

CASE NO. 165-S-25

PRELIMINARY MEMORANDUM

April 17, 2025

Petitioner: Tanner Shiley d.b.a ATS Custom Construction

Request: Authorize a “Contractor’s Facility with Outdoor Storage and/or Outdoor Operations” as a Special Use Permit in the B-4 General Business and the AG-2 Agriculture Zoning Districts.

Subject Property: Six tracts of land totaling 6.1 acres located in the Southeast Quarter of the Northeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian, Champaign County with PIN’s 25-15-33-278-001, 002, 003, 004, 005, 006 with an addresses of 3506 N. Cunningham Ave., 3502 N. Cunningham Ave., 1610 E. Oaks Rd. 1612 E. Oaks Rd. 1706 E. Oaks Rd., and 1710 A & B E. Oaks Rd. Urbana.

Site Area: 6.1 acres

Time Schedule for Development: As soon as possible

**Prepared by: Charlie Campo, Senior Planner
John Hall, Zoning Administrator**

BACKGROUND

Petitioner Tanner Shiley is under contract to purchase the property that currently contains 6 single-family residences and several accessory buildings. The petitioner is planning to remove all but one residence which will be converted into an office/showroom and construct a 60x120 ft. shop/storage building and a gravel area for outside storage, surrounded by an 8 ft. chain link fence with privacy slats.

One of the lots is zoned B-4 General Business and the other five lots are zoned AG-2 Agriculture. The residences on the property have existed prior to the adoption of the Champaign County Zoning Ordinance in 1973.

The petitioner submitted an application for a Special Use Permit to allow a contractors facility with outdoor storage in any yard and screened by a Type D screen.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial of the City of Urbana, a municipality with zoning. Municipalities with zoning do not have protest rights on a Special Use but are notified of such cases.

The subject property is located within Somer Township, which does not have a Plan Commission.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential	B-4 General Business and AG-2 Agriculture
North	Commercial	AG-2 Agriculture
East	Agriculture	AG-2 Agriculture
West	US-45/Commercial	B-4 General Business
South	Commercial/Agriculture	B-4 General Business and AG-2 Agriculture

ON-SITE DRAINAGE

The proposed improvement area on the subject property is less than 1 acre so on-site stormwater detention is not required.

There is a Saline Branch Drainage District Ditch that runs through the property. All proposed improvements are located outside of the 50 ft. drainage easement. There are also Drainage District and mutual tiles that run through the property

Special conditions have been added to protect Drainage District improvements and mutual drain tiles.

PROPOSED SPECIAL CONDITIONS

- A. **A Change of Use Permit or a Zoning Use Permit for construction shall be applied for within 30 days of the approval of Case 165-S-25 by the Zoning Board of Appeals.**

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

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

- B. **The Zoning Administrator shall not 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.

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

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

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

- 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.

- E. **Outdoor storage and operations are authorized and should be screened by a Type D screen, or buildings as detailed in Section 7.6.2.**

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

Conformance with the Champaign County Zoning Ordinance

- F. **Underground drainage tiles shall be identified and investigated and shall be protected as follows:**
1. **All mutual drain tiles shall either be protected from construction disturbance or relocated in a manner consistent with the Storm Water and Erosion Control Ordinance and a 40-foot wide no construction area shall be centered on all mutual drain tiles. (Note: The proposed relocation of the mutual tile on the south side of the proposed storage building is less than 20 feet away from the building, and in order to comply with this special condition the tile will have to be moved further away from the building.)**
 2. **As-built drawings by an Illinois Licensed Professional Engineer of all new connections to existing mutual drain tiles shall be submitted to the Zoning Administrator.**
 3. **Future access by upstream landowners shall be guaranteed for the maintenance of all mutual drain tiles.**

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

The identification and protection of existing underground drainage tile and to allow ongoing maintenance of mutual drain tiles.

- G. **Any new connections to Drainage District tiles or ditches shall be approved by the Saline Drainage District.**

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

That Drainage District facilities are protected.

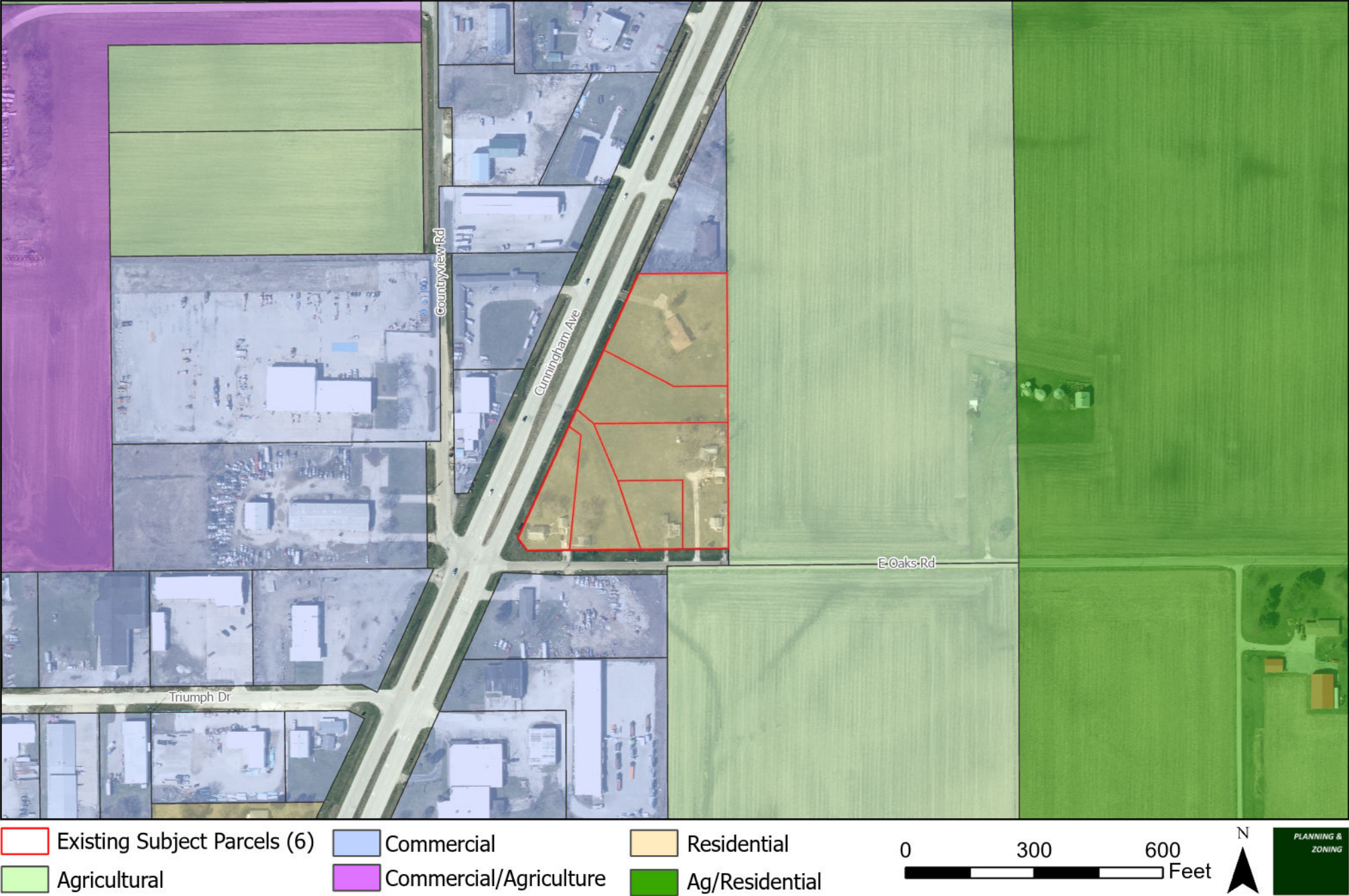
- H. **Any residential building that remains on the subject site must be used in conjunction with the business or used for residential purposes by an owner or employee of the business.**

The special condition stated above is required to ensure the following:
Conformance with the Champaign County Zoning Ordinance.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Annotated Aerial Photo with Site Plan created by P&Z Staff
- C Plan submittals received received January 28, 2025,
 - 1. Plat of Survey showing parking and screening
 - 2. Wall Layout showing lighting locations
 - 3. Parking Plan showing parking layout
 - 4. Office Renovation Estimate received
- D Boundary Survey received February 7, 2025
- E Topographic Survey received February 7, 2025
- F Preliminary Site Grading Plan received February 7, 2025
- G Site Improvement Areas Plan received February 7, 2025, showing square footage of improvements
- H Site photos taken March 2025
- I Summary of Evidence, Finding of Fact, and Final Determination dated April 17, 2025

