
Disclaimer

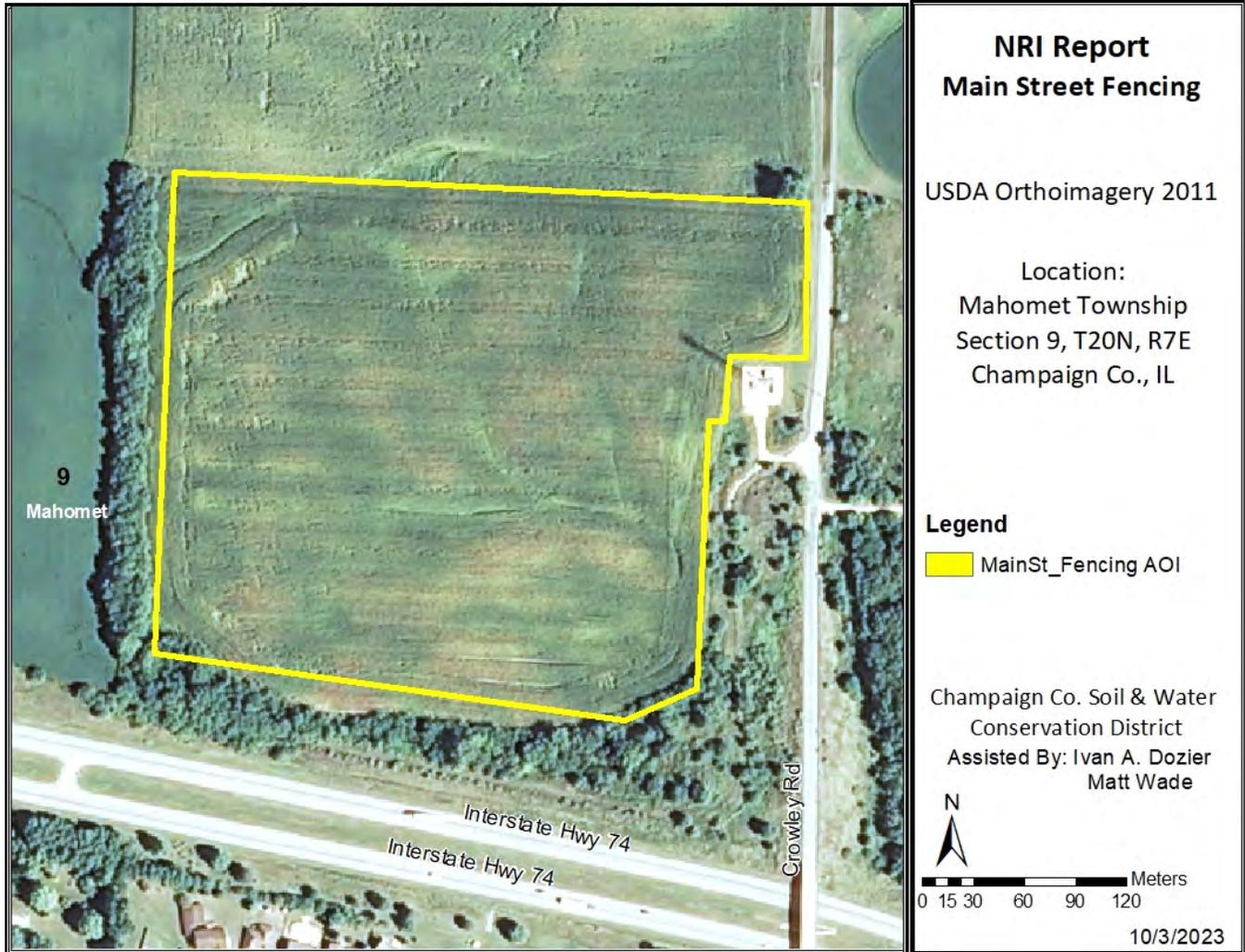
The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site 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.

