

# AGENDA

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## *Champaign County Environment & Land Use Committee*

### *Members:*

*Jan Anderson, Patricia Busboom, Chris Doenitz,  
Tony Fabri, Nancy Greenwalt (VC), Ralph  
Langenheim (C), Brendan McGinty, Steve Moser,  
Jon Schroeder,*

*Date: August 08, 2005*

*Time: 7:00 p.m.*

*Place: Meeting Room 1  
Brookens Administrative Center  
1776 E. Washington St.  
Urbana, Illinois*

*Phone: (217) 384-3708*

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## AGENDA

*Old Business shown in Italics*

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1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (May 09, 2005) 1 thru 16
4. Public Participation
5. Correspondence
6. County Board Chair's Report
7. Establishment of Noxious Weed Control Program
8. ● Subdivision Case: 183-05: Pusey First Subdivision. Combined Area General Plan and Final Plat approval for a three-lot minor subdivision of an existing 9.4 acre residential lot located in the CR Zoning District in Section 12 of Urbana Township. 17 thru 50
9. ● Case 453-AM-04 Petitioner: William and Peggy Campo 51 thru 85  
  
Request: Amend the Zoning Map to change the zoning district designation from AG-2, Agriculture to B-1, Rural Trade Center (as amended on April 18, 2005).  
Location: A .62 acre tract of land located in the N1/2 of the NW1/4 of the NE 1/4 of the SW 1/4 of Section 34 of Somer Township and located approximately one-half mile east of Illinois Route 45 on the south side of Oaks Road (CR 1900N) and known as the business located at 2305 East Oaks Road, Urbana.
10. ● Case 504-AM-05 Petitioner: Central Illinois Trucks, Inc. and Richard Schugel, agent 86 thru 104  
  
Request: Amend the Zoning Map to change the zoning district from B-3, Highway Business Zoning District to B-4, General Business Zoning District.  
Location: An approximately 15 acre tract in the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 24 of Hensley Township and located between Leverett Road and Interstate 57 and that is commonly known as the field on the west side of Leverett Road at the Interstate 57 interchange on Leverett Road.

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11. ● Approval of Recommendation regarding Planning and Zoning Department 105 thru 107
12. *Comprehensive Zoning Review*
13. Planning and Zoning Report
14. Other Business
15. Determination of Items to be placed on the County Board Consent Agenda
16. Adjournment

**MINUTES OF REGULAR MEETING**

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<p>3 <b>Champaign County Environment</b>  4 <b>&amp; Land Use Committee</b>  5 <b>Champaign County Brookens</b>  6 <b>Administrative Center</b>  7 <b>Urbana, IL 61802</b></p>	<p><b>DATE:</b> May 09, 2005  <b>TIME:</b> 7:00 p.m.  <b>PLACE:</b> Meeting Room 1  <b>Brookens Administrative Center</b>  <b>1776 E. Washington Street</b>  <b>Urbana, IL 61802</b></p>
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**MEMBERS PRESENT:** Jan Anderson, Patricia Busboom, Chris Doenitz, Tony Fabri, Nancy Greenwalt (VC), Ralph Langenheim (C), Brendan McGinty, Steve Moser, Jon Schroeder

**OTHER COUNTY BOARD**

**MEMBERS PRESENT:** Barbara Wysocki

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Jeff Roseman, John Hall, Lori Busboom, Jamie Hitt, Susan Monte, Frank DiNovo, John Dimit

**OTHERS PRESENT:** Roger Meyer, Ronald Minch, Rob Parker, Gary Webb, Harold Dean Mayfield, Harold Lawler, Mary Ellen Lawler, Richard Bishop, John Schmale, Joyce Schmale, David Kunde, Joyce Kunde, Larry Knox, David Atchley, Stephanie Alexander, Norman Stenzel, Herb Schildt, Tim Woodard, Cyndy Woodard, Justin Kneeland, Maris Kneeland, Mike Bateman, John Sapp, Mary Jenkins, Danny Jenkins, Hal Barnhart

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**1. Call to Order, Roll Call**

The meeting was called to order at 7:05 p.m. The roll was called and a quorum declared present.

