

CASE 129-AM-24

PRELIMINARY MEMORANDUM

February 21, 2024

Petitioner: Troy Parkhill

Request: Amend the Zoning Map to change the zoning district designation from the R-1 Single Family Residence Zoning District to the B-4 General Business Zoning District.

Location: A 1.81-acre tract in the Northeast Quarter of the Southeast Quarter of Section 15, Township 20 North Range 7 East of the Third Principal Meridian in Mahomet Township with an address of 503 South Lake of the Woods Rd, Mahomet.

Site Area: 1.81 acres

Time Schedule for Development: As soon as possible

Prepared by: **Charlie Campo**, Zoning Officer
John Hall, Zoning Administrator

BACKGROUND

The petitioner seeks to rezone the subject property from R-1 Single Family Residence to B-4 General Business to allow a contractor's facility with a caretaker's dwelling for the business operator. The property contains a 2,400 square foot two-story house with a 720 square foot attached garage, a 760 square foot detached garage, and a 960 square foot storage building. The intended commercial tenant would operate the business from the first floor and live on the second floor of the house. No new construction is proposed.

The B-4 Zoning District is the only zoning classification that is reasonable in this location, which allows a contractor's facility as a "by-right" use.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Mahomet. The Village has protest rights in this case.

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

**Brookens Administrative
Center**

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Urbana, Illinois 61802

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www.co.champaign.il.us/zoning

EXISTING LAND USE AND ZONING**Table 1. Land Use and Zoning Summary**

Direction	Land Use	Zoning
Onsite	Single Family residence and detached storage building	R-1 Single Family Residence (proposed to be rezoned to B-4 General Business)
North	Single Family residence	R-1 Single Family Residence (County) and R-1A Single Family Residential (A) (Mahomet)
East	Two Family residential	R-2 Two-Family Residential (Mahomet)
West	Industrial	I-2 General Industrial (Mahomet)
South	Mixed Commercial	C-3 Planned Commercial (Mahomet)

DECISION POINTS FOR CASE 129-AM-24

P&Z Staff have made recommendations on many items in the Finding of Fact for the map amendment, denoted by text in ***BOLD ITALICS***, which can be accepted as is or discussed by the Board. There are other decision points, denoted by text in **{BOLD BRACKETS}**, which need to be considered and decided upon by the Board.

The following decision points can be found in the Finding of Fact for Case 129-AM-24. Please discuss them in the following order because some decision points are based on others:

Decision points for Goal 5: Urban Land Use

- | | | <u>HELP ACHIEVE?</u> |
|---------------------------|------------------------------|------------------------------|
| • Objective 5.1 | Item 15.A. page 9 of 21 | WILL / WILL NOT / NOT IMPEDE |
| ○ Policy 5.1.3 | Item 15.A.(3), page 10 of 21 | WILL / WILL NOT |
| ○ Objective 5.1 (overall) | Item 15.A., page 9 of 21 | WILL / WILL NOT / NOT IMPEDE |
| • Goal 5 (overall) | Item 15, page 9 of 21 | WILL / WILL NOT / NOT IMPEDE |

Decision points for LaSalle and Sinclair Factors

- | | | |
|------------------------------|--------------------------------|------------------------|
| • Sinclair Factor H | Item 20.E., page 13 of 21 | WILL / WILL NOT |
| • LaSalle Sinclair (overall) | Summary Item 2., page 19 of 21 | IS / IS NOT CONSISTENT |

Decision points for Purpose of the Zoning Ordinance

- | | | |
|---------------------|--------------------------------|-----------------|
| • Purpose (overall) | Summary Item 3., page 19 of 21 | WILL / WILL NOT |
|---------------------|--------------------------------|-----------------|

PROPOSED SPECIAL CONDITION

The following special condition is proposed for the Map Amendment:

- A. **A 30-foot wide vegetative screen shall be maintained along the north property line and along the northern 80 feet of the east property line. Within one year of approval of this map amendment, the existing vegetation shall be enhanced with additional evergreen plantings as necessary to ensure that the vegetative screen adequately screens the property from the Residential Zoning District to the north.**

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

Vegetative screening shall be used to mitigate the incompatibilities with the Residential Zoning District to the north.