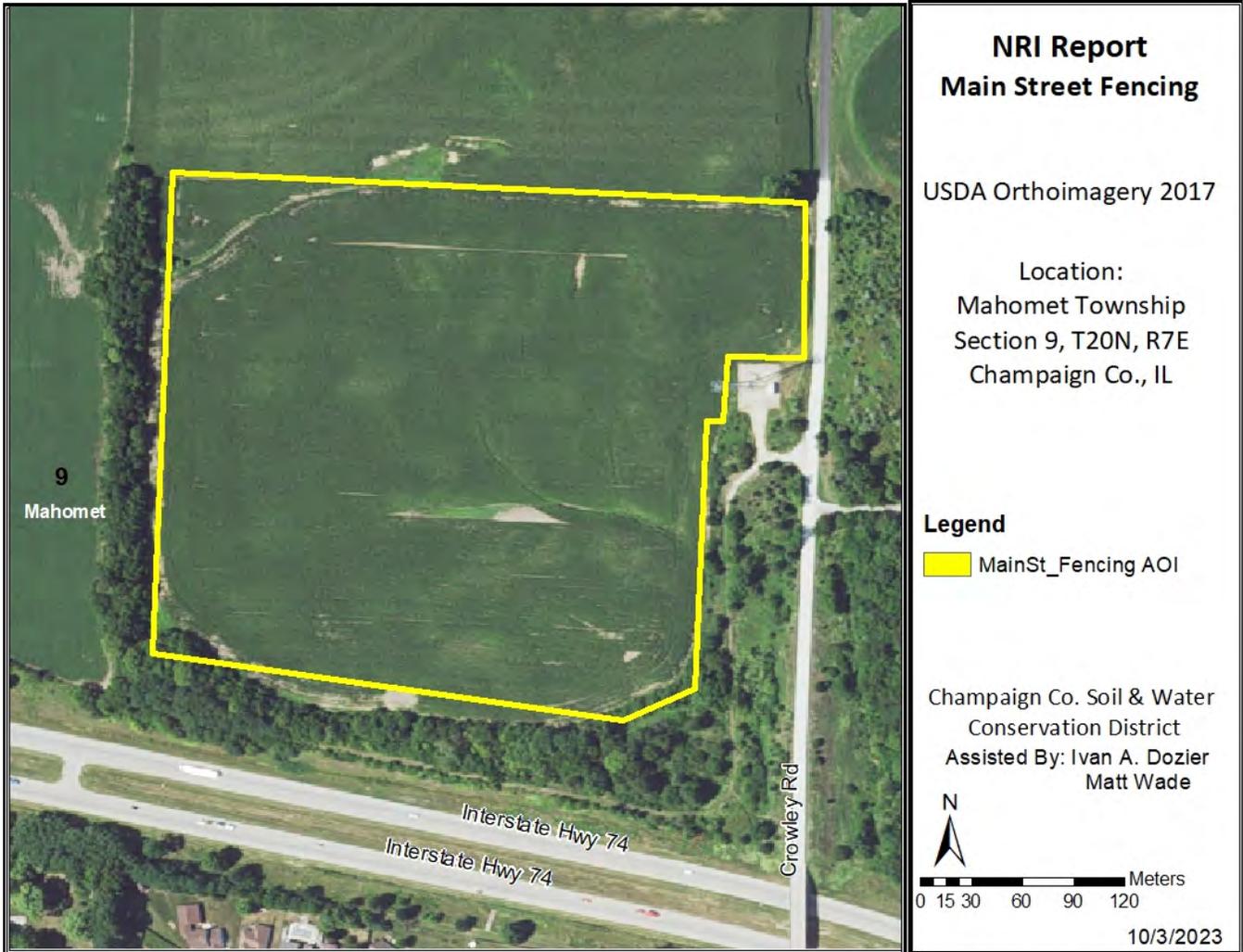
Terms of Use

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







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.