Land Use Map
Case 165-S-25
April 17, 2025

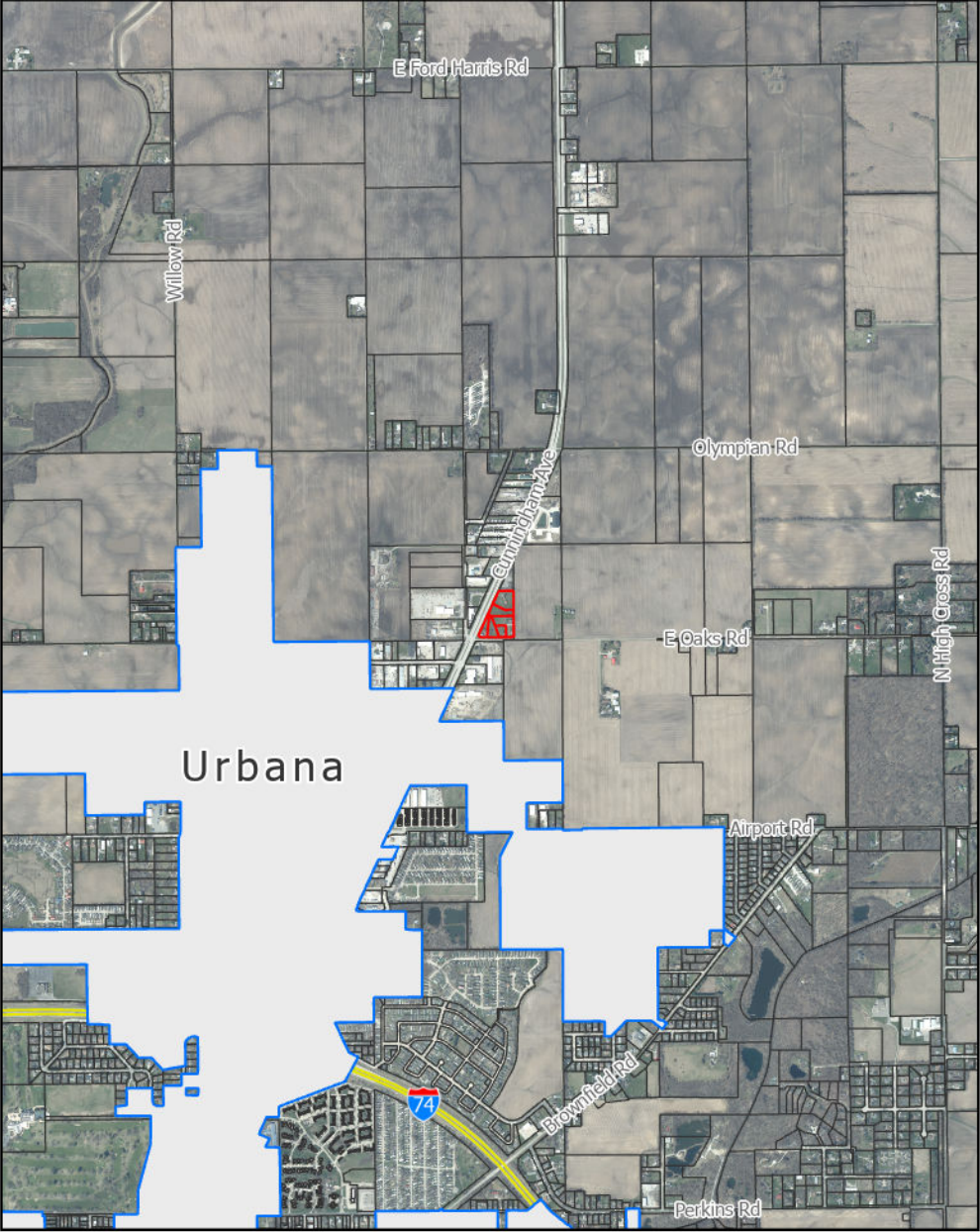


Location Map

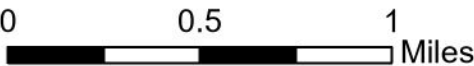
Case 165-S-25

April 17, 2025

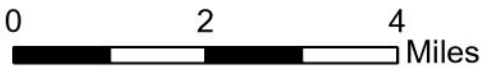
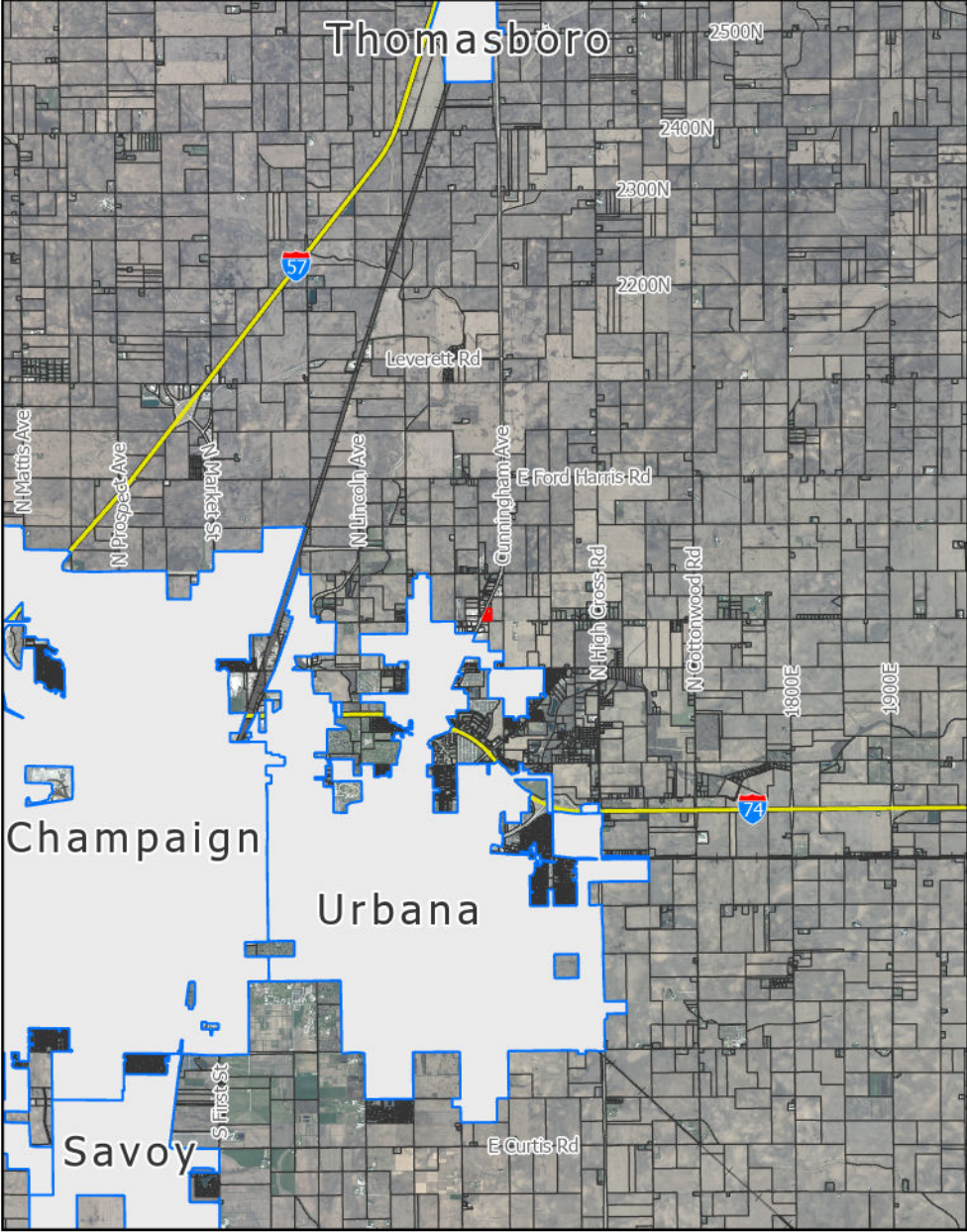
Subject Property