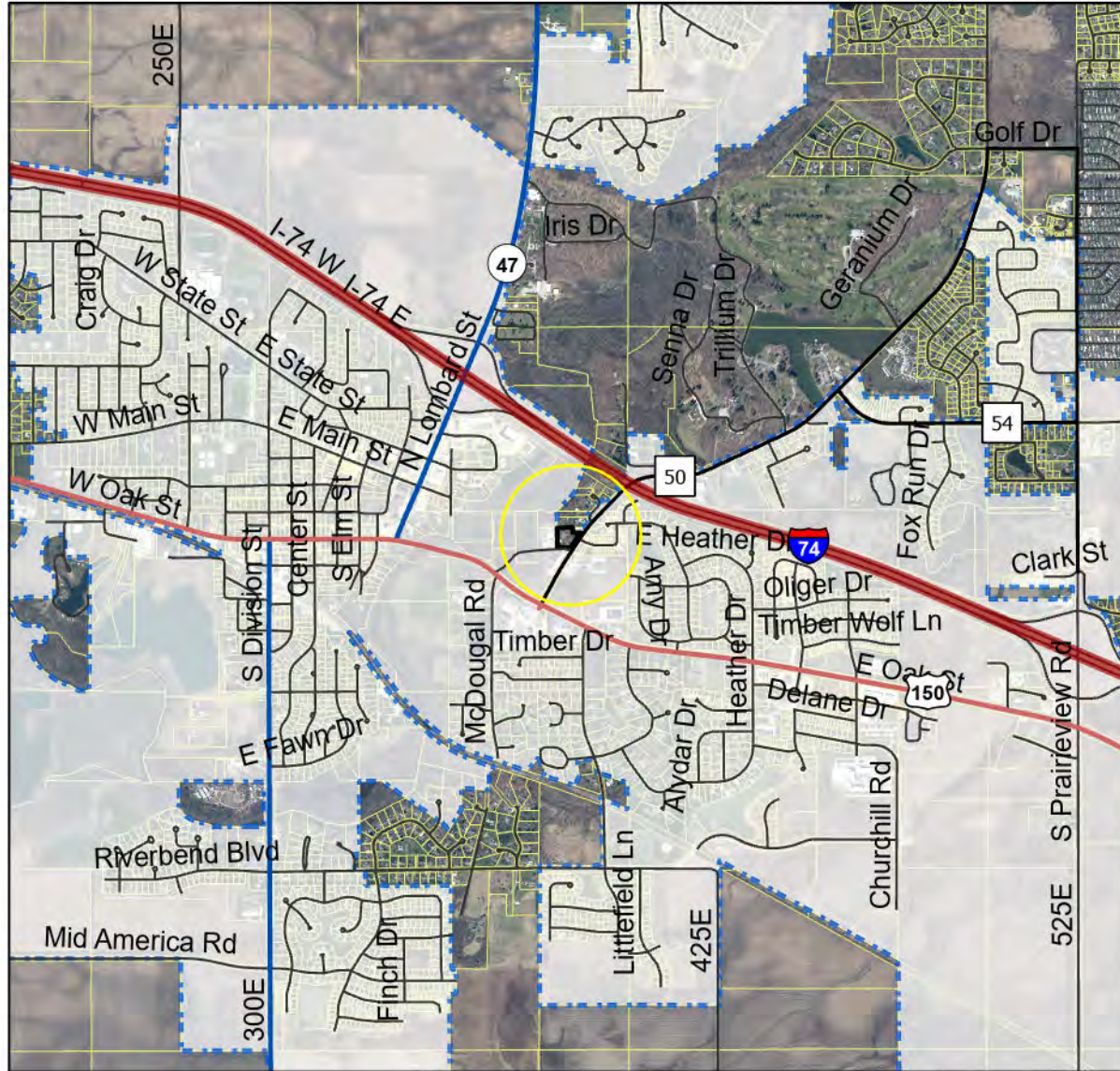
ATTACHMENTS




- A Case Maps (Location, Land Use, Zoning, Mahomet Zoning, Mahomet Future Land Use)
- B Annotated Aerial Photo created by P&Z Staff
- C Letter from Troy Parkhill dated February 7, 2024
- D Mahomet Zoning and Future Land Use Maps
- E LRMP Land Use Goals, Objectives, and Policies (on ZBA meetings website)
- F LRMP Appendix of Defined Terms (on ZBA meetings website)
- G Site Visit Photos taken February 9, 2024
- H Draft Finding of Fact and Final Determination dated February 21, 2024