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

JB Pritzker, Governor

Natalie Phelps Finnie, Director

October 27, 2023

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

RE: Main Street Fencing
Project Number(s): 2406130 [2406073]
County: Champaign

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, 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, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Bradley Hayes
Division of Ecosystems and Environment
217-785-5500

117-S-23 & 121-V-23 Site Images



From SW corner of cell tower facing NW



From Crowley Rd facing SE

PRELIMINARY DRAFT

117-S-23 & 121-V-23

**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: *{November 16, 2023}*

Petitioners: **Luke & Amanda Turner, d.b.a. Main Street Fencing Co.**

Request: **Case 117-S-23
Authorize a “Contractor’s Facility with Outdoor Storage and/or
Outdoor Operations” as a Special Use Permit in the AG-1 Agriculture
Zoning District, subject to the variance in related Case 121-V-23.**

**Case 121-V-23
Authorize the following variance for the proposed Special Use Permit in
related case 117-S-23:**

**Authorize a variance for no loading berth in lieu of the minimum
required 1 loading berth, per Section 7.4.1 C.5. of the Zoning
Ordinance.**

Table of Contents

General Application Information..... 2 - 3

Specific Ordinance Requirements..... 3 - 8

Special Use Evidence 8 – 16

Variance Evidence 16 – 18

Documents of Record..... 19

Cases 117-S-23 & 121-V-23 Findings of Fact 20 - 23

Case 117-S-23 Final Determination..... 24

Case 121-V-23 Final Determination 25

PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **November 16, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Luke and Amanda Turner own the subject property. Luke Turner is the sole owner and officer of Main Street Fencing Co.
2. The subject property is a 26.2-acre tract in the East Half of Section 9, Township 20 North, Range 7 East of the Third Principal Meridian in Mahomet Township, and commonly known as farmland located north of I-74 and west of Crowley Road (CR 250E).
 - A. The proposed Special Use Permit area is approximately 1 acre on the east side of the subject property.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Mahomet, a municipality with zoning. Zoned municipalities do not have protest rights in Special Use Permit and Variance cases were notified of these cases.
 - B. The subject property is located within Mahomet Township, which does have a Plan Commission. Townships with Planning Commissions do not have protest rights on a Special Use Permit but do have protest rights on variance cases. The Mahomet Plan Commission was notified of these 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 26.2-acre subject property is zoned AG-1 Agriculture and is in agricultural production.
 - B. Land to the north and west of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - C. Land to the east is within the Village of Mahomet and is part of the Champaign County Forest Preserve District.
 - D. Land to the south is within the Village of Mahomet and is residential 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 November 2, 2023 indicates the following proposed features:
 - (1) One 60 feet by 120 feet (7,200 square feet) shop;
 - (2) One 32 feet by 40 feet (1,280 square feet) office connected to the shop; and
 - (3) One septic system located north of the proposed building.
 - (4) One fence with gate and privacy slats located on the west end of the proposed driveway.

PRELIMINARY DRAFT**Cases 117-S-23 & 121-V-23**

Page 3 of 25

- B. Regarding operations, in an email received November 1, 2023, Mr. Turner indicated the following:
- (1) Regarding outdoor storage: “If any, material would be stored on the South side in the rocked area. For security purposes, we plan to keep vehicles and materials inside.”
 - (2) Regarding business vehicles: “3 trucks and 2 trailers - 1 truck is rarely used.”
 - (3) Regarding vehicle trips: “2 trips in and 2 trips out typically - employees arriving and leaving work and the work trucks leaving and coming back from jobsites.”
- C. There are no previous Zoning Use Permits for the subject property.
- D. There are no previous zoning cases for the subject property.
- E. The required variance is for allowing no loading berth in lieu of the minimum required one loading berth, per Section 7.4.1 C.5. of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a Contractor’s Facility in the AG-1 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
 - (2) “BERTH, LOADING” is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
 - (3) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that

PRELIMINARY DRAFT

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.
- (4) “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.
 - (5) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
 - (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) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
 - (8) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
 - (9) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
 - (10) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
 - (11) “STORAGE” is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
 - (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.