- Existing Subject Parcels (6)
- Municipal Boundary



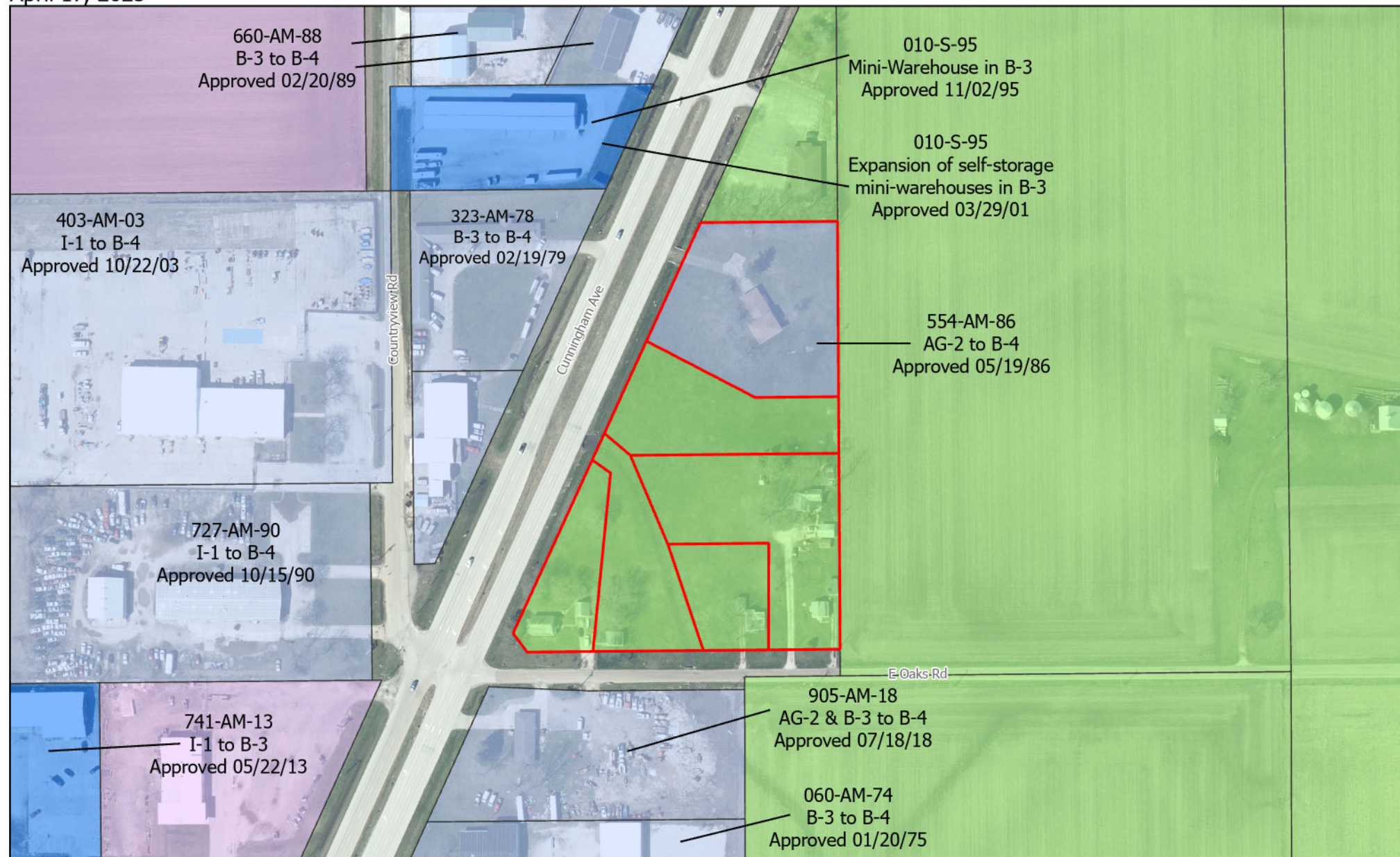
Property Location in Champaign County



Zoning Map

Case 165-S-25

April 17, 2025

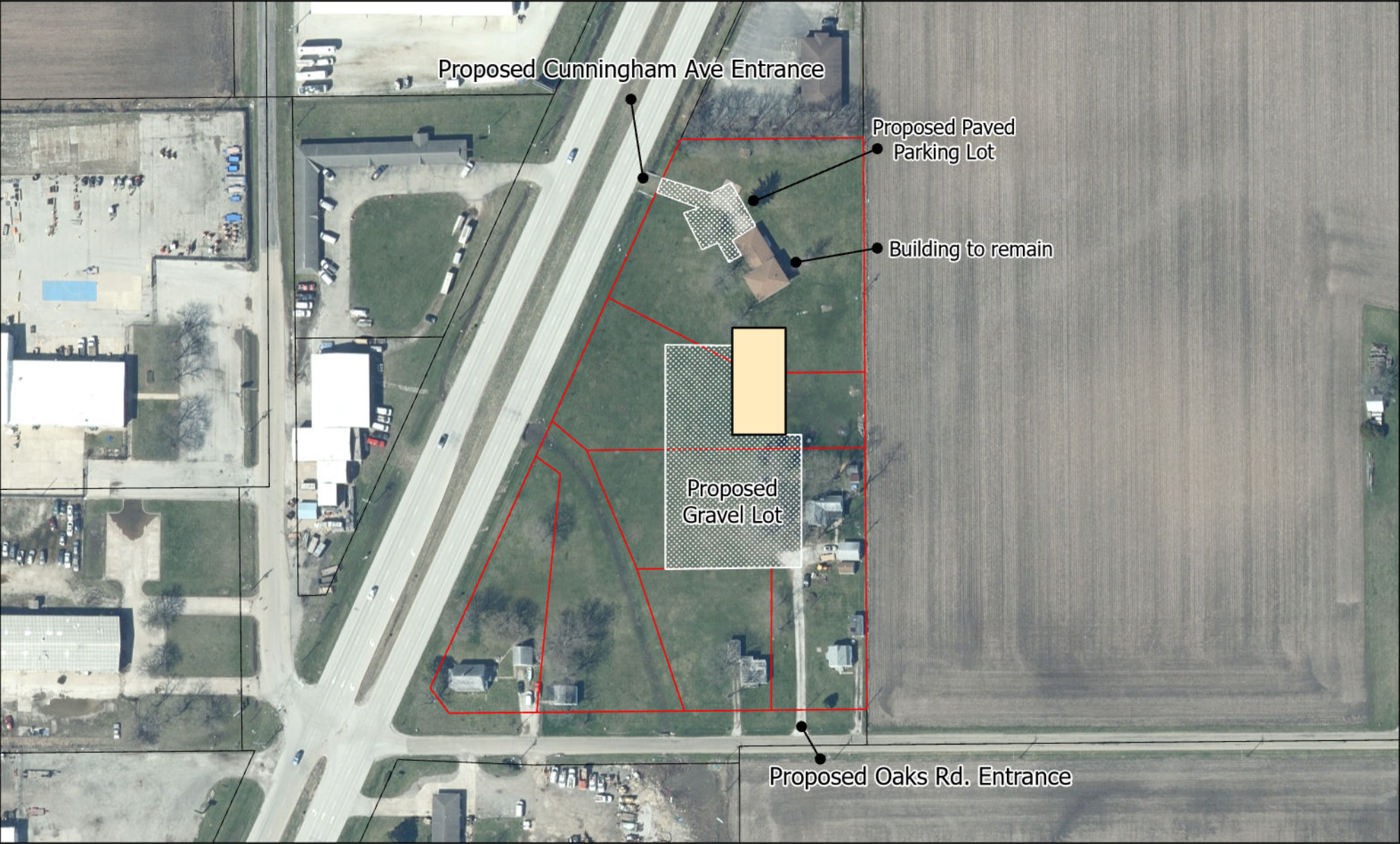


- | | | |
|------------------------------|----------------------|--------------------|
| Existing Subject Parcels (6) | B-3 General Business | I-1 Light Industry |
| AG-2 Agriculture | B-4 Highway Business | |

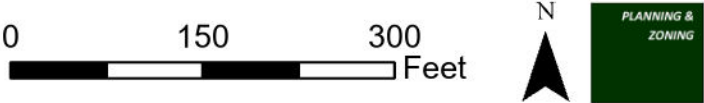
0 200 400 Feet



Annotated 2023 Aerial
Case 165-S-25
April 17, 2025



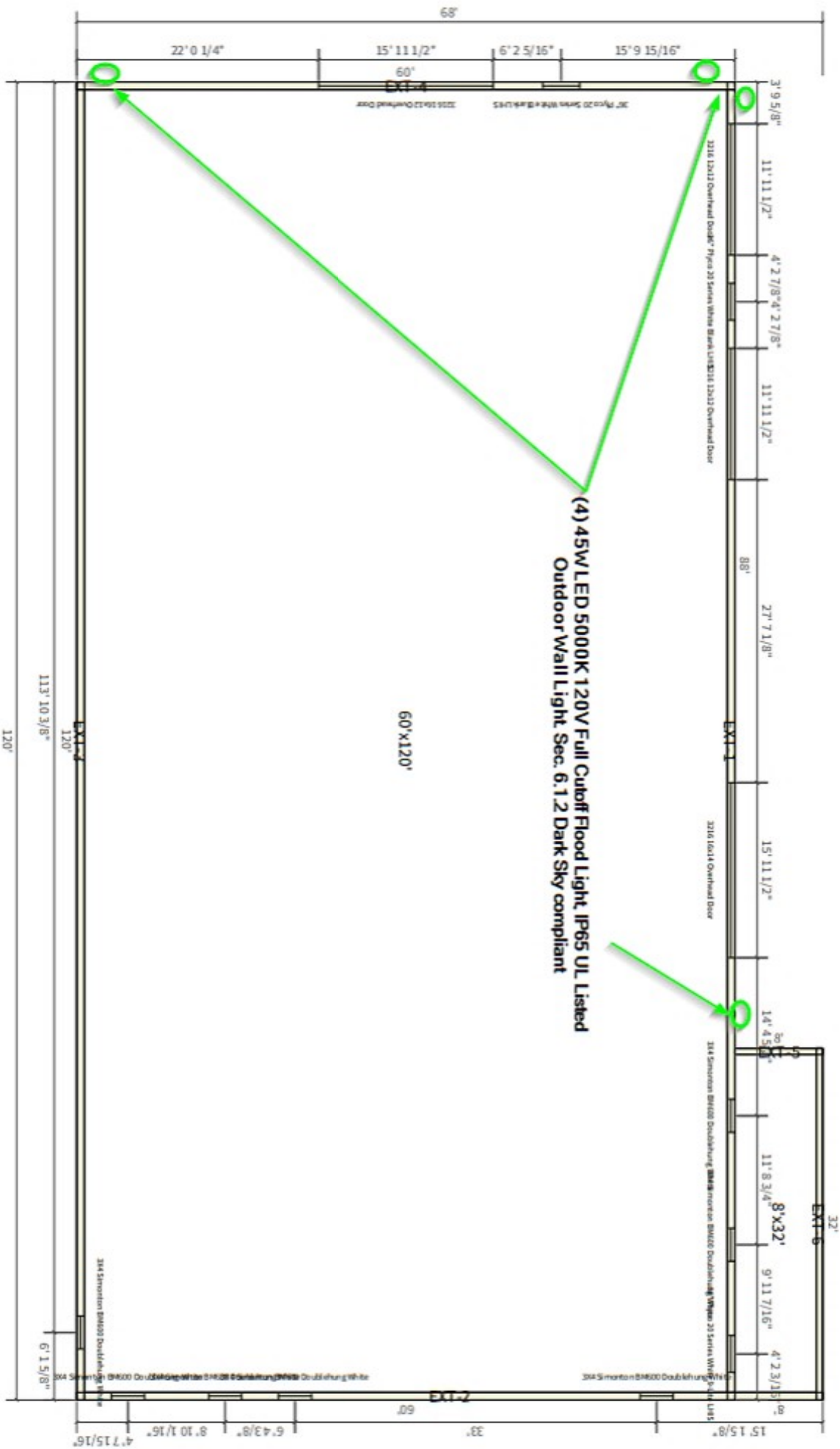
- Existing Subject Parcels (6)
- Proposed Commercial Building