Location Map

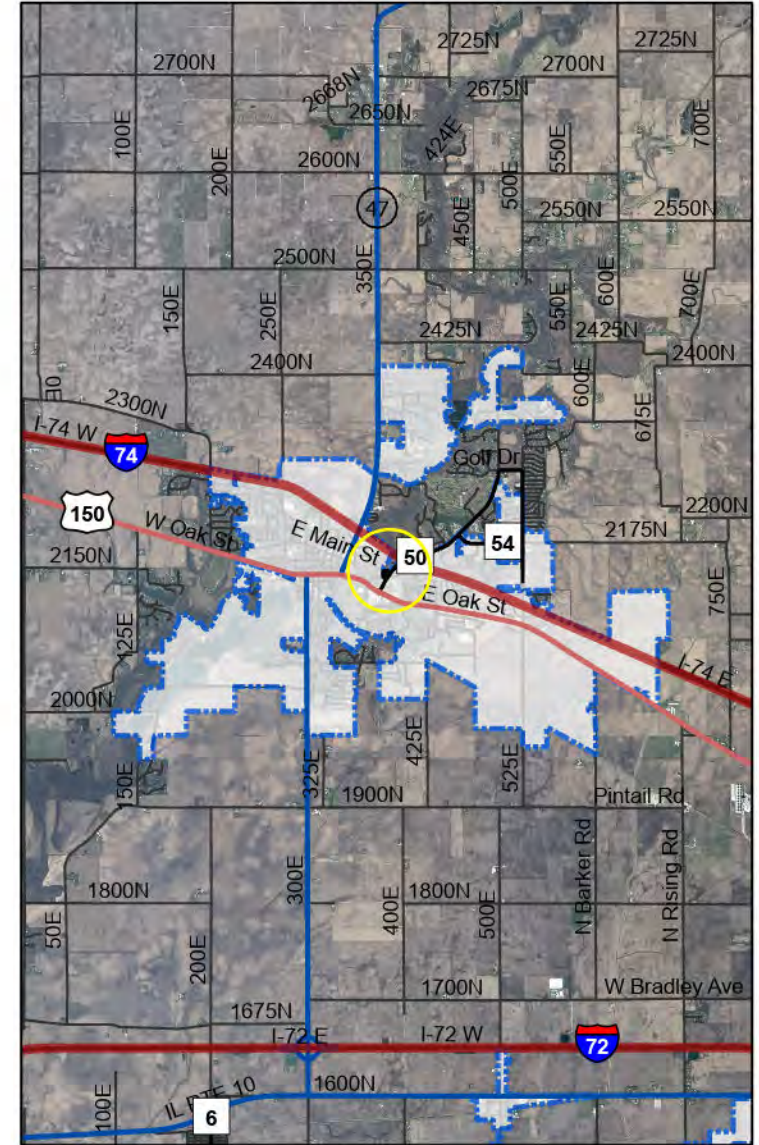
Case 129-S-24
February 29, 2024

Subject Property



-  Subject Property
-  Parcels
-  Municipal Boundary

Property location in Champaign County



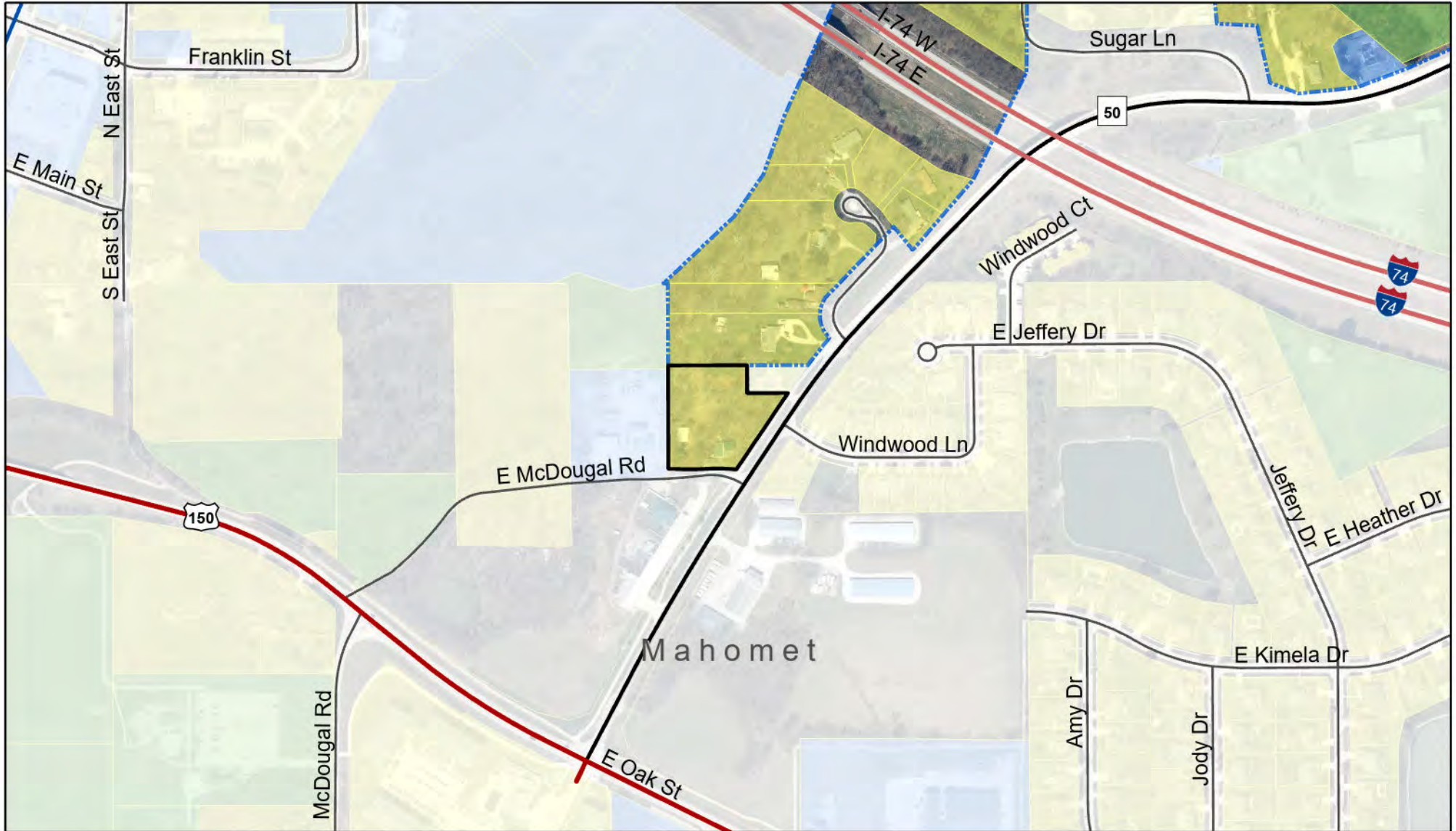
0 0.5 1 2 Miles



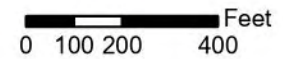
Champaign County
Department of
PLANNING &
ZONING

Land Use Map

Case 129-S-24
February 29, 2024



- Subject Property
- Residential
- Commercial
- Tax Exempt
- Parcels



Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 129-S-24
February 29, 2024



- Subject Property
- CR Conservation Recreation
- Municipal Boundary
- R-1 Single Family Residence





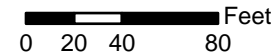
Champaign County
Department of
PLANNING &
ZONING

2023 Annotated Aerial

Case 129-AM-24
February 29, 2024



-  Subject Property
-  Parcels



RECEIVED

FEB 08 2024

CHAMPAIGN CO. P. & Z. DEPARTMENT

2/7/24

Re: House and lot located at 503 S. Lake of the Woods Rd.
Rezoning case 129-AM-24

Hi Susan,

The house is currently on a working well and septic tank. I intend to finish/remodel the house. Quite a bit of work has already been done on the upstairs.