PRELIMINARY DRAFT**Cases 117-S-23 & 121-V-23**

Page 5 of 25

- (c) **MINOR STREET:** Township roads and other local roads.
- (13) “**SUITED OVERALL**” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be **SUITED OVERALL** if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (14) “**USE**” is the specific purpose for which land, a **STRUCTURE** or **PREMISES**, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted **USE**” or its equivalent shall not be deemed to include any **NONCONFORMING USE**.
- (15) “**VARIANCE**” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning **BOARD** of Appeals are permitted to grant.
- (16) **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.

PRELIMINARY DRAFT

- 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 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS:
- (1) Section 7.4.1 A. establishes general provisions for off-street parking.
 - a. Section 7.4.1 A.1. states, "All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served."
 - b. Section 7.4.1 A.2. states, "All spaces for the accommodation of an AUTOMOBILE shall total at least 300 square feet including both parking and maneuvering area."
 - c. Section 7.4.1 A.3.a. states, "No such space shall be located less than 10 feet from any FRONT LOT LINE."
 - d. Section 7.4.1 A.3.b. states, "No such space shall be located less than five feet from any side or REAR LOT LINE."
 - (2) Section 7.4.1 B. establishes the minimum size of off-street PARKING SPACES shall be at least nine feet wide by 20 feet long.
 - (3) 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."
 - (4) Section 7.4.1. C.3. requires one PARKING SPACE for every 200 square feet of floor area or portion thereof.
 - (5) 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

PRELIMINARY DRAFT**Cases 117-S-23 & 121-V-23**

Page 7 of 25

SCREEN may be erected along the rear LOT LINE of the business PROPERTY.

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

PRELIMINARY DRAFT

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

- D. Section 7.6.2 regarding Outdoor STORAGE and/or outdoor OPERATIONS states: A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE and/or outdoor OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
- (1) Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or
 - (2) Any designated urban arterial street or MAJOR STREET.
- 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.

PRELIMINARY DRAFT**Cases 117-S-23 & 121-V-23**

Page 9 of 25

- (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:
- A. The Petitioners testified on the application, **“We need to build a building to run our small fencing business. Our business is currently located in the Village of Mahomet. Our building that we rented was destroyed by a fire, owners are not going to rebuild.”**
- B. The petitioners have an established customer base in the Mahomet area.

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, **“This building would have minimal traffic each day. The only people using this building would be us and a few employees to load trucks and equipment to use on jobs. This building would also store farm equipment.”**
- B. Regarding surface drainage:
- (1) The subject property drains west toward the northeast/east/southeast.
- (2) The subject property is not exempt from the *Storm Water Management and Erosion Control Ordinance*.
- a. The Site Plan received November 2, 2023 indicates there will be .91 acre of impervious area, which does not require storm water detention or a Storm Water Drainage Plan.
- C. Regarding traffic in the subject property area:
- (1) The subject property has access off of Crowley Road (CR 250E).
- (2) Regarding roadway characteristics:
- a. Crowley Road (CR 250E) at this location is a two-lane rural cross section that is approximately 20 feet wide with no shoulders.

PRELIMINARY DRAFT

- b. The Village of Mahomet has maintenance jurisdiction of Crowley Road adjacent to the subject property.
- (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 in the vicinity of the subject property. Crowley Road had an ADT of 525.
 - a. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT between 400 and 1,000 vehicle trips have a minimum shoulder width of four feet. There are no shoulders on Crowley Road.
 - b. The pavement surface of Crowley Road in the vicinity of the subject property is unmarked bituminous. The pavement width is about 20 feet, which would equate to a design volume of less than 400 ADT. The petitioners expect a minimal increase in traffic for the proposed facility.
- D. Regarding fire protection on the subject property, the subject property is located approximately 1.2 road miles from the Cornbelt Fire Protection District station in Mahomet. Notice of this zoning case was sent to the Cornbelt Fire Protection District, and no comments have been received.
- E. Regarding special flood hazard areas, no part of the subject property is within the special flood hazard area.
- F. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam, 622C2 Wyand silt loam, 481A Raub silt loam, 56B Dana silt loam, and 223B2 Varna silt loam and has an average Land Evaluation (LE) score of 87.
 - (1) Despite the LE score of 87, which is less than the Best Prime Farmland minimum score of 91, the property is still Best Prime Farmland because the definition also includes properties where greater than 10% of the land area has an LE score of at least 91.
 - (2) The 26.2-acre tract was created prior to adoption of the 2004 requirement for a maximum of three acres on Best Prime Farmland.
- G. Regarding outdoor lighting on the subject property:
 - (1) No outdoor lighting was indicated on the Site Plan received November 2, 2023. A special condition has been added to ensure that any future outdoor lighting complies with Section 6.1.2 of the *Zoning Ordinance*.
- H. Regarding wastewater treatment and disposal on the subject property:
 - (1) A septic system is proposed to be located northwest of the proposed building.