**2. Approval of Agenda and Addendum**

**Mr. Schroeder moved, seconded by Mr. Doenitz to approve the agenda and addendum as submitted.**  
**The motion carried by voice vote.**

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**3. Minutes of Previous Meeting**

None

**4. Public Participation**

Mr. Roger Meyer, Engineer/Surveyor for Greenwood Lake 5<sup>th</sup> Subdivision stated that he was present to answer any questions which the Committee may have regarding the proposed subdivision.

Mr. Ronald Minch, who resides at 661 CR 3350N, Fisher, IL, distributed a handout to the Committee for review. He said that he is concerned with Case 181-05: Bateman Subdivision. He said that on January 13, 2005, the area flooded so badly that many of the residents were required to spend the night elsewhere because they could not get to their home. The area does have water issues and the ground will not pass percolation tests and the last thing that the area needs is another house constructed. He said that the subject site has been contoured and does not hold a lot of water although the placement of a home will displace the water on other properties. He said that he moved to the area because the lots were five acre lots not one acre lots. He requested that the Committee vote “no” on the proposed subdivision.

Mr. Rob Parker, who resides at 467 CR 2500N, Mahomet, IL, stated that he was present to hear information regarding the Revisions to Comprehensive Zoning Ordinance Amendments. He requested that the County leave the zoning as it is today.

Mr. Richard L. Bishop, who resides at 3514 N Highcross Rd., Urbana, IL, stated that he was present to hear information regarding the Revisions to Comprehensive Zoning Ordinance Amendments. He said that he is concerned that the Resource Protection Overlay has been removed and that the environmental protections have been degraded considerably.

1 Ms. Stephanie Alexander, who resides at 92 CR 2000N, Mahomet, IL, stated that she was present to hear  
2 information regarding the Revisions to Comprehensive Zoning Ordinance. She said that she lives along the  
3 Sangamon River and would like to see the County assist in the preservation of the natural areas.  
4

5 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet, IL, stated that he was present to hear  
6 information regarding the Revisions to Comprehensive Zoning Ordinance Amendments. He said that he  
7 received the packet but has not had a chance to review. He said that he has reservations regarding the  
8 Stream Protection Buffer. He said that he is grateful for the proposed removal of the Resource Protection  
9 Overlay although the Public Resource Buffer is still troublesome in regard to compensation.  
10

11 Mr. John Sapp, who resides at 392 E CR 2500N, Mahomet, IL, stated that he is also concerned with the  
12 buffer protection and public use restrictions in that it is removing some of his property rights. He said that  
13 the removal of the Resource Protection Overlay is a good idea although he would like to have more  
14 information regarding these issues. He said that many of the affected landowners are not present at tonight's  
15 meeting because they were not informed.  
16

17 Mr. John Schmale, who resides at 505C CR 2500N, Mahomet, IL, stated that he opposes the proposed  
18 Summerfield Subdivision. He said that the proposed subdivision is directly adjacent to the Big Ditch Creek  
19 and the Sangamon River. He said that he owns land which is very close to the proposed subdivision which  
20 happens to also be along the Big Ditch Creek and the Sangamon River and during the eight years that he  
21 has resided on this land there has been an increasing problem with increased velocity of water runoff. The  
22 bottomland was flooded last year at approximately 20 feet in depth and took out two 100-year old trees.  
23 He said that as landowners we all believe that we can do whatever we want to do with our land but in fact  
24 what we do does affect a lot of other people. The amount of flooding that we are starting to see with the  
25 Big Ditch Creek and the Sangamon River influences the people that live north of our property. He said that  
26 the allowance of this subdivision would significantly damage the area because of the increased velocity of  
27 flow of water which is being witnessed along the creek and the river.  
28

1 Mr. David Kunde, who resides at 505F CR 2500N, Mahomet, IL, stated that he agrees with Mr. Schmale.  
 2 He said that he has lived in the area a few more years than the Schmales and his property is closer to the Big  
 3 Ditch Creek and he has noticed a consistent increase in the depth and frequency of flooding. He said that  
 4 as the housing projects are allowed to be developed more and more water is being dumped into the Big  
 5 Ditch Creek and the Sangamon River.

6  
 7 Mr. David Atchley, Engineer for Case 459-AM-04: Tim and Cyndy Woodard and Chris, Creek said that  
 8 there are concerns regarding drainage and if there is still a question then a second, independent engineer  
 9 should be brought in to review. He said that drainage is reduced by grass in yards versus corn fields.