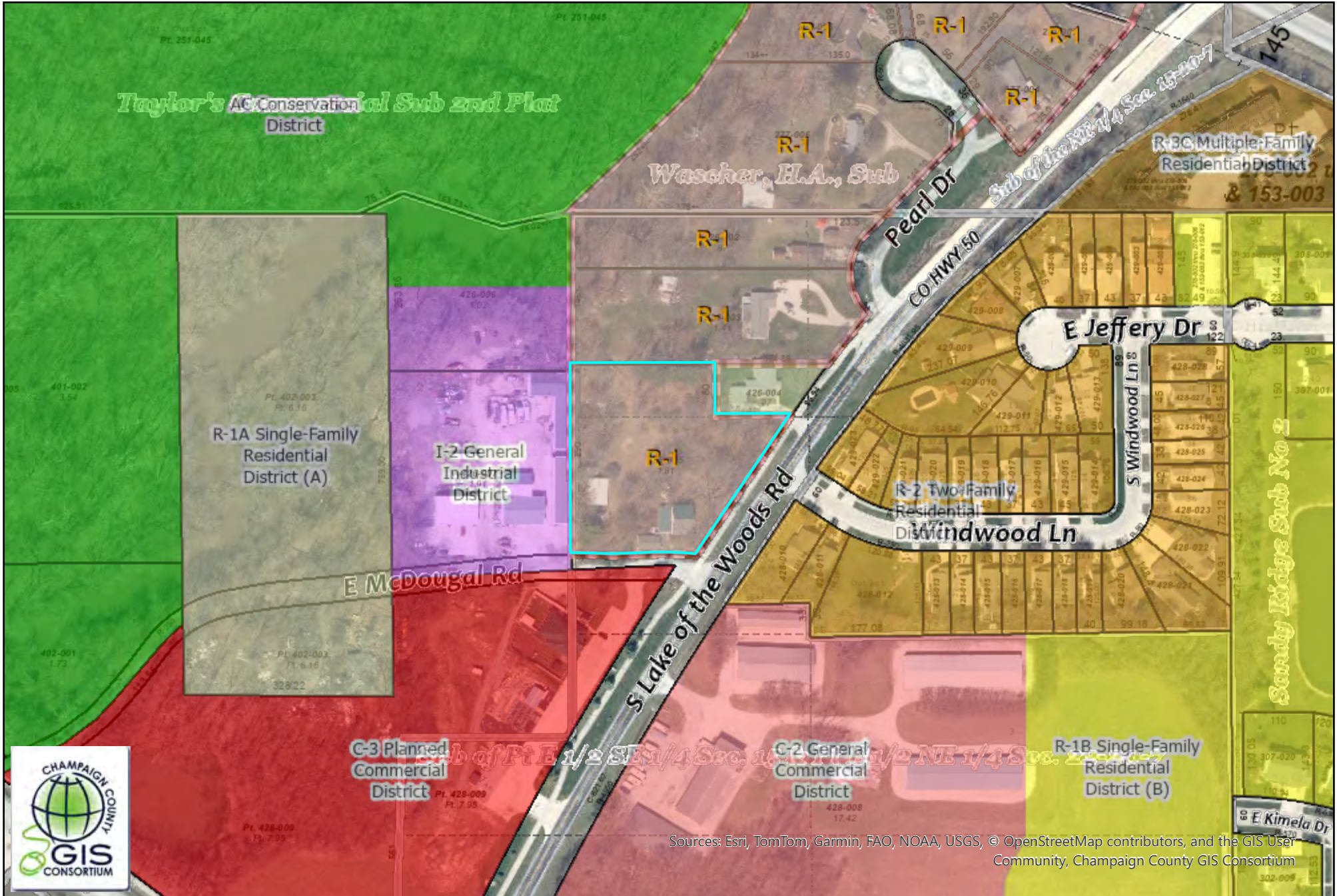
I intend to rent the property to a business whose owner would live in the upstairs of the house and the business would run out of the ground level portion of the current structure. It would be similar to what the Rusks are doing across the street.

Thank You



Troy Parkhill

Mahomet Zoning near 15-13-15-426-005 as of 2021



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Champaign County GIS Consortium



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Future Land Use

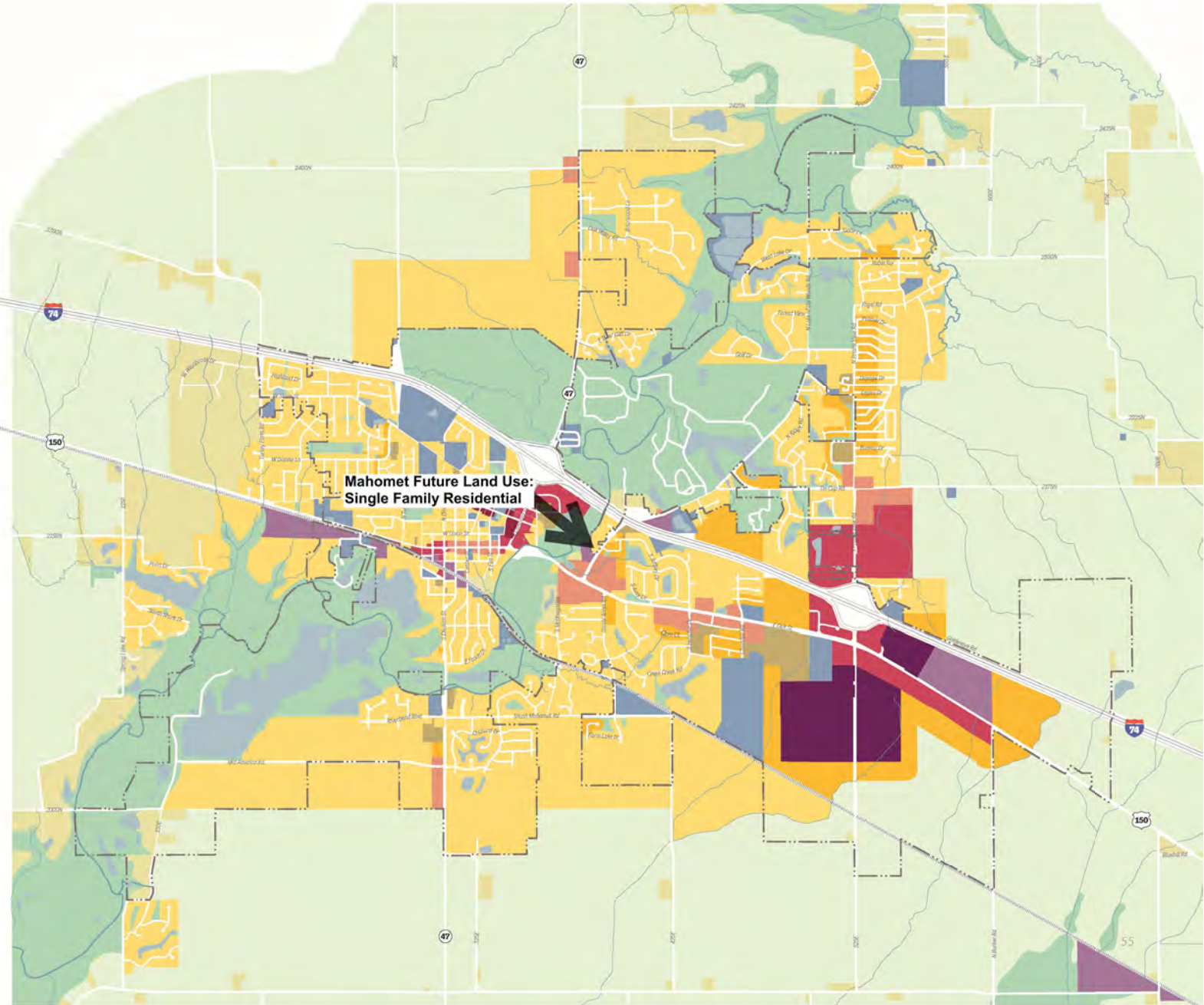
The Land Use and Development Plan establishes a framework for future planning decisions that builds upon the desired characteristics of the Village's established residential neighborhoods and commercial areas. The Plan establishes land use designations for all areas of the Village and its planning jurisdiction and identifies strategies for addressing issues and maximizing the positive impact of each development type.