PRELIMINARY DRAFT**Cases 117-S-23 & 121-V-23**

Page 11 of 25

- I. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
 - g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and

PRELIMINARY DRAFT

which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.

- j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- J. Other than as reviewed 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: **“This business currently operates in the Village of Mahomet. We just need a new building due to a structure fire in the building we rent.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) A “Contractor’s Facility with Outdoor Storage and/or Outdoor Operations” is authorized by Special Use Permit in the AG-1 Zoning District.
 - (2) Regarding parking on the subject property:
 - a. For purposes of calculating parking requirements, the proposed building is considered to be commercial in use.
 - b. Commercial uses require 1 space for each 200 feet of floor area or portion thereof.
 - (a) The proposed building is 8,480 square feet, which requires 43 parking spaces.
 - c. Regarding available parking spaces:
 - (a) There is approximately 22,000 square feet of gravel and pavement surrounding the buildings, which provides enough room for 73 parking spaces.
 - (b) Based on available information, P&Z Staff believe that there are sufficient parking spaces for the proposed facility.

PRELIMINARY DRAFT**Cases 117-S-23 & 121-V-23**

Page 13 of 25

- (3) Regarding loading berths:
 - a. Loading berth requirements are based on building square footage. All loading berths must be surfaced with an all-weather dustless material.
 - b. With a total existing floor area of 8,480 square feet, the subject property would require one 12 feet by 40 feet loading berth.
 - c. There is sufficient area on the subject property to have a loading berth, but the petitioners do not anticipate needing a loading berth and have requested a variance from this requirement.
- (4) No screening is required for parking, per paragraph 7.4.1 C.4 of the Zoning Ordinance.
- (5) Regarding screening of outdoor STORAGE and/or outdoor OPERATIONS:
 - a. There is a public park on the east side of Crowley Road directly across from the proposed Special Use.
 - b. In a revised Site Plan received November 2, 2023, an 8 foot tall gate with privacy slats was added at the west end of the proposed driveway, which complies with the screening requirements of Section 7.6.2.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*, the proposed project is not exempt from the Ordinance.
 - (1) The Site Plan received November 2, 2023 indicates there will be .91 acre of impervious area, which does not require storm water detention or a Storm Water Drainage Plan.
- D. Regarding the *Special Flood Hazard Area Ordinance*, no part of the subject property is within the special flood hazard area.
- E. Regarding the Subdivision Regulations, the subject property is located in the Village of Mahomet subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
 - (1) A “Contractor’s Facility with Outdoor Storage and/or Outdoor Operations” is authorized by Special Use Permit in the AG-1 Zoning District.

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

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
 - A. Regarding the proposed Special Use:
 - (1) A “Contractor’s Facility with Outdoor Storage and/or Outdoor Operations” is authorized by Special Use Permit in the AG-1 Zoning District.

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

- (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 Agriculture Zoning District and states as follows (capitalized words are defined in the Ordinance):

The AG-1 Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.

- (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

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

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

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

- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

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 expect a minimal increase in traffic for the proposed facility. No traffic study has been done.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

PRELIMINARY DRAFT**Cases 117-S-23 & 121-V-23**

Page 15 of 25

- a. The proposed special use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. The Site Plan received November 2, 2023 indicates there will be .91 acre of impervious area, which does not require storm water detention or a Storm Water Drainage Plan.
 - b. No part of the subject property is within the special flood hazard area.
- (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. No comments have been received regarding the proposed Special Use.
- (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, building coverage, and the minimum setback and yard requirements in the Ordinance, and the proposed site plan appears to be in compliance.