WEEKS SUBDIVISION
PART OF SE 1/4 OF NE 1/4
OF SECTION 33, TOWNSHIP 20 NORTH,
RANGE 9 EAST OF THE 3RD P.M.
CHAMPAIGN COUNTY, ILLINOIS

DATE OF PREPARATION: 1/17/2025	PROJECT ID: 24031700
 HARTKE ENGINEERING AND SURVEYING INC. 217.840.1612 tedhartke@hartke.pro	SHEET NO. <div style="font-size: 2em; font-weight: bold;">2</div>
3175, EAST AVE. P.O. BOX 123 OGDEN, IL 61859 101 W. OTTAWA ROAD PAXTON, IL 60957	OF 2 SHEETS
B.LINCOLN PROFESSIONAL DESIGN FIRM NO. 584.006128	

Wall Layout



**(5) Standard 9'X
20' Parking Stalls**

Center Tree
(typical)

Canopy Tree
(typical)

DRAIN FIELD

SEPTIC
TANK LIDS

1966 Sq. Ft.

New 3100 Sq. Ft.

Remove 1595 Sq. Ft.

Tree Trunk

**(1) 16' wide X
20' long ADA
Parking stall**

13' (MP)

ATS Custom Construction, LLC
809 E Perkins Rd
Urbana, IL 61802 US
+12178001445
Info@atscustomconstruction.com



ADDRESS
3506 Cunningham

Estimate 100267

DATE 01/28/2025

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
Painting	Prep walls as needed, protect floors and trim with plastic paint walls and doors with two coats of Sherwin Williams paint. 1 color	1	3,180.00	3,180.00
Flooring	Remove existing flooring, Dispose offsite, install new 6"X36" t&g flooring on the ground floor.	1	6,118.00	6,118.00
Doors	Remove existing garage door, Re-frame opening to shift doorway to the east. Install new 12' wide glass garage door.	1	6,752.00	6,752.00
Doors	Install new 36" wide ADA accessible glass storefront door with close assist.		4,165.00	4,165.00
Concrete	Excavate a 3100sf area of existing concrete. Haul off excess dirt as needed. Install 2" of CA-6 rock and adequately compact. Form a 3100sf area and pour 4000 psi rated concrete 6" thick, surface slope to adhere to ADA regulations. Pads to receive wire mesh reinforcement, medium broom finish and relief joints. Remove forms and backfill as needed. Estimate includes all labor and material necessary for project completion.	1	23,250.00	23,250.00

Customer has 3 days from the date the contract is signed to cancel - a 15% restocking fee & special order item charges will apply. Property owner is responsible for marking all privately owned underground lines. Changes on the day of installation may result in lost time charges. All invoices are to be paid upon completion of the project. Credit Card Transactions must be approved prior to installation and are subject to a 3-5% processing fee. Customer agrees to pay all

SUBTOTAL	43,465.00
TAX	0.00

A.T.S. offers a 2 year workmanship warranty on all custom projects. Any warping of material and/or weather related incidents are not covered under warranty.

costs of collection of the invoice amount, including reasonable attorney's fees, whether or not suit is brought to collect any outstanding balance. Accounts not paid within 10 business days from the date of the invoice are subject to a 3% monthly finance charge. Any project over \$10,000 requires a 50% deposit. Cost per line item is subject to change if customer chooses to proceed with only a portion of the overall estimate.

TOTAL	\$43,465.00
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Accepted By

Accepted Date

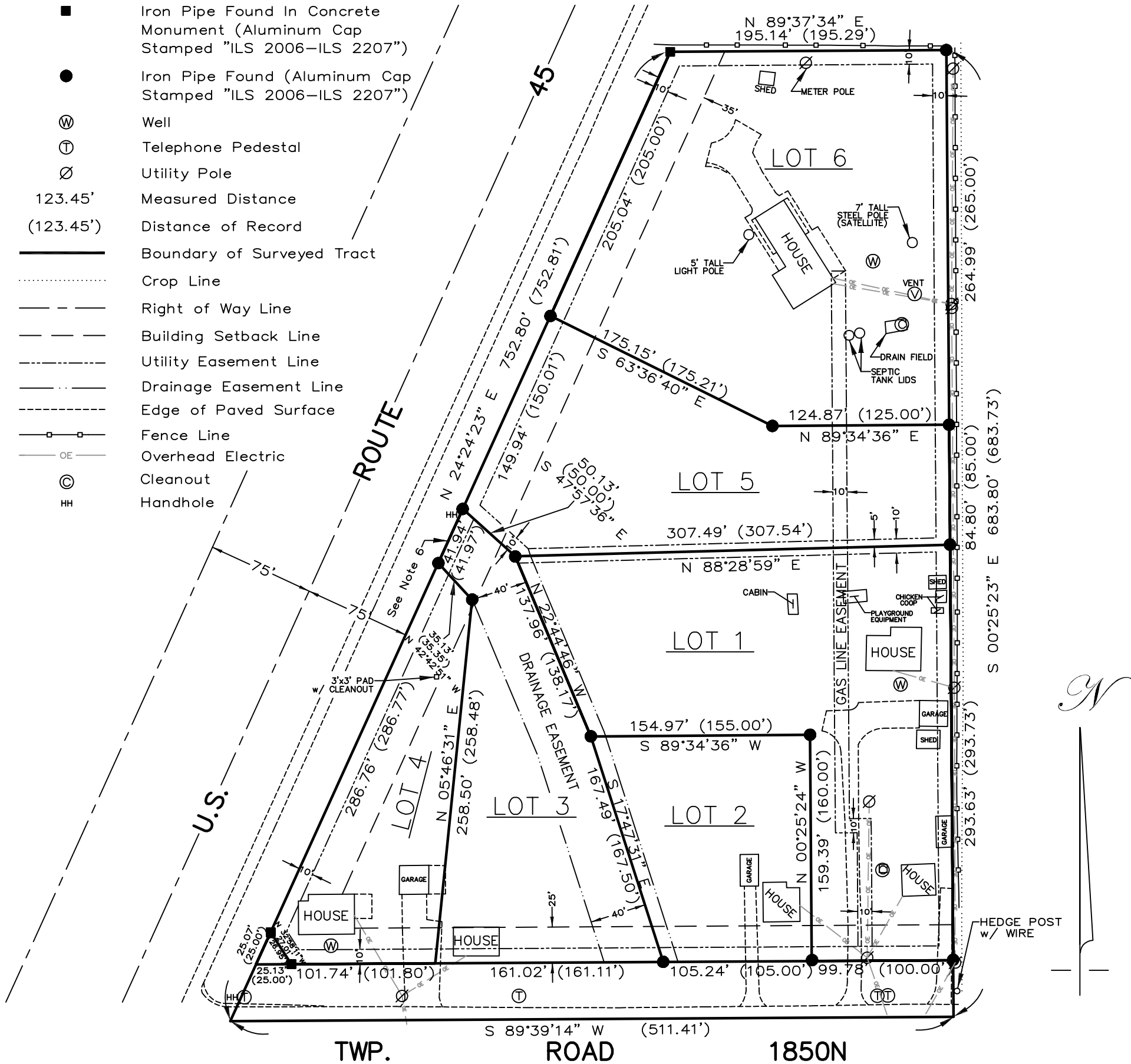
BOUNDARY SURVEY, ATS CONSTRUCTION

WEEKS SUBDIVISION
PART OF SE 1/4 OF NE 1/4
OF SECTION 33, TOWNSHIP 20 NORTH,
RANGE 9 EAST OF THE 3RD P.M.
CHAMPAIGN COUNTY, ILLINOIS

LEGEND

- Iron Pipe Found In Concrete Monument (Aluminum Cap Stamped "ILS 2006-ILS 2207")
- Iron Pipe Found (Aluminum Cap Stamped "ILS 2006-ILS 2207")
- Well
- Telephone Pedestal
- Utility Pole
- 123.45' Measured Distance
- (123.45') Distance of Record
- Boundary of Surveyed Tract
- Crop Line
- Right of Way Line
- Building Setback Line
- Utility Easement Line
- Drainage Easement Line
- Edge of Paved Surface
- Fence Line
- Overhead Electric
- Cleanout
- Handhole

0 80 160 240 FEET



NOTES

- Client Name: Tanner Shiley
- Field Work Completion Date: 1/9/2025
- Utilities and other improvements may exist in addition to the items shown on this survey.
- Basis of Bearings: Illinois State Plane Coordinate System, East Zone NAD 1983
- References: Weeks Sub. Plat by Berns, Clancy & Associates, dated May 6, 1983; recorded in Plat Book "Z" on page 251. Plat recorded as doc. number 1983R06783. Deeds recorded as doc. numbers 1983R22212 and 2024R18968.
- Access prohibited to Lot 3 along the right-of-way of U.S. Route 45

This professional service conforms to the current Illinois minimum standards for a boundary survey. Dimensions are shown in feet, tenths, and hundredths. Signed and dated in Ogden, Illinois, this 4th day of February, 2025.