10  
 11 Mr. Larry Knox, Trustee for the Knox Family Trust said that he was available to answer questions about the  
 12 Greenwood Lake Subdivision.

13  
 14 **5. Correspondence**

15  
 16 **The consensus of the Committee was to place on file a letter from Brian T. Schurter dated April 20,**  
 17 **2005, regarding adoption of Compromise and Rantoul Township Planning Commissions.**

18  
 19 **6 County Board Chair's Report**

20  
 21 None

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 23  
 24 **A1. Revisions to Comprehensive Zoning Ordinance Amendments**

25  
 26 Mr. DiNovo stated that the zoning provisions have not been worked out in detail. He said that the  
 27 distributed memorandum is only an outline of the provisions which need to be written.

1 Mr. Langenheim stated that the provisions will go before the Zoning Board of Appeals and then back to  
2 ELUC in the form of a concrete proposal. He noted that the Committee is not approving any of the  
3 information within the memorandum but only permitting it to come before the Committee and the full  
4 Board.

5  
6 **Mr. McGinty moved, seconded by Ms. Greenwalt to direct staff to revise the pending Zoning**  
7 **Ordinance amendments as outlined in the May 05, 2005, memorandum from Frank DiNovo.**

8  
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10 **Mr. McGinty moved, seconded by Mr. Doenitz to allow public testimony regarding the Revisions to**  
11 **Comprehensive Zoning Ordinance Amendments. The motion carried by voice vote.**

12  
13 Mr. Herb Schildt, Chairman of the Newcomb Planning Commission asked if the protests which were  
14 submitted by the Newcomb Township Board on Case 415-AT-03, will still be valid even if Case 415-AT-03  
15 is revised therefore requiring a majority of 3/4 vote of the County Board for approval.

16  
17 Mr. Fletcher stated that he would need to review the revisions to Case 415-AT-03 to determine if a new case  
18 would be required.

19  
20 Ms. Greenwalt stated that she would like hear from one of the members of the *ad hoc* bi-partisan working  
21 group.

22  
23 Mr. Moser stated that it is apparent that someone will file a protest against the final document which will  
24 require 21 votes to pass the Zoning Ordinance. He said that personally he is concerned with farmland and  
25 how it is going to be protected. He said that he does not care for the RPO but he does understand that there  
26 are certain people along the Sangamon and the Salt Fork which are concerned about buffers. He said that  
27 these people are justifiably concerned because there are issues such as septic tanks and disposal systems  
28 which do not work well in soils which are predominant along the river. He said that he is also concerned

1 with the people which live in these areas and their rights. He said there are two elements to this beginning  
2 which is that the RPO is gone and the buffer is along the main channels of the Sangamon, Middlefork,  
3 Saline Branch and Salt Fork Rivers. He said that it was difficult to write the original ordinance and it is  
4 difficult to rewrite the ordinance therefore he requested that the public have a little patience. He said that the  
5 final product must be something that 21 Board members are going to vote for or it isn't going to happen.

6  
7 Ms. Greenwalt asked if the one dwelling per 40 acres is for property located in the AG-1 district or for all  
8 land.

9  
10 Mr. Moser stated that the one dwelling per 40 acres is for the agricultural districts.

11  
12 Mr. Fabri stated that this is presented as a bi-partisan solution by eliminating the RPO and reducing the  
13 buffers therefore he is concerned that this new product will not protect the natural areas in the conservation-  
14 recreation zones or floodplain.

15  
16 Mr. Langenheim stated the information included in Mr. DiNovo's memorandum indicates what the bi-  
17 partisan group feels has an opportunity to be approved by a 3/4 majority of the County Board. He said that  
18 the RPO is being eliminated and the buffers reduced. The lot sizes will give greater protection to prime  
19 farmland and the environmental impact statement will be required for rural subdivisions.

20  
21 Ms. Greenwalt stated that she understands the compromise for the RPO but why less density in the  
22 agricultural districts and not in the conservation-recreation districts.

23  
24 Mr. DiNovo stated that the understanding was that the "as-of-right" development was one dwelling per 40  
25 acres everywhere but the difference is that on the non-best prime farmland someone would have the  
26 opportunity to apply for a rural planned development where on best prime farmland the opportunity would  
27 not be available. He said that one of the other changes is that the maximum number of lots which are  
28 possible for a rural planned development is reduced from one per five acres to one per ten acres.