Building on Mahomet's existing patterns of development, the goal of the Land Use and Development Plan is to enhance the Village's existing residential neighborhoods and commercial areas while strengthening Mahomet's image within the region and continuing to attract new families and businesses to the community. Furthermore, the Plan strives to foster a compatible land use and development pattern that promote reinvestment in Downtown Mahomet.

Legend

- Agriculture
- Single Family Detached Residential
- Two-Family / Small Lot Residential
- Multi-Family Residential
- Rural Residential
- Neighborhood Commercial
- Corridor Commercial
- Downtown Commercial
- Light Industrial
- Industrial / Business Park
- Institutional
- Parks & Open Space

- Hydrology
- Railroad
- Municipal Limits



Attachment E: LRMP Goals, Objectives and Policies

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

Attachment F: LRMP Defined Terms

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

129-AM-24 Site Images



Facing E. along E. McDougal Rd.



Facing NW from S. Lake of the Woods Rd. at E. McDougal Rd.

129-AM-24 Site Images



From SW from Windwood Ln.



Facing SW from the NE corner of the subject property along S. Lake of the Woods Rd.

129-AM-24 Site Images



Facing NE from subject property toward adjacent houses



Facing NE from subject property toward adjacent houses

PRELIMINARY DRAFT

129-AM-24

**FINDING OF FACT
AND FINAL DETERMINATION**

of

Champaign County Zoning Board of Appeals

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

Date: ***{February 29, 2024}***

Petitioner: **Troy Parkhill**

Request: **Amend the Zoning Map to change the zoning district designation from the R-1 Single Family Residence Zoning District to the B-4 General Business Zoning District.**

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PRELIMINARY DRAFT

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 29, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Troy Parkhill owns the subject property.
2. The subject property is a 1.81-acre tract in the Northeast Quarter of the Southeast Quarter of Section 15, Township 20 North Range 7 East of the Third Principal Meridian in Mahomet Township with an address of 503 S. Lake of the Woods Road, Mahomet.
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.
 - (1) The Village has protest rights on this Map Amendment case.
 - (2) The subject property is identified as “Single Family Detached” on the Village of Mahomet Future Land Use map from their Comprehensive Plan.
 - B. The subject property is located within Mahomet Township, which has a Plan Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated the following: **“There are adjacent businesses and we want to have a business at this site.”**
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following: **“Location is good for business. Good central location serving Mahomet area.”**

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 1.81- acre tract and is currently zoned R-1 Single Family Residence and contains a single-family home, a detached two-car garage, and a 40x24 storage building.
 - B. Land to the north of the subject property is zoned Champaign County R-1 Single Family Residence as well as Village of Mahomet R-1A Single-Family Residential District (A) and both properties are in use as single family residences.
 - C. Land to the west is in the Village of Mahomet and is zoned I-2 General Industrial District and is industrial in use.
 - D. Land to the south is in the Village of Mahomet and is zoned C-3 Planned Commercial District and is in commercial use.

- E. Land to the east is in the Village of Mahomet and is zoned R-2 Two-Family Residential District and is in residential use.
7. There have not been any previous zoning cases in the vicinity.
8. Regarding the site plan and operations of the subject property:
- A. The Annotated aerial photo prepared by P&Z Staff indicates the following existing features on the site:
- (1) An existing 2,400 square foot two-story house with a 720 square foot attached garage;
 - (2) One 760 square foot detached garage;
 - (3) One 960 square foot storage building; and
 - (4) An approximately 880 square foot paved driveway/parking area to the south of the house.
- B. Regarding proposed operations, the petitioner plans to lease the site to a roofing contractor who would live in the second story of the existing house and operate their business out of the ground level of the house. No new construction is proposed.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

9. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
- (1) The R-1 Single Family Residence DISTRICT is intended to provide areas for single FAMILY detached DWELLINGS, set on LOTS and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.
 - (2) The B-4 General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.
- B. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 9 types of uses authorized by right in the R-1 District and there are 122 types of uses authorized by right in the B-4 District:
 - a. The following 4 uses are authorized by right in the R-1 District and are not authorized at all in the B-4 District:
 - (a) DWELLING, SINGLE FAMILY;
 - (b) Elementary SCHOOL, Jr. High SCHOOL, or High SCHOOL;
 - (c) Country club or golf course;
 - (d) Country Club Clubhouse.

PRELIMINARY DRAFT

- b. The following 6 uses are authorized by right in both the R-1 District and B-4 District:
- (a) SUBDIVISIONS totaling 3 LOTS or less;
 - (b) SUBDIVISIONS totaling more than 3 LOTS or with new STREETS or PRIVATE ACCESSWAYS;
 - (c) AGRICULTURE, including customary ACCESSORY USES;
 - (d) Church, Temple, or church related TEMPORARY USES on church PROPERTY;
 - (e) Public park or recreational facility;
 - (f) TEMPORARY USES.
- c. The following 113 uses are authorized by right in the B-4 District and not at all in the R-1 District:
- (a) HOTEL – No more than 15 lodging units;
 - (b) HOTEL – over 15 lodging units;
 - (c) RURAL SPECIALTY BUSINESS, Minor;
 - (d) RURAL SPECIALTY BUSINESS, Major;
 - (e) Commercial greenhouse;
 - (f) Greenhouse (not exceeding 1,000 sq ft);
 - (g) Garden shop;
 - (h) Plant Nursery;
 - (i) Institution of an Educational, Philanthropic or Eleemosynary Nature
 - (j) Church, Temple, or church related TEMPORARY USES on church PROPERTY;
 - (k) PARKING GARAGE;
 - (l) PARKING LOT;
 - (m) Radio or television station;
 - (n) Telegraph office;
 - (o) Railway Station
 - (p) MOTOR BUS station;
 - (q) Truck terminal;
 - (r) Barber shop;
 - (s) Beauty shop;
 - (t) Reducing salon;
 - (u) Dressmaking Shop;
 - (v) Drycleaning ESTABLISHMENT;
 - (w) Laundry and/or drycleaning pick-up;
 - (x) Millinery shop;
 - (y) Self-service laundry;
 - (z) Shoe repair shop;
 - (aa) Tailor and pressing shop
 - (ab) Diaper service ESTABLISHMENT;
 - (ac) Clothing repair and storage;
 - (ad) Mortuary or funeral home;
 - (ae) Medical and dental clinic;
 - (af) Roadside produce sales stand;
 - (ag) Farm equipment sales and service;
 - (ah) Feed and grain (sales only);