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

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed

PRELIMINARY DRAFT

Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

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

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

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- a. The subject property is not connected to public sanitary sewer service, and therefore is not considered an urban use.
 - b. The subject property will continue to be in agricultural production with the exception of the two acres to be used for the proposed Special Use.

- (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, but an endangered species was identified in the area per the Natural Resources Information Report received October 26, 2023. The Illinois Department of Natural Resources determined that no additional action was necessary for the project.

- (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.
- a. The subject property is not connected to public sanitary sewer service, and therefore is not considered an urban use.
 - b. The subject property will continue to be in agricultural production with the exception of the two acres to be used for the proposed Special Use.

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

PRELIMINARY DRAFT**Cases 117-S-23 & 121-V-23**

Page 17 of 25

The subject property will continue to be in agricultural production with the exception of the two acres to be used for the proposed Special Use.

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

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioners testified on the application: **“I-74 is on the south side of the property. Property to the north and west is farm ground.”**
 - B. The existing use on the subject property is not a nonconforming use.

RELATED TO THE VARIANCE, 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 that are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“We don’t have a need for a loading dock.”**

RELATED TO THE VARIANCE, 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. The Petitioner has testified on the application, **“We don’t have a need for a loading dock.”**
 - B. Without the proposed variance, the petitioner would have to invest in unnecessary pavement for a loading berth.

RELATED TO THE VARIANCE, 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. The Petitioner has testified on the application, **“We don’t have a need for a loading dock.”**

PRELIMINARY DRAFT

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

15. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
 - A. The Petitioner has testified on the application, **“By granting the variance, no flow of traffic will be affected, as no other business or neighborhoods are in the vicinity.”**
 - B. Regarding the proposed variance for no loading berth in lieu of one loading berth: the requested variance is 0% of the minimum required, for a variance of 100%.
 - (1) Regarding the minimum requirements for the number of loading berths: off-street loading berths are presumably required to minimize congestion in the street when deliveries are made.
 - (2) The petitioner does not anticipate the need for a loading berth.
 - C. The requested variance is not prohibited by the *Zoning Ordinance*.

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

16. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioner has testified on the application, **“The new structure is located off the road a far enough distance to not impede traffic during delivery.”**
 - B. The Mahomet Township Road Commissioner has been notified of this variance and no comments have been received.
 - C. The Cornbelt Fire Protection District has been notified of this variance and no comments have been received.
 - D. No comments have been received for the proposed variance.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

17. Generally regarding any other circumstances that justify the Variance:
 - A. The Petitioner has testified on the application, **“Any materials delivered come on flatbed trucks and don’t have a need for a docking area.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

18. Regarding proposed special conditions of approval:
 - A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 117-S-23.**

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

PRELIMINARY DRAFT

Cases 117-S-23 & 121-V-23

Page 19 of 25

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

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

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

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

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

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

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

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

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

DOCUMENTS OF RECORD

1. Application for Special Use Permit received on September 15, 2023, with attachments:
 - A Preliminary Site Plan and Floor Plan
2. Site Plan prepared by BKB Engineering received October 23, 2023
3. Application for Variance received October 27, 2023
4. Email from Luke Turner received November 1, 2023
5. Revised Site Plan by BKB Engineering received November 2, 2023
6. Preliminary Memorandum dated November 8, 2023, with attachments:
 - A Case Maps
 - B Revised Site Plan by BKB Engineering received November 2, 2023
 - C Annotated 2023 Aerial Photo created by P&Z Staff
 - D Email from Luke Turner received November 1, 2023
 - E Natural Resources Information Report from the Champaign County Soil and Water Conservation District received October 26, 2023
 - F Site images taken September 26, 2023
 - G Summary of Evidence, Draft Summary Finding of Fact and Final Determination for Cases 117-S-23 and 121-V-23 dated November 16, 2023