1 Mr. Moser stated that it only takes seven people to kill this whole thing.

2

3 Ms. Greenwalt stated that staff has put a lot time, effort and money into this project and asked if the  
4 members of the Committee should go back to their respective caucuses to receive direction as to whether  
5 they want to direct staff to work for the next six to twelve months on the re-write.

6

7 Ms. Busboom moved that the Chair call the question.

8

9 Mr. Langenheim emphasized that the re-write will come back to ELUC in July.

10

11 **The motion carried with one opposing vote.**

12

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14 **7. Case 181-05: Bateman Subdivision. Combined Area General Plan and Final Plat approval for**  
15 **a two-lot minor subdivision of an existing residential lot located in the CR Zoning District in**  
16 **Section 18 of East Bend Township.**

17

18 **Mr. Doenitz moved, seconded by Mr. McGinty to recommend approval of Case 181-05: Bateman**  
19 **Subdivision Area General Plan including three waivers of minimum subdivision standards and**  
20 **recommend approval of the Final Plat with two waivers and one condition.**

21

22 Ms. Anderson stated that she did visit the site and questioned why the new house was proposed to be built  
23 so close to the existing house and she wondered why they would want to put another house so close to the  
24 existing home.

25

26 Mr. Hall stated that the new lot meets the average lot width requirement therefore the new house will not  
27 be any closer to the lot lines than any other house can be built in the rural districts. He said that the lot  
28 meets the minimum, but not far beyond, but that some of the lots in this development are close to 300 feet

1 wide and this will not be anywhere near that. He said the house where Mr. Bateman resides is located on  
2 a very small area north of the river and is still on three acres and still meets the minimum requirements. Mr.  
3 Hall pointed out that just because Mr. Bateman wanted to do this to his house ELUC did not have to approve  
4 it.

5  
6 Ms. Anderson asked if the trees would be removed.

7  
8 Mr. Hall stated that a house could be built on the site with no apparent necessary loss of trees and there will  
9 be 100 feet of river frontage.

10  
11 Ms. Anderson also questioned how the proposed subdivision might prevent a house from being built on  
12 prime farmland or in a wooded area and she wondered how that would be guaranteed.

13  
14 Mr. Hall explained that there is no guarantee and is just a consideration to help the Committee understand  
15 the trade-offs the may be involved in considering the request.

16  
17 **The motion carried with four opposing votes.**

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20 **8. Case 182-05: Greenwood Lake 5<sup>th</sup> Subdivision. Preliminary Plat, Engineering Drawing and**  
21 **Final Plat Subdivision approval for a six-lot subdivision of an existing 10.5 acre tract in the**  
22 **AG-1 District and RRO District located in Section 21 of East Bend Township, pursuant to**  
23 **Case 468-AM-04.**

24  
25 Mr. Hall distributed a memorandum dated May 09, 2005 for the Committee's review. He said that the  
26 memorandum indicates that the proposed improvement to the existing street has been revised again and a  
27 letter of approval has been received from the East Bend Township Highway Commissioner and the  
28 Sangamon Valley-Dewey Fire Protection District. The County Engineer gave his approval this afternoon

1 therefore the condition related to his approval is no longer required although the condition regarding the  
2 proposed street improvement is still necessary. He reviewed the proposed cul-de-sac improvements.

3  
4 **Ms. Anderson moved, seconded by Ms. Busboom to recommend approval of Case 182-05: Greenwood**  
5 **Lake 5<sup>th</sup> Subdivision Preliminary Plat including three waivers and recommend approval of the Final**  
6 **Plat with one waiver and one condition. The motion carried with one opposing vote.**

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9 **9. Case 459-AM-04: Tim and Cyndy Woodard and Chris Creek. Request to amend the zoning**  
10 **map to allow for the development of 10 single-family residential lots, (as amended on**  
11 **November 24, 2004) in the CR, Conservation-Recreation Zoning District by adding the Rural**  
12 **Residential Overlay (RRO) Zoning District. Location: A 40 acre tract of land in the Northeast**  
13 **Quarter of the Northwest Quarter, Section 36 of Newcomb Township and fronts the south side**  
14 **of CR 2500N and on the west side of CR 4400E at the intersection of CR 2500N and CR 550E.**