Theodore P. Hartke
Illinois Professional Land Surveyor No. 3594

Expires 11/30/26

LEGAL DESCRIPTION

COMMENCING AT THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 20 NORTH, RANGE 9 EAST, OF THE THIRD PRINCIPAL MERIDIAN, AND RUNNING THENCE NORTH ALONG THE EAST LINE OF SAID WEST ONE-HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER 683.73 FEET, THENCE WEST 211.88 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE PUBLIC HIGHWAY KNOWN AS STATE BOND ISSUE ROUTE 25, THENCE SOUTHWESTERLY ALONG THE EASTERLY RIGHT OF WAY LINE 772.08 FEET TO THE SOUTH LINE OF SAID WEST ONE-HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, THENCE EAST 570.46 FEET TO THE PLACE OF BEGINNING, ALSO DESCRIBED AS THAT PORTION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 20, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE RIGHT OF WAY OF THE PUBLIC HIGHWAY KNOWN AS STATE BOND ISSUE ROUTE 25, EXCEPT THE NORTH 1 ACRE THEREOF, CONTAINING 6.115 ACRES, IN THE COUNTY OF CHAMPAIGN IN THE STATE OF ILLINOIS.

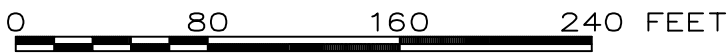
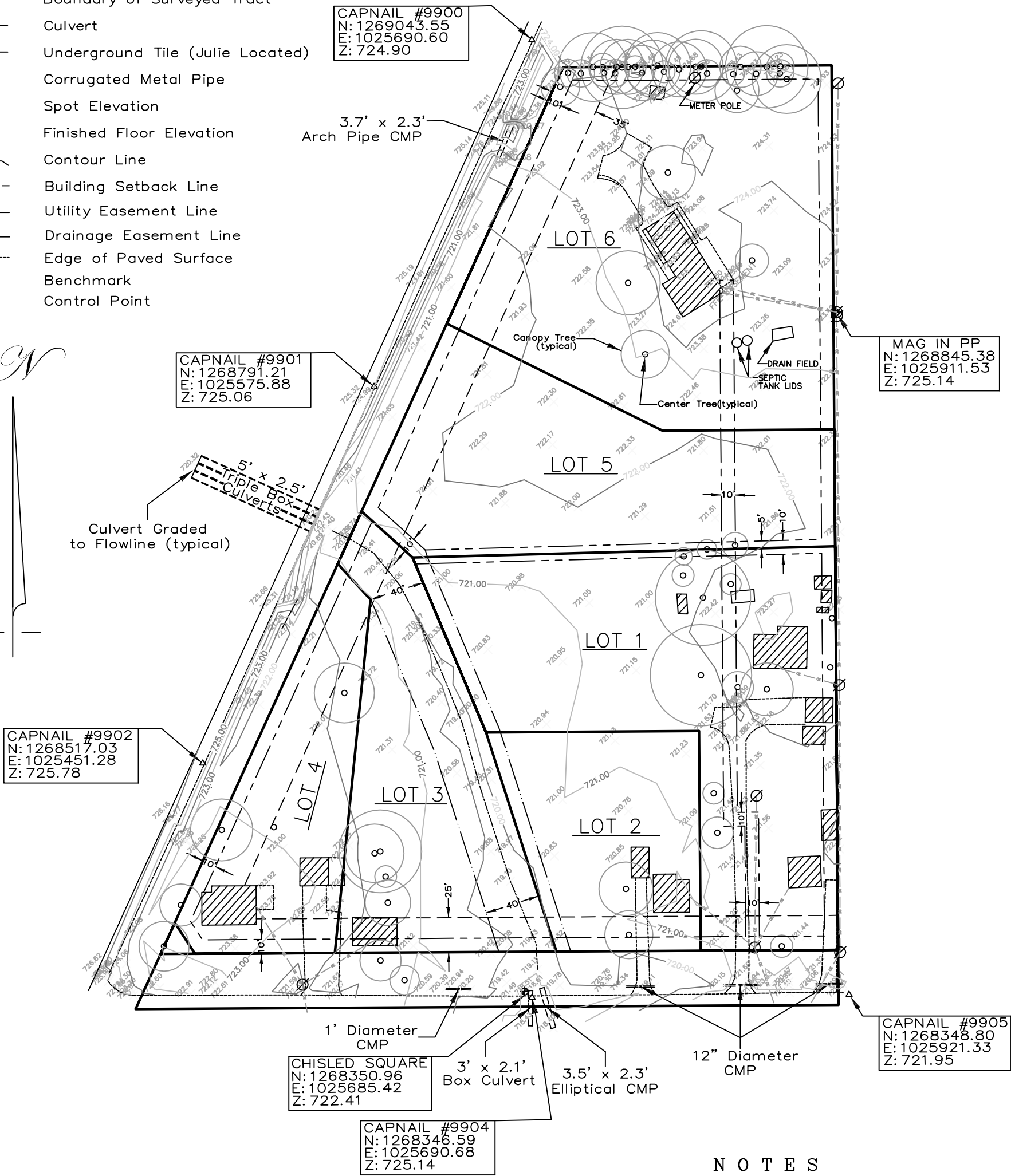
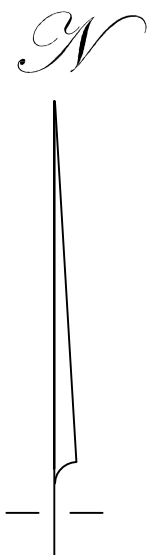
DATE OF PREPARATION: 2/04/2025	PROJECT ID: 24031700
 HARTKE ENGINEERING AND SURVEYING INC. 217.840.1612 tedhartke@hartke.pro	SHEET NO. 1 OF 1 SHEETS
117 S. EAST AVE P.O. BOX 123 OGDEN, IL 61859 101 W. OTTAWA ROAD PAXTON, IL 60957	ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184.006128

TOPOGRAPHIC SURVEY
ATS CONSTRUCTION OFFICE

WEEKS SUBDIVISION
PART OF SE 1/4 OF NE 1/4
OF SECTION 33, TOWNSHIP 20 NORTH,
RANGE 9 EAST OF THE 3RD P.M.
CHAMPAIGN COUNTY, ILLINOIS

LEGEND

- Boundary of Surveyed Tract
Culvert
Underground Tile (Julie Located)
CMP
Spot Elevation
FFE
Contour Line
Building Setback Line
Utility Easement Line
Drainage Easement Line
Edge of Paved Surface
Benchmark
Control Point



NOTES

- Client Name: Tanner Shiley
- Field Work Completion Date: 1/9/2025
- Utilities and other improvements may exist in addition to the items shown on this survey.
- Basis of Bearings: Illinois State Plane Coordinate System, East Zone NAD 1983

This professional service conforms to the current Illinois minimum standards for a topographic survey. Dimensions are shown in feet, tenths, and hundredths. Signed and dated in Ogden, Illinois, this 4th day of February, 2025.

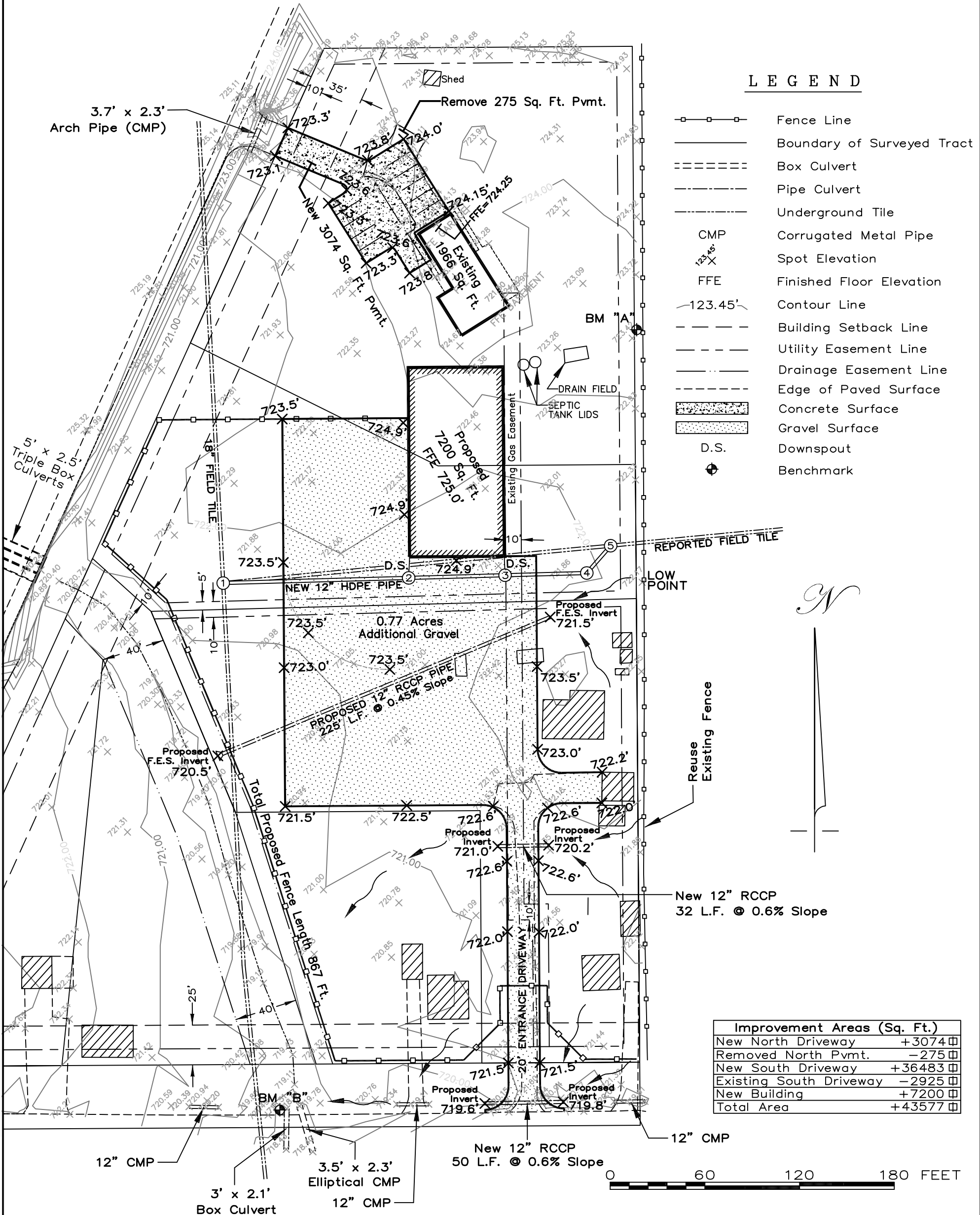
Theodore P. Hartke
Illinois Professional Land Surveyor No. 3594