PRELIMINARY DRAFT**Cases 117-S-23 & 121-V-23**

Page 21 of 25

SUMMARY DRAFT FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **117-S-23 and 121-V-23** held on **November 16, 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 petitioners have an established customer base in the Mahomet area.*
2. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}** is so designed, located, and proposed to be operated so that it **{WILL NOT / WILL}** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has **{ADEQUATE / INADEQUATE}** traffic capacity and the entrance location has **{ADEQUATE / INADEQUATE}** visibility.
 - b. Emergency services availability is **{ADEQUATE / INADEQUATE}** because: *the subject property is located approximately 1.2 road miles from the Cornbelt Fire Protection District station in Mahomet. Notice of this zoning case was sent to the Cornbelt Fire Protection District, and no comments have been received.*
 - c. The Special Use **{WILL / WILL NOT}** be compatible with adjacent uses because: there are no residential properties or businesses in the vicinity.
 - d. Surface and subsurface drainage will be **{ADEQUATE / INADEQUATE}** because: *the subject property is not exempt from the Storm Water Management and Erosion Control Ordinance and the site plan received November 2, 2023 indicates less than an acre of impervious area, so no Storm Water Drainage Plan is required.*
 - e. Public safety will be **{ADEQUATE / INADEQUATE}** because: *relevant jurisdictions have been notified of this case, and no comments have been received.*
 - f. The provisions for parking will be **{ADEQUATE / INADEQUATE}** **{because*}**: *The site has sufficient area for parking.*
 - g. The property **{IS/IS NOT}** WELL SUITED OVERALL for the proposed improvements **{because*}**:
 - a. *The site 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.*
 - h. Existing public services **{ARE/ARE NOT}** available to support the proposed SPECIAL USE without undue public expense **{because*}**: *No additional public services are required 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*}**: *No new infrastructure is required for the proposed use.*

**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. Regarding the variance:
 - a. 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 indicated that their operations do not need a loading berth.***
 - b. 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 variance, the petitioner would have to invest in unnecessary pavement for a loading berth.***
 - c. The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
 - a. ***The petitioners indicated that their operations do not need a loading berth.***
 - d. The requested variance ***{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
 - a. ***Operations without the loading berth will not impede traffic on the adjacent road.***

PRELIMINARY DRAFT

- e. The requested variance ~~{SUBJECT TO THE PROPOSED CONDITION}~~ {WILL / WILL NOT} be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
 - a. *Relevant jurisdictions have been notified of the variance, and no comments have been received.*
- f. The requested variance ~~{SUBJECT TO THE PROPOSED CONDITION}~~ {IS / IS NOT} the minimum variation that will make possible the reasonable use of the land/structure because:
 - a. *In order to minimize costs and use of pavement that the petitioners feel is unnecessary, the requested variance is the minimum variation.*

7. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}**

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 117-S-23.**

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

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

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

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

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

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

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

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

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

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

Case 117-S-23 & 121-V-23
Page 24 of 25

PRELIMINARY DRAFT

FINAL DETERMINATION FOR CASE 117-S-23

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 **117-S-23** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Luke & Amanda Turner, d.b.a. Main Street Fencing Co.**, to authorize the following:

Authorize a “Contractor’s Facility with Outdoor Storage and/or Outdoor Operations” as a Special Use Permit in the AG-1 Agriculture Zoning District, subject to the variance in related Case 121-V-23.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 117-S-23.**
- B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- D. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the current edition or most recent preceding edition of the International Building Code, and (B) the current edition or most recent preceding edition of the National Electrical Code NFPA 70.**

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

PRELIMINARY DRAFT

Cases 117-S-23 & 121-V-23

Page 25 of 25

FINAL DETERMINATION FOR CASE 121-V-23

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

The Variance requested in Case **121-V-23** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **Luke & Amanda Turner, d.b.a. Main Street Fencing Co.**, to authorize the following variance in the AG-1 Agriculture Zoning District:

Authorize the following variance for the proposed Special Use Permit in related case 117-S-23:

Authorize a variance for no loading berth in lieu of the minimum required 1 loading berth, per Section 7.4.1 C.5. of the Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

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

SIGNED:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date