15  
16 **Mr. Schroeder moved, seconded by Ms. Greenwalt to recommend denial of Case 459-AM-04: Tim and**  
17 **Cyndy Woodard and Chris Creek to amend the Zoning Map to allow for the development of 10 single**  
18 **family residential lots (as amended on November 24, 2004) in the CR Conservation Recreation Zoning**  
19 **District by adding the Rural Residential Overlay (RRO) Zoning District.**

20  
21 Mr. Hall stated that this case comes before the Committee with a recommendation of denial based on a tie  
22 vote at the ZBA. The findings recommended approval but the motion to approve the proposed map  
23 amendment failed, with only six members present, on a vote of 3 affirmative votes versus 3 votes against  
24 at the Zoning Board of Appeals meeting on April 14, 2005. He said that the only way a case does not come  
25 to the this Committee with a recommendation for denial is if the petitioner withdraws the request. The  
26 petitioner has not withdrawn their request therefore it is before the Committee tonight.

27  
28 Ms. Anderson requested information regarding the concerns of the Board members which denied the

1 request.

2  
3 Mr. Hall stated that he cannot provide such information because the findings were not written for denial.  
4 He said that there were two issues raised during construction of the findings which were traffic and drainage  
5 conditions.

6  
7  
8 Ms. Anderson stated that she did visit the site and noticed that there were homes all along the site. She said  
9 that she was amazed at the amount of traffic that traveled the road.

10  
11 Mr. Hall stated that the road which goes west of Route 47 does carry more traffic than it should but most  
12 of the driveways for this subdivision outlet onto CR500E. He said that the pavement for CR600E is so wide  
13 that the traffic capacity is undetermined but it is known that the road carries a great amount of traffic.

14  
15 Mr. Fletcher stated that the Committee must either change its position and approve the subdivision or  
16 change or supplement the findings but the Committee cannot leave the record as it is and follow the ZBA's  
17 recommendation.

18  
19 Mr. Fabri asked if the Committee had the ability to change the findings which the ZBA drafted.

20  
21 Mr. Hall stated that these are the findings which were drafted by the ZBA and all of the evidence has been  
22 presented to the Committee so that they can review and adopt new findings.

23  
24 Mr. Langenheim stated that the ZBA has written a series of findings and then has acted contrary to those  
25 findings therefore ELUC is required to change those findings or recommend approval.

26  
27 Mr. Fletcher stated that Mr. Langenheim was correct or ELUC could remand the case back to the ZBA or  
28 approve it based on the ZBA's findings.

1 **Ms. Busboom moved, seconded by Mr. Fabri to remand Case 459-AM-04: Tim and Cyndy Woodard**  
2 **and Chris Creek back to the Zoning Board of Appeals.**

3  
4 Mr. DiNovo stated the Committee should be aware that this is a situation that is a feature of state law. The  
5 state law requires the ZBA to act by a super-majority to take any action in favor of the petitioner but only  
6 a simple majority to adopt findings. He said that it is entirely possible that you could have findings that go  
7 in one direction and action from the ZBA that does not follow that direction.

8  
9 Mr. Fabri recommended that staff prepare a finding that would support the denial and present to ELUC for  
10 approval.

11  
12 Mr. Hall stated that this case could be continued to the next meeting for Committee review.

13  
14 Mr. McGinty stated that he does not feel that it is unreasonable to remand this case back to the ZBA for  
15 clarification.

16  
17 Mr. Schroeder stated that the ZBA will require direction for this Committee when this case is remanded  
18 back to them.

19  
20 Mr. Fletcher stated that the Committee will be requesting the ZBA for clarification of the findings and final  
21 determination.