PRELIMINARY DRAFT

- (ai) ADULT USE CANNABIS DISPENSING ORGANIZATION;
- (aj) ADULT USE CANNABIS TRANSPORTING ORGANIZATION;
- (ak) ADULT USE CANNABIS CULTIVATION CENTER;
- (al) ADULT USE CANNABIS CRAFT GROWER;
- (am) Artist Studio;
- (an) Banks, savings and loan associations;
- (ao) Insurance and real estate offices;
- (ap) Business office;
- (aq) Professional office;
- (ar) Private kindergarten or day care facility;
- (as) Vocational, trade or business SCHOOL;
- (at) Meat and fish market;
- (au) Restaurant (indoor service only);
- (av) Supermarket or grocery store;
- (aw) Drive-in restaurant;
- (ax) Tavern or night club;
- (ay) Bakery (less than 2,500 sf;
- (az) Dairy store;
- (ba) Delicatessen;
- (bb) Confectionery store;
- (bc) Retail liquor store;
- (bd) Locker, cold storage for individual use;
- (be) AUTOMOBILE, truck, trailer and boat sales room (all indoors);
- (bf) AUTOMOBILE or trailer sales area (open lot);
- (bg) Major AUTOMOBILE repair (all indoors);
- (bh) Minor AUTOMOBILE repair (all indoors);
- (bi) Gasoline service station;
- (bj) AUTOMOBILE washing facility;
- (bk) Automotive accessories (new);
- (bl) Building material sales (excluding concrete or asphalt mixing);
- (bm) Hardware store;
- (bn) Electrical or gas appliance sales and service;
- (bo) Department store;
- (bp) Apparel shop;
- (bq) Shoe store;
- (br) Jewelry store;
- (bs) Stationery-gift shop-art supplies;
- (bt) Florist;
- (bu) Newsstand-bookstore;
- (bv) Tobacconist;
- (bw) Variety-drygoods store;
- (bx) Music store;
- (by) Drugstore;
- (bz) Photographic studio & equipment sales and service;
- (ca) Furniture store-office equipment sales;
- (cb) Antique sales and service;
- (cc) Used furniture sales and service;
- (cd) Pet store;

PRELIMINARY DRAFT

- (ce) Bicycle sales and service;
 - (cf) Fuel oil, ice, coal, wood (sales only);
 - (cg) Monument sales (excludes stone cutting);
 - (ch) Pawn shop;
 - (ci) Sporting goods sales & service;
 - (cj) Heating, ventilating, air conditioning sales and service;
 - (ck) Lawnmower sales and service;
 - (cl) Bait sales;
 - (cm) Billiard room;
 - (cn) Bowling alley;
 - (co) Dancing academy or hall;
 - (cp) Lodge or private club;
 - (cq) Outdoor commercial recreational enterprise (except amusement park)
 - (cr) Private indoor recreational development;
 - (cs) THEATRE, indoor;
 - (ct) Commercial fishing lake;
 - (cu) Veterinary hospital;
 - (cv) Wholesale business;
 - (cw) Warehouse;
 - (cx) Self-storage warehouses, providing heat and utilities to individual units;
 - (cy) Self-storage warehouses, not providing heat and utilities to individual units;
 - (cz) Auction house (non-animal);
 - (da) Christmas tree sales lot;
 - (db) OFF-PREMISIS SIGN;
 - (dc) SEXUALLY ORIENTED BUSINESSES;
 - (dd) RECYCLING CENTER with no outdoor STORAGE nor outdoor OPERATIONS;
 - (de) Contractors facility (with no outdoor STORAGE nor outdoor OPERATIONS);
 - (df) Contractors facility with outdoor STORAGE and/or outdoor operations;
 - (dg) AGRICULTURAL DRAINAGE CONTRACTOR facility with no outdoor STORAGE and/or outdoor OPERATIONS;
 - (dh) AGRICULTURAL DRAINAGE CONTRACTOR facility with outdoor STORAGE and/or outdoor OPERATIONS;
 - (di) SMALL SCALE METAL FABRICATING SHOP;
- d. The following 6 uses are authorized by right in the B-4 District but require a Special Use Permit in the R-1 District:
- (a) Municipal or GOVERNMENT BUILDING;
 - (b) Township highway maintenance garage;
 - (c) Police station or fire station;
 - (d) Library, museum or gallery;
 - (e) Telephone exchange;
 - (f) Private kindergarten or day care facility;

PRELIMINARY DRAFT**Cases 129-AM-24**

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- (2) There are 12 types of uses authorized by Special Use Permit (SUP) in the R-1 District (including the 6 uses authorized by right in the B-4 District, see above) and 13 types of uses authorized by SUP in the B-4 District:
- a. The following 2 uses may be authorized by SUP in the both the R-1 District and B-4 District:
 - (a) Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right in B-1, B-2, B-3, B-4, B-5 & I-1;
 - (b) Electrical Substation.
 - b. The following 3 uses may be authorized by Special Use Permit in the R-1 District and not at all in the B-4 District:
 - (a) DWELLING, TWO-FAMILY;
 - (b) Residential PLANNED UNIT DEVELOPMENT;
 - (c) Artificial lake of 1 or more acres;
 - c. The following 11 uses may be authorized by SUP in the B-4 District and not at all in the R-1 District:
 - (a) Private or commercial transmission and receiving towers (including antennas)over 100' in HEIGHT;
 - (b) HOSPITAL;
 - (c) HELIPORT-RESTRICTED LANDING AREAS;
 - (d) DATA CENTER;
 - (e) Bakery (more than 2,500 sq ft);
 - (f) Amusement park;
 - (g) KENNEL;
 - (h) RECYCLING CENTER with outdoor STORAGE and/or outdoor OPERATIONS;
 - (i) PERMANENT COMPOSTABLE WASTE COLLECTION POINT;
 - (j) SPECIFIC MATERIAL COLLECTION POINT;
 - (k) LIGHT ASSEMBLY.
 - d. There are no uses authorized by SUP in the B-4 District and by right in the R-1 District.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

10. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
 - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows...”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:

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- (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

REGARDING RELEVANT LRMP GOALS & POLICIES

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

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

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

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

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

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

Goal 2 has two objectives and three policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 2.