Expires 11/30/26

Tanner Shiley #24031700 ATS_Topo.DWG

DATE OF PREPARATION: 2/04/2025	PROJECT ID: 24031700
 HARTKE ENGINEERING AND SURVEYING INC. 217.840.1612 tedhartke@hartke.pro 117 S. EAST AVE P.O. BOX 123 OGDEN, IL 61859 101 W. OTTAWA ROAD PAXTON, IL 60957	SHEET NO. 1 OF 1 SHEETS
ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184.006128	

PRELIMINARY SITE GRADING PLAN
ATS CONSTRUCTION OFFICE



LEGEND

- Fence Line
- Boundary of Surveyed Tract
- Box Culvert
- Pipe Culvert
- Underground Tile
- CMP
- Corrugated Metal Pipe
- Spot Elevation
- FFE
- Finished Floor Elevation
- Contour Line
- Building Setback Line
- Utility Easement Line
- Drainage Easement Line
- Edge of Paved Surface
- Concrete Surface
- Gravel Surface
- D.S.
- Downspout
- Benchmark

Improvement Areas (Sq. Ft.)	
New North Driveway	+3074
Removed North Pvm.	-275
New South Driveway	+36483
Existing South Driveway	-2925
New Building	+7200
Total Area	+43577

Benchmarks		
BM#	Description	Elevation
A	Mag Nail Set in Power Pole	725.14'
B	Chiseled Square on Headwall	722.41'

Proposed Storm Structure Grades (Field Verify Locations + Elevations)		
Structure #	Rim	Description
1	721.50'	New 4' Manhole @ Field Tile Connection to Existing 18" Field Tile
2	724.80'	New Type B Inlet w/ open Type 1 Frame + Grate
3	724.80'	New Type B Inlet w/ open Type 1 Frame + Grate
4	721.90'	New Type B Inlet w/ open Type 1 Frame + Grate
5	722.10'	New Type B Inlet w/ open Type 1 Frame + Grate over Existing Field Tile

DATE OF PREPARATION: 2/04/2025

PROJECT ID: 24031700

HARTKE

ENGINEERING AND SURVEYING INC.

217.840.1612 tedhartke@hartke.pro

117 S. EAST AVE | P.O. BOX 123 | OGDEN, IL 61859

101 W. OTTAWA ROAD | PAXTON, IL 60957

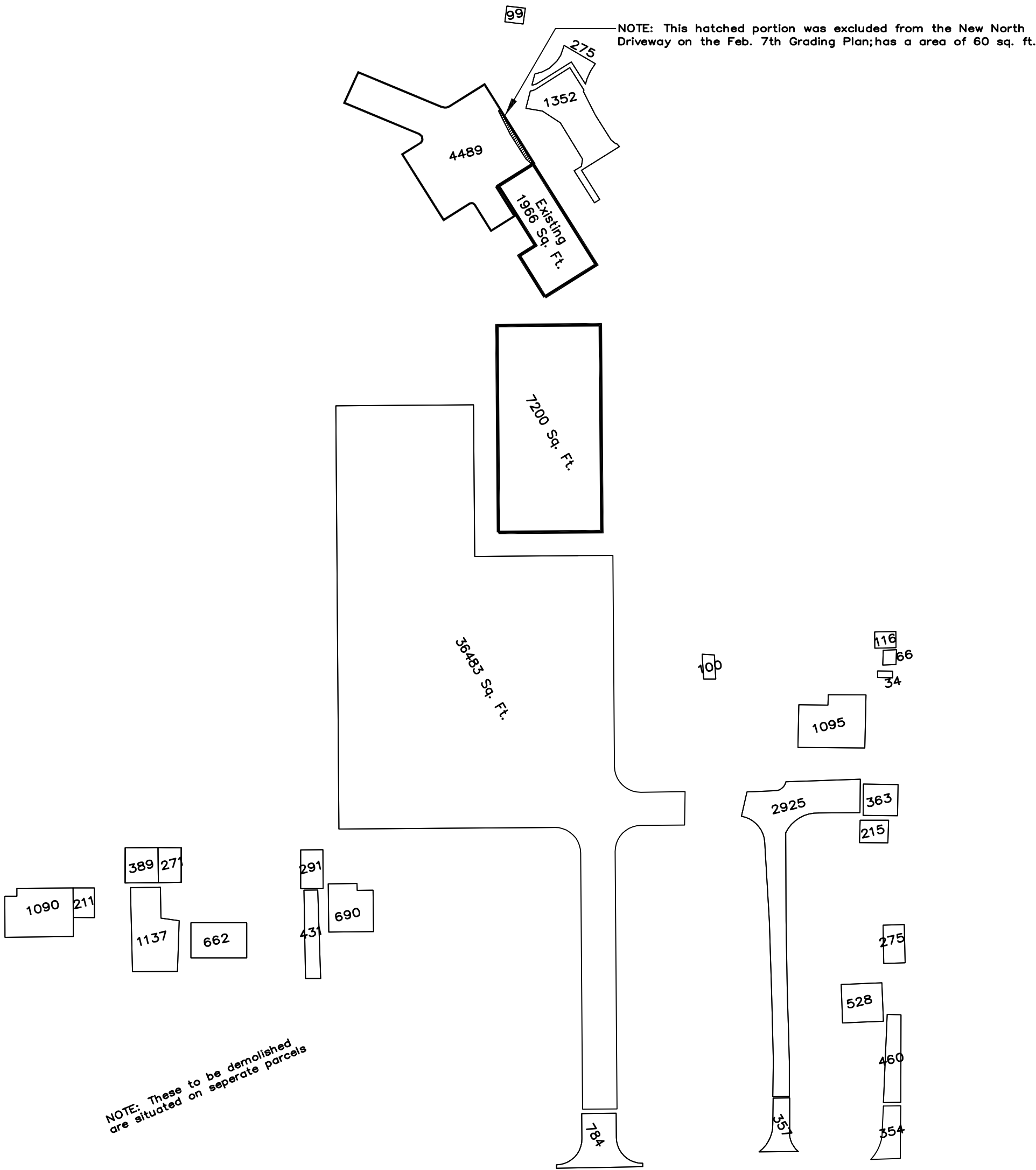
ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184.006128

SHEET NO.

1

OF 1 SHEETS

PRELIMINARY SITE GRADING PLAN
ATS CONSTRUCTION OFFICE



DATE OF PREPARATION: 2/13/2025

PROJECT ID: 24031700



HARTKE

ENGINEERING AND SURVEYING INC.

217.840.1612 tedhartke@hartke.pro

117 S. EAST AVE | P.O. BOX 123 | OGDEN, IL 61859

101 W. OTTAWA ROAD | PAXTON, IL 60957

SHEET NO.

1

OF 1 SHEETS

ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184.006123

165-S-25 Site Images



In front of 1610 Oaks Rd looking east across subject property



From Oaks Rd looking north toward drainage swale across subject property

165-S-25 Site Images



From US-45 looking northeast toward subject property



From US-45 looking east toward subject property

165-S-25 Site Images



From US-45 looking northwest toward adjacent properties



From Oaks Rd looking southwest toward adjacent property

PRELIMINARY DRAFT

165-S-25

**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: ***{April 17, 2025}***

Petitioner: **Tanner Shiley d.b.a ATS Custom Construction**

Request: **Authorize a “Contractor’s Facility with Outdoor Storage and/or Outdoor Operations” as a Special Use Permit in the B-4 General Business and the AG-2 Agriculture Zoning Districts.**

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 17, 2025**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Tanner Shiley is under contract to purchase the property from Mary Weeks who owns the subject property.
2. The subject property is comprised of six tracts of land totaling 6.1 acres located in the Southeast Quarter of the Northeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian, Champaign County with PIN's 25-15-33-278-001, 002, 003, 004, 005, 006 with an addresses of 3506 N. Cunningham Ave., 3502 N. Cunningham Ave., 1610 E. Oaks Rd. 1612 E. Oaks Rd. 1706 E. Oaks Rd., and 1710 A & B E. Oaks Rd. Urbana.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities do not have protest rights in Special Use Permit cases. Notice of the public hearing was sent to the City.
 - (1) The City of Urbana Comprehensive Plan calls for "Agricultural" development in this area.
 - B. The subject property is located within Somer Township, which does not have a Planning Commission. Townships with Planning Commissions do not have protest rights on a Special Use Permit. Notification was sent to the Township.