22  
23 Ms. Busboom and Mr. Fabri accepted Mr. Fletcher's recommendation and amended their motion as follows:

24  
25 **Ms. Busboom moved, seconded by Mr. Fabri to remand Case 458-AM-04: Tim and Cyndy Woodard**  
26 **and Chris Creek back to the Zoning Board of Appeals for clarification of findings and final**  
27 **determination. The motion carried with one opposing vote.**

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**10. Case 483-FV-04: Dan and Mary Jenkins. Request to authorize the following variances from the Champaign County Special Flood Hazard Area Ordinance: A. Request to authorize the construction and use of a residential garage with the following variances: (1) The floor of the garage shall be no more than one foot below the Base Flood Elevation and no more than two feet below the required Flood Protection Elevation instead of a the required Flood Protection which is one foot above the Base Flood Elevation; and (2) The garage shall be 720 square feet in area instead of no more than 500 square feet in area. B. Authorize the construction and use of two sheds each with the following variances: (1) The floor of each shed shall be no more than one foot below the Base Flood Elevation and no more than two feet below the required Flood Protection Elevation instead of at the required Flood Protection Elevation which is one foot above the Base Flood Elevation; and 92) Each shed shall be 1,320 square feet in area instead of no more than 500 square feet in area. Location: A 40 acre tract located in the West ½ of the East ½ of the Northeast Quarter of Section 10 of St. Joseph Township and that is located south of CR 1700N between the Salt Fork River and Chateau Drive.**

**Mr. Moser moved, seconded by Ms. Busboom to recommend approval of Case 483-FV-04: Dan and Mary Jenkins, Parts A & B.**

Mr. Moser asked if the Jenkins own the existing manufactured home.

Ms. Hitt stated that the Jenkins do own the manufactured home and this will be their residence.

Mr. Moser stated that he has seen flood water in the area of the proposed buildings.

Ms. Hitt stated that approved flood vents are included in the construction of the garage so that the flood water will not be interrupted.

1 Mr. Moser asked if the junk along the property belongs to the petitioners.

2

3 Ms. Hitt stated that the junk belongs to a different property and if it is not removed then the case will be  
4 referred to the State's Attorney's office.

5

6 Mr. Moser asked if any fill will be brought onto the subject property.

7

8 Ms. Hitt stated that no fill is allowed. She said that the petitioners are aware of the danger of potential  
9 flooding.

10

11 Mr. Doenitz asked why this case is before the Committee if the request is to build below the base flood  
12 elevation.

13

14 Mr. Hall stated that the Ordinance does not prohibit such a request. He said that all construction which is  
15 below the base flood elevation will be constructed with flood resistant materials.

16

17 Ms. Hitt stated that the reason why the petitioners want the garage floor to be lower than the finished first  
18 floor is so that their driveway doesn't have to be as steep up to the garage. She said that the Illinois  
19 Department of Natural Resources has reviewed the petitioner's request and determined that no fill would  
20 be allowed although the IDNR Office of Water Resources has allowed a small amount of fill to elevate the  
21 garage floor but even with that fill the floor is still not to the first floor level (flood protection elevation).  
22 She said that the sheds will store equipment and the hay storage will be elevated. The shed will have flood  
23 vents so that the flood water can flow through the building.

24

25 Ms. Greenwalt asked if the ZBA's vote was unanimous.

26

27 Mr. Hall stated that the vote was unanimous.

28

1 Ms. Anderson stated that square footage which is requested is three times the allowed amount and asked  
2 how often the Committee has been asked to approve such a waiver.

3  
4 Mr. Hall stated that the Committee has only reviewed 16 floodplain variances during the history of the  
5 Special Flood Hazard Area Ordinance. He said that there have been variances with much greater depths  
6 below the base flood elevation. He noted that the 500 square feet comes from a model ordinance and he is  
7 not aware of the basis of the requirement.

8  
9 **The motion carried by voice vote with four opposing votes.**

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12 **11. Case 485-FV-04: Mayfield Builders. Request to authorize the following variances from the**  
13 **Champaign County Special Flood Hazard Area Ordinance: A. The floor of the garage shall**  
14 **be no more than one foot below the Base Flood Elevation and no more than two feet below the**  
15 **required Flood Protection Elevation instead of at the required Flood Protection Elevation**  
16 **which is one foot above the Base Flood Elevation; and B. The garage is 627 square feet in area**  
17 **instead of no more than 500 square feet in area. Location: Lot 35 of The Meadows Subdivision**  
18 **and that is commonly known as the residence at 2502 Appaloosa Lane, Mahomet.**

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20  
21 **Ms. Greenwalt moved, seconded by Mr. Schroeder to recommend approval of Case 485-FV-04:**  
22 **Mayfield Builders, Parts A & B. The motion carried with three opposing votes.**

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25 **12. Planning and Zoning Report**  
26 **A. Monthly Report**

27  
28 Mr. Roseman presented an overview of the distributed April, 2005 Monthly Report.