13. LRMP Goal 3 is entitled “Prosperity” and states:

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

Goal 3 has three objectives and no policies. The proposed amendment will **HELP ACHIEVE** Goal 3 for the following reasons:

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

- (3) Objective 3.3 is entitled “County Economic Development Policy” and states: “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.”

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

14. LRMP Goal 4 is entitled “Agriculture” and states:

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

Goal 4 has 9 objectives and 22 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 4.

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

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

Goal 5 has 3 objectives and 15 policies. The proposed amendment will {**HELP ACHIEVE/NOT ACHIEVE/NOT IMPEDE**} Goal 5 for the following reasons:

- A. Objective 5.1 states, “**Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.**”

The proposed rezoning will {**HELP ACHIEVE/NOT ACHIEVE/NOT IMPEDE**} Objective 5.1 because of the following:

- (1) Policies 5.1.2 and 5.1.4 do not appear to be relevant to the proposed rezoning.
- (2) Policy 5.1.1 states, “**The County will encourage new urban development to occur within the boundaries of incorporated municipalities.**”

The proposed rezoning will **NOT IMPEDE** Policy 5.1.1 because the subject property is a developed lot that is adjacent to the municipal boundaries of the Village of Mahomet on three sides and shown on their Future Land Use Map.

- (3) Policy 5.1.3 states, “**The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.**”

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The proposed rezoning will **{HELP ACHIVE / NOT ACHIEVE}** Policy 5.1.3 for the following reasons:

- (a) The subject property is currently served by a well and septic system and no connection to municipal water and sewer is proposed.
- (b) The subject property is shown on the Future Land Use Map of the Village of Mahomet Comprehensive Plan as Single Family Detached Residential. The petitioner is requesting a change of zoning to B-4 General Business.
- (c) The proposed use is consistent with adjacent commercial uses, no changes to the subject property are proposed. The proposed special condition should minimize the impact to the adjacent residential properties.

- B. Objective 5.2 states, **“When new urban development is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.”**

The proposed rezoning will **HELP ACHIEVE** Objective 5.2 because of the following:

- (1) Policy 5.2.1 states, **“The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.”**

The proposed rezoning will **HELP ACHIEVE** Policy 5.2.1 because the subject property is a previously developed lot surrounded by the Village of Mahomet and adjacent to commercial and industrial uses and fronting on a County Highway.

- C. Objective 5.3 states, **“Champaign County will oppose proposed new urban development unless adequate utilities, infrastructure, and *public services* are provided.”**

The proposed rezoning will **NOT IMPEDE** Objective 5.3.

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

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

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

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

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

- (1) Policy 6.1.2 states, “The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.”

The proposed rezoning will **HELP ACHIEVE** Policy 6.1.2 because the subject property has an existing functioning septic system, and the proposed use of the property should not cause a significant increase in septic system usage.

- (2) Policies 6.1.1, 6.1.3, and 6.1.4 do not appear to be relevant to the proposed rezoning.

17. LRMP Goal 7 is entitled “Transportation” and states as follows:

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

Goal 7 has 2 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** Goal 7.

18. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

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

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

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

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

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

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

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

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

GENERALLY REGARDING THE LASALLE FACTORS

21. In the case of *LaSalle National Bank of Chicago v. County of Cook*, the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of*

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Richton Park. The *Champaign County Zoning Ordinance* does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors, but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

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

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

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Single Family residence and detached storage building	R-1 Single Family Residence (proposed to be rezoned to B-4 General Business)
North	Single Family residence	R-1 Single Family Residence (County) R-1A Single Family Residential (A) (Mahomet)
East	Two Family residential	R-2 Two-Family Residential (Mahomet)
West	Industrial	I-2 General Industrial (Mahomet)
South	Mixed Commercial	C-3 Planned Commercial (Mahomet)

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

- (1) It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
- (2) The proposed rezoning and existing development should not have a detrimental effect on the adjacent residential properties. Future development on the subject property could have a greater effect on the adjacent properties.
- (3) The subject property has been zoned R-1 from the adoption of the Zoning Ordinance on October 10, 1973.

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

There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, and welfare. Denial of the proposed rezoning doesn't diminish the value of the property.

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

The proposed rezoning will allow a small business to have a convenient location to provide service to customers in the area.

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

The subject property is suitable for the proposed zoned purposes; it is adjacent to commercial and industrial uses and has access to a County highway. However, it is also adjacent to existing single-family residences.

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

It is unknown how long the subject property has been vacant.

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

The petitioner believes that there is demand for a contractor's facility in the area.

H. ***Sinclair* factor: The extent to which the use conforms to the municipality's (Champaign County's) comprehensive planning.**

(1) The proposed rezoning and existing development should not have a detrimental effect on the adjacent residential properties. Future development on the subject property could have a greater effect on the adjacent properties. The proposed special condition will help to minimize the impact of the proposed rezoning on adjacent residential properties.

(2) The proposed rezoning doesn't conform to Policy 5.1.3 of the Champaign County Land Resource Management Plan because the subject property is shown on the Future Land Use Map in the Village of Mahomet Comprehensive plan as Single Family Detached Residential.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

22. The proposed amendment will {**HELP ACHIEVE / NOT ACHIEVE**} the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

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

The subject property contains a 2,560 square foot, 2-story house, a 768 square foot detached garage and a 960 square foot storage building with no other proposed buildings, on a 1.8-acre lot, which will provide adequate light, pure air, and safety from fire and other dangers.

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

See the discussion regarding adjacent properties in Section 21.B.(2).

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- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

Traffic would not be expected to increase significantly given the small size of the property and the proposed use.

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

There are no improvements proposed on the subject property.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

- (1) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
- (2) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

- F. Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

- (1) The existing house and detached garage were constructed prior to the adoption of the Champaign County Zoning Ordinance on October 10, 1973. The detached storage building was constructed under permit 322-88-01.
- (2) These three purposes identified above, are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the existing development on the subject property appears to be in compliance with those limits.