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 6.1-acre subject property is zoned AG-2 Agriculture and B-4 General Business and contains 6 single-family residences, and multiple smaller garages and storage buildings.
 - B. Land to the north is zoned AG-2 Agriculture and is in use as a commercial use.
 - C. Land to the west on the other side of US-45/Cunningham Ave. is zoned B-4 General Business and is in use as a contractors facility.
 - D. Land to the south is zoned B-4 General Business and AG-2 Agriculture and is in use as an internet provider contractors facility and in agricultural production
 - E. Land to the east is zoned AG-2 Agriculture and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The Site Plan received February 7, 2025, indicates the following existing features:
 - (1) One 1,966 square feet residence at the north end of the subject property built prior to approval of the Zoning Ordinance on October 10, 1973.
 - a. Residence to be converted into office space.

- (2) A proposed 60 feet by 120 feet (7,200 square feet) shop/storage building.
 - (3) A proposed 8 feet tall chain link fence with privacy slats and a gated entrance on the north, west and south sides of the outdoor storage area.
 - (4) Four additional single-family residences to be removed.
 - (5) Several small garages and outbuildings to be removed.
 - (6) The house and garage with address 1710B located to the east of the outdoor storage area will remain.
- B. Information regarding the operations of the proposed contractors facility was provided by the petitioner and is summarized as follows:
- (1) The existing home will be used as the main office building for the business for customers and staff.
 - (2) The proposed building will be used as a shop for the contractors facility and for storage.
 - (3) There will also be outdoor storage of materials and equipment on the east and south sides of the proposed shop building.
 - (4) Customer parking will be to the northeast of the existing home building.
- C. There are no previously approved Zoning Use Permits for the subject property.
- D. There are no previous zoning cases on the subject property.
- E. The subject property is on Best Prime Farmland.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a Contractors Facility with outdoor storage in the AG-2 Agriculture and B-4 General Business 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) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (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.

- (3) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
- (2) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT with the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE, either DETACHED from or ATTACHED to the MAIN OR PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE or the main or principal USE.
- (3) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
- (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 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) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.
- (7) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
- (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) “OPERATIONS” are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
- (8) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (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.

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STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:

- (a) MAJOR STREET: Federal or State highways.
- (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
- (c) MINOR STREET: Township roads and other local roads.

- (13) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
 - a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
 - (14) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
 - (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 4.2.1.C. states that it shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-2, Agriculture Zoning District.
- C. Section 5.2: Table of Authorized Principal Uses states that Contractors Facilities with outdoor STORAGE and outdoor OPERATIONS in the front and side yard, can be established with a Special Use Permit in the AG-2 Agriculture and B-4 General Business Zoning Districts.

- B. Section 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
 - (2) Subsection 6.1.3 establishes the following standard conditions for Contractors Facilities with or without Outdoor STORAGE and/or Outdoor OPERATIONS:
 - a. In all DISTRICTS other than the B-5 DISTRICT, outdoor STORAGE and/or outdoor OPERATIONS are allowed as an ACCESSORY USE subject to subsection 7.6.
- 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.

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- (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 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:

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

D. Section 7.6 establishes the following conditions for Outdoor Storage and/or Outdoor Operations:

- (1) Paragraph 7.6.1 states: “Outdoor STORAGE and/or OPERATIONS shall be allowed in all DISTRICTS only as ACCESSORY USES unless permitted as a principal USE in Section 5.2 and shall be allowed in any YARD in all DISTRICTS subject to the provisions of Section 7.2 without a permit provided that outdoor STORAGE and/or outdoor OPERATIONS shall not be located in any required off-street PARKING SPACES or LOADING BERTHS.”
- (2) Paragraph 7.6.2 states: “A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE and/or outdoor OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
 - a. Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or
 - b. Any designated urban arterial street or MAJOR STREET.”

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- E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
 - (6) Approval of a Special Use Permit shall authorize use, construction and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioner's agent.
- 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 Petitioner testified on the application, **“As a growing company, we wish to provide our clients a better showroom and facility upon their visit. We find this location to be**

a great location for Champaign-Urbana residents to visit, and a great use of mostly vacant land.

- B. The subject property is located at the intersection of US-45/Cunningham Ave. and Oaks Road approximately 1.1 miles north of Interstate 74 near Urbana.

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 Petitioner have testified on the application, **“We wish to develop this land to operate similarly to the surrounding commercial properties. Furthermore, the development of this property will better route storm water than it currently does”**

- B. Regarding surface drainage:

- (1) The proposed improvement area on the subject property is less than 1 acre so on-site stormwater detention is not required.
- (2) A Saline Brach Drainage District Ditch runs through the subject property from under US-45/Cunningham Ave. to the south side of the property.
- (3) The proposed building and gravel parking/storage area will be designed to drain toward the existing drainage ditch.
- (4) All proposed improvements will be outside of the 40 feet wide drainage ditch easement.
- (5) An existing field tile will be re-routed around the proposed building site. Other tiles on the site will be avoided.

- C. Regarding impacts on traffic:

- (1) The subject property is located at the intersection of US-45/Cunningham Ave. and Oaks Road approximately 1.1 miles from Interstate 74 in Urbana.
 - a. US-45/Cunningham Ave is a Major Street/Federal Highway. It is a divided highway with two lanes and a paved shoulder approximately 32 feet wide in each direction.
 - b. Oaks Road is a Somer Township road that is classified as a Minor Street and is approximately 18 feet wide.
 - c. Notice was sent to the Illinois Department of Transportation and the Somer Township Supervisor and Township Road Commissioner, and no comments have been received.
- (2) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume

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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.

- a. US-45/Cunningham Ave. has an ADT of 10,250, Oaks Rd. has an ADT of 325.
 - b. The subject property currently has one driveway entrances on the west side along US-45/Cunningham Ave. that will serve the office building (existing house).
 - c. There are four existing driveway entrances along Oaks Rd. The two westernmost driveways and the easternmost driveway will be removed, the remaining driveway will be expanded and serve the proposed storage building and parking area.
 - d. The proposed development is not expected to generate a significant increase in traffic.
- D. Regarding fire protection on the subject property, the subject property is located approximately 2.7 road miles from the Carroll Fire Protection District station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received.
- E. No part of the subject property is located within a mapped floodplain.
- F. Soil on the subject property is Best Prime Farmland and consists of 152A Drummer Silty Clay and 154A Flanagan silt loam and has an average Land Evaluation (LE) of 100.
- (1) The site has been developed since prior to 1973 which is prior to the County regulations for Best Prime Farmland.
 - (2) The subject property is comprised of 6 lots totaling 6.1 acres in area. Each lot is less than the three-acre maximum lot size on Best Prime Farmland.
- G. Regarding outdoor lighting on the subject property:
- (1) A lighting plan was submitted for the new shop/storage building indicating that the proposed fixtures will be full cut-off, dark-sky compliant fixtures. A special condition has been added to ensure that any future outdoor lighting complies with Section 6.1.2 of the *Zoning Ordinance*.
- H. An existing septic system serves the house/proposed office building. A new septic system is proposed for the shop/storage building.
- I. A Natural Resource Information Report by the Champaign County Soil and Water Conservation District has been applied for by the Petitioner but a copy of the report has not been received.
- J. 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

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

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

- 9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner have testified on the application, **“Yes, the property will then be more like the surrounding commercial and industrial properties. It will also be more visually appealing than it currently is.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-1, I-1, and I-2 Zoning DISTRICTS and by right in the B-4 DISTRICT provided that all Outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN. Outdoor storage is allowed in all yards if screened by a Type D SCREEN with a Special Use Permit. They are authorized with a Special Use Permit in the AG-1, AG-2, B-4 (As noted above), and B-5 Zoning DISTRICTS.
 - (2) Regarding parking on the subject property for the proposed Special Use:
 - a. For purposes of calculating parking requirements, the proposed development 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 combined area of the two buildings is 9,166 square feet which requires 46 parking spaces.
 - c. Regarding available parking spaces:

- (a) There is approximately 38,000 square feet of proposed gravel and pavement near the buildings, which provides enough room for 126 parking spaces (300 square feet per space).
 - (b) The Parking Plan received January 28, 2025, shows the location of the one required accessible parking space.
 - (c) Based on available information, P&Z Staff believe that there will be sufficient area for parking for the proposed development.
- (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 proposed floor area of 9,166 square feet, the subject property would require one 12 feet by 40 feet loading berth.
 - c. The Plat of Survey received January 28, 2025, shows the location of the required loading berth.
- (4) Regarding screening for outdoor storage and operations, per Section 7.6:
 - a. The proposed Special Use is visible within 1,000 feet from a major street (US-45/Cunningham Ave.); therefore, a Type D SCREEN is necessary to obscure or conceal any part of the subject property YARD used for outdoor STORAGE and/or outdoor OPERATIONS.
 - b. The petitioner has proposed an eight feet tall chain link fence with privacy slats and a gated entrance on the north, west and south sides of the outdoor storage area.
 - c. A special condition has been added to ensure compliance.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*, the proposed project is not exempt from the Ordinance.
 - (1) The Preliminary Site Grading Plan received February 13, 2025, indicates there will be 42,330 square feet of improvements (proposed improved area minus existing improvements proposed to be demolished and removed) which does not require storm water detention or a Storm Water Drainage Plan.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the City of Urbana subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture and B-4 General Business Zoning Districts:

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- (1) A “Contractor’s Facility with Outdoor Storage and/or Outdoor Operations in an area other than the rear yard” is authorized by Special Use Permit in the AG-2 and B-4 Zoning Districts provided that it is screened by a Type D Screen.
 - a. The petitioner has proposed an eight feet tall chain link fence with privacy slats and a gated entrance on the north, west and south sides of the outdoor storage area.
- G. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.
 - (1) A special condition has been added to ensure compliance with the Illinois Accessibility Code.

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
 - A. A “Contractor’s Facility with Outdoor Storage and/or Outdoor Operations in an area other than the rear yard” is authorized by Special Use Permit in the AG-2 and B-4 Zoning Districts provided that it is screened by a Type D Screen.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.2 of the Ordinance states the general intent of the AG-2 District as follows (capitalized words are defined in the Ordinance):

The AG-2 Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominantly vacant, and which presently do not demonstrate any significant potential for development. The DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - (2) Subsection 5.1.12 of the Ordinance states the general intent of the B-4 District as follows (capitalized words are defined in the Ordinance):

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.
 - (3) The types of uses authorized in the AG-2 and B-4 Districts are in fact the types of uses that have been determined to be acceptable in the AG-2 and B-4 Districts. 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 proposed Special Use is unlikely to significantly increase traffic.

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

- a. The subject property is not in a Special Flood Hazard Area.

- b. The subject property is exempt from requiring a Storm Water Drainage Plan.

- (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

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BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

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

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

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

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

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
 - b. The proposed Special Use will not take any land out of agricultural production.

- (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.

There are no natural features on the subject property and the property has been developed for many years.

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

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

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

a. The residences currently on the property have existed since before 1973.

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

c. The subject property is within one and one-half miles of existing communities, following the general intent of the AG-2 District.

- (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 Petitioner testified on the application: **“Absolutely, this is one of the last undeveloped plats located on this stretch of Highway 45”**

B. The proposed use is not an existing non-conforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:

- A. **A Change of Use Permit or a Zoning Use Permit for construction shall be applied for within 30 days of the approval of Case 165-S-25 by the Zoning Board of Appeals.**

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

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

- B. **The Zoning Administrator shall not 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.

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

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

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

- 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.

- E. **Outdoor storage and operations are authorized and should be screened by a Type D screen or buildings as detailed in Section 7.6.2.**

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

Conformance with the Champaign County Zoning Ordinance.

- F. **Underground drainage tiles shall be identified and investigated and shall be protected as follows:**

1. **All mutual drain tiles shall either be protected from construction disturbance or relocated in a manner consistent with the Storm Water and Erosion Control Ordinance and a 40-foot wide no construction area shall be centered on all mutual drain tiles. (Note: The proposed relocation of the mutual tile on**

the south side of the proposed storage building is less than 20 feet away from the building, and in order to comply with this special condition the tile will have to be moved further away from the building.)

- 2. As-built drawings by an Illinois Licensed Professional Engineer of all new connections to existing mutual drain tiles shall be submitted to the Zoning Administrator.**
- 3. Future access by upstream landowners shall be guaranteed for the maintenance of all mutual drain tiles.**

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

The identification and protection of existing underground drainage tile and to allow ongoing maintenance of mutual drain tiles.

- G. Any new connections to Drainage District tiles or ditches shall be approved by the Saline Drainage District.**

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

That Drainage District facilities are protected.

- H. Any residential building that remains on the subject site must be used in conjunction with the business or used for residential purposes by an owner or employee of the business.**

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

Conformance with the Champaign County Zoning Ordinance.

DOCUMENTS OF RECORD

1. Application for Special Use Permit received February 7, 2025, with attachments:
 - A Plat of Survey received January 28, 2025, showing parking and screening
 - B Wall Layout received January 28, 2025, showing lighting locations
 - C Parking Plan received January 28, 2025, showing parking layout
 - D Office Renovation Estimate received January 28, 2025
 - E Boundary Survey received February 7, 2025
 - F Topographic Survey received February 7, 2025
 - G Preliminary Site Grading Plan received February 7, 2025
 - H Site Improvement Areas Plan received February 7, 2025, showing square footage of improvements

2. Preliminary Memorandum dated April 9, 2025, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Annotated Aerial Photo with site plan created by P&Z Staff
 - C Site photos taken March 2025
 - D Summary of Evidence, Finding of Fact, and Final Determination dated April 8, 2025

SUMMARY DRAFT FINDINGS OF FACT FOR CASE 165-S-25

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **165-S-25** held on **April 17, 2025**, 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 petitioner has testified on the application that they wish to provide their clients with a better showroom and facility for their clients in the Champaign/Urbana area.*
 - b. *The subject property is located along US-45/Cunningham Ave. approximately 1.1 miles north of Interstate 74.*
2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity, and the entrance location has *{ADEQUATE / INADEQUATE}* visibility because:
 - a. *The proposed contractors facility should not generate a significant amount of traffic.*
 - b. *Notice was of this zoning case was sent to IDOT, the Somer Township Supervisor and Somer Township Road Commissioner and no comments have been received.*
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:
 - a. *The subject property is located approximately 2.7 road miles from the Carroll Fire Protection District station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received.*
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because:
 - a. *The nearest residence is more than 1,000 feet away.*
 - b. *There are other business uses including contractors facilities nearby.*
 - c. *The proposed outdoor storage area will be screened.*
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because:
 - a. *The subject property is not exempt from the Storm Water Management and Erosion Control Ordinance and the site plan received February 13, 2025, indicates less than an acre of impervious area, so no Storm Water Drainage Plan is required.*
 - b. *The Petitioner has been in contact with the Saline Branch Drainage District and notice of this zoning case was sent to the Drainage District and no comments have been received. The proposed improvements will avoid the existing drainage ditch on the property.*

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- e. Public safety will be *{ADEQUATE / INADEQUATE}* because:
 - a. *The subject property is located approximately 2.7 road miles from the Carroll Fire Protection District station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received.*
 - b. *Notice was also sent to the Township Supervisor and Township Road Commissioner, and no comments have been received.*
- f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* because:
 - a. *The Site Plan shows sufficient area for off-street parking for employees and customers.*
- g. The property is BEST PRIME FARMLAND and the property with the proposed improvements *{IS/ IS NOT}* WELL SUITED OVERALL because:
 - a. *The subject property has been developed for residential use since prior to the adoption of the Champaign County Zoning Ordinance and no land will be taken out of agricultural production.*

*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 non-conforming use.

6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

A. **A Change of Use Permit or a Zoning Use Permit for construction shall be applied for within 30 days of the approval of Case 165-S-25 by the Zoning Board of Appeals.**

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

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

B. **The Zoning Administrator shall not 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.

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

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

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

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.

E. **Outdoor storage and operations are authorized and should be screened by a Type D screen or buildings as detailed in Section 7.6.2.**

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

Conformance with the Champaign County Zoning Ordinance.

F. **Underground drainage tiles shall be identified and investigated and shall be protected as follows:**

1. **All mutual drain tiles shall either be protected from construction disturbance or relocated in a manner consistent with the Storm Water and Erosion Control Ordinance and a 40-foot wide no construction area shall be centered on all mutual drain tiles. (Note: The proposed relocation of the mutual tile on the south side of the proposed storage building is less than 20 feet away from the building, and in order to comply with this special condition the tile will have to be moved further away from the building.)**
2. **As-built drawings by an Illinois Licensed Professional Engineer of all new connections to existing mutual drain tiles shall be submitted to the Zoning Administrator.**
3. **Future access by upstream landowners shall be guaranteed for the maintenance of all mutual drain tiles.**

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

The identification and protection of existing underground drainage tile and to allow ongoing maintenance of mutual drain tiles.

- G. **Any new connections to Drainage District tiles or ditches shall be approved by the Saline Drainage District.**

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

That Drainage District facilities are protected.

- H. **Any residential building that remains on the subject site must be used in conjunction with the business or used for residential purposes by an owner or employee of the business.**

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

Conformance with the Champaign County Zoning Ordinance.

FINAL DETERMINATION FOR CASE 165-S-25

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 **165-S-25** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}* to the applicant, **Tanner Shiley d.b.a ATS Custom Construction**, to authorize the following:

Authorize a “Contractor’s Facility with Outdoor Storage and/or Outdoor Operations” as a Special Use Permit in the B-4 General Business and the AG-2 Agriculture Zoning Districts.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. **A Change of Use Permit or a Zoning Use Permit for construction shall be applied for within 30 days of the approval of Case 165-S-25 by the Zoning Board of Appeals.**
- B. **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.**
- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- D. **The 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.**
- E. **Outdoor storage and operations are authorized and should be screened by a Type D screen, or buildings as detailed in Section 7.6.2.**
- F. **Underground drainage tiles shall be identified and investigated and shall be protected as follows:**
 - 1. **All mutual drain tiles shall either be protected from construction disturbance or relocated in a manner consistent with the Storm Water and Erosion Control Ordinance and a 40-foot wide no construction area shall be centered on all mutual drain tiles. (Note: The proposed relocation of the mutual tile on the south side of the proposed storage building is less than 20 feet away from the building, and in order to comply with this special condition the tile will have to be moved further away from the building.)**

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2. **As-built drawings by an Illinois Licensed Professional Engineer of all new connections to existing mutual drain tiles shall be submitted to the Zoning Administrator.**
 3. **Future access by upstream landowners shall be guaranteed for the maintenance of all mutual drain tiles.**
- G. **Any new connections to Drainage District tiles or ditches shall be approved by the Saline Drainage District.**
- H. **Any residential building that remains on the subject site must be used in conjunction with the business or used for residential purposes by an owner or employee of the business.**

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