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

shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed use and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

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

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

- I. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- (1) The proposed development does not meet the definition of “urban use” because it would not require a connection to sanitary sewer.
 - (2) The proposed rezoning and proposed use will not take any land out of agricultural production.

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

The subject property does not contain any natural features.

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

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

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

The house on the subject property was constructed in 1957 and the property has not been in agricultural production since that time.

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

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

REGARDING SPECIAL CONDITIONS OF APPROVAL

23. Proposed Special Conditions of Approval:

- A. **A 30-foot wide vegetative screen shall be maintained along the north property line and along the northern 80 feet of the east property line. Within one year of approval of this map amendment, the existing vegetation shall be enhanced with additional evergreen plantings as necessary to ensure that the vegetative screen adequately screens the property from the Residential Zoning District to the north.**

The above special condition is required to ensure the following:

Vegetative screening shall be used to mitigate the incompatibilities with the Residential Zoning District to the north.

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment received on January 17, 2024.
2. Champaign County Land Resource Management Plan (LRMP) Goals, Objectives, and Policies
3. Champaign County Land Resource Management Plan (LRMP) Appendix of Defined Terms
4. Letter from Troy Parkhill dated February 7, 2024
5. Preliminary Memorandum for Case 059-AM-22 dated July 19, 2022, with attachments:
 - A Case Maps (Location, Land Use, Zoning, Mahomet Zoning, Mahomet Future Land Use)
 - B Annotated Aerial Photo created by P&Z Staff
 - C Letter from Troy Parkhill dated February 7, 2024
 - D Mahomet Zoning and Future Land Use Maps
 - E LRMP Land Use Goals, Objectives, and Policies (on ZBA meetings website)
 - F LRMP Appendix of Defined Terms (on ZBA meetings website)
 - G Site Visit Photos taken February 9, 2024
 - H Draft Finding of Fact and Final Determination dated February 21, 2024

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SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 29, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **{HELP ACHIEVE/ NOT ACHIEVE}** the Land Resource Management Plan because:
 - A. Regarding Goal 3 Prosperity:
 - (1) The proposed rezoning will **HELP ACHIVE** Goal 3 because the proposed rezoning will allow the petitioners to establish a mix of business uses that could benefit Champaign County's business climate.
 - B. Regarding Goal 5 Urban Land Use;
 - (1) The proposed amendment will **{HELP ACHIEVE / NOT ACHIEVE / NOT IMPEDE}** Goal 5 because of the following:
 - a. The proposed rezoning will **{HELP ACHIEVE / NOT ACHIEVE / NOT IMPEDE}** Objective 5.1 because of the following:
 - b. The proposed amendment will **NOT IMPEDE** Policy 5.1.1 because the subject property is a developed lot that is adjacent to the municipal boundaries of the Village of Mahomet on three sides and shown on their Future Land Use Map.
 - c. The proposed amendment will **{HELP ACHIEVE / NOT ACHIEVE / NOT IMPEDE}** Policy 5.1.3 because of the following:
 1. The subject property is currently served by a well and septic system and no connection to municipal water and sewer is proposed.
 2. The subject property is shown on the Future Land Use Map of the Village of Mahomet Comprehensive Plan as Single Family Detached Residential. The petitioner is requesting a change of zoning to B-4 General Business.
 3. The proposed use is consistent with adjacent commercial uses, no changes to the subject property are proposed. The proposed special condition should minimize the impact to the adjacent residential properties.
 - d. The proposed amendment will **HELP ACHIEVE** Objective 5.2 because the proposed rezoning will **HELP ACHIEVE** Policy 5.2.1 because the subject property is a previously developed lot surrounded by the Village of Mahomet and adjacent to commercial and industrial uses and fronting on a County Highway.
 - e. The proposed rezoning will **NOT IMPEDE** Objective 5.3.

- D. Regarding Goal 6 Public Health and Safety:
- (1) Based on achievement of the above Objective and Policy and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 6 Public Health and Public Safety.
 - (2) The proposed amendment will **HELP ACHIEVE** Objective 6.1 regarding public health and safety because it will **HELP ACHIEVE** the following:
 - a. Policy 6.1.2 requiring that proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality. The petitioner has stated that the property has a functioning septic system, and the proposed use will not result in increased usage or load on the system.
- E. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
- Goal 1 Planning and Public Involvement
 - Goal 2 Governmental Coordination
 - Goal 4 Agriculture
 - Goal 7 Transportation
 - Goal 8 Natural Resources
 - Goal 9 Energy Conservation
 - Goal 10 Cultural Amenities
2. The proposed Zoning Ordinance map amendment **{IS / IS NOT}** consistent with the *LaSalle* and *Sinclair* factors because of the following:
 - A. The proposed rezoning and existing development should not have a detrimental effect on the adjacent residential properties. Future development on the subject property could have a greater effect on the adjacent properties. The proposed special condition will help to minimize the impact of the proposed rezoning on adjacent residential properties.
 - B. The proposed rezoning doesn't conform to Policy 5.1.3 of the Champaign County Land Resource Management Plan because the subject property is shown on the Future Land Use Map in the Village of Mahomet Comprehensive plan as Single Family Detached Residential.
 - C. The proposed rezoning will **{HELP ACHIEVE / NOT ACHIEVE}** the Champaign County Land Resource Management Plan.
 3. The proposed Zoning Ordinance map amendment will **{HELP ACHIEVE / NOT ACHIEVE}** the purpose of the Zoning Ordinance because of the following:
 - A. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. The proposed rezoning and existing development should not have a detrimental effect on the adjacent residential properties. Future development on the subject property could have a greater effect on the

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adjacent properties, however the proposed special condition will help to minimize the impact of the proposed rezoning on adjacent residential properties.

- B. Paragraph 2.0 (i) of the Ordinance seeks to separate incompatible uses, buildings, or structures. The proposed special condition will help to minimize the impact of the proposed rezoning on adjacent residential properties.

FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 129-AM-24** should **{BE ENACTED / NOT BE ENACTED}** by the County Board in the form attached hereto.

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

SIGNED:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date