1           **B. Enforcement**

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3       Mr. Roseman stated that there were 253 open cases not counting the 21 cases which are currently with the  
4       State's Attorney's office. The State's Attorney's office has not had an opportunity to review the referred  
5       cases for their status. He presented an overview of the distributed memorandum indicating enforcement  
6       procedures

7  
8       Mr. Schroeder stated that the Nuisance Ordinance needs to have some teeth written into it so that staff can  
9       take care of repeat violators.

10  
11       Mr. Fletcher stated that the court system can issue fines to the repeat violators although the judges are  
12       reluctant to issue those fines. He said that his office would like to take a more aggressive approach to these  
13       violations but due to the lack of staff it is impossible at that time.

14  
15       Mr. DiNovo stated that up until now the County has had an enforcement system which is the equivalent to  
16       a traffic cop letting a violator go because he slowed back down when you were stopped for speeding  
17       therefore you don't get a ticket. The County has been allowing people to make messes and then just because  
18       they clean up the messes, which should have never been made in the first place, they don't penalize them.  
19       He said that what is important is not so much of imposing an enormous fine on a few people but the  
20       certainty of imposing some sort of a fine on every single person that does not clean up their messes  
21       immediately. He said that there will be much better compliance if people understand that there are fines  
22       which will be imposed if they do not comply. He said that currently they receive three weeks to clean up  
23       the mess before they are referred to the State's Attorney's office.

24  
25       Mr. Fletcher stated that the backlogged cases must be addressed first.

26  
27       Mr. Roseman stated that he will provide further information regarding proposed enforcement procedures  
28       to the Committee at the June, 2005 meeting.

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**13.    Other Business**

None

**14.    Determination of Items to be placed on the County Board Consent Agenda**

None

**15.    Adjournment**

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Secretary to the Environment and Land Use Committee

eluc\minutes\minutes.frm

TO: Environment and Land Use Committee

FROM: John Hall, Associate Planner

DATE: August 2, 2005

RE: Case 183-05 Pusey First Subdivision

Champaign  
County  
Department of



Brookens  
Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708  
FAX (217) 328-2426

**REQUESTED ACTION**

Combined Area General Plan and Final Plat approval for a three-lot minor subdivision of an existing 9.4 acre residential lot located in the CR Zoning District in Section 12 of Urbana Township located on the north side of CR1650N and south of the Saline Branch Drainage Ditch and extending 1,016 feet west of CR1800E at the residence at 1790 CR1650N.

The proposed subdivision does not meet certain of the minimum subdivision standards and Area General Plan approval (by ELUC) is required including the following waivers:

1. Waive the requirement of paragraph 6.1.5. a. (1) that no part of a minimum required lot area shall be located on Colo silty clay loam soil.
2. Waive the requirement of paragraph 6.1.5. b. (1) that requires driveways to be centralized as much as possible consistent with good engineering practice.

Proposed Lot 1 does not meet the minimum average lot width required by the Zoning Ordinance (the lot is within 10% of the requirement) and the following condition is required for subdivision approval:

1. The Subdivision Officer shall hold the Final Plat and not release it to be filed with the Recorder of Deeds unless and until a variance has been granted for the minimum average lot width of proposed Lot 1.

**Subdivider**

William Pusey  
1790 CR1650N  
Urbana IL 61802

**Engineer/Surveyor**

Berns, Clancy and Associates  
405 East Main Street  
Urbana IL 61803-0755

**Location, Roadway Access, and Land Use**

The subject property is an approximately 9.4 acre parcel in the Northeast 1/4 of Section 12 of Urbana Township. See the Location Map. The existing parcel is the residential lot at 1790 CR1650N.

The proposed subdivision is bordered by other residential lots on the west side and the Saline Branch Drainage Ditch on the north. See the Land Use Map.

**Applicable Zoning Regulations**

The subject property is zoned CR Conservation Recreation. See the attached Zoning Map. Proposed lots 2 and 3 meet all *Zoning Ordinance* requirements but proposed Lot 1 does not meet the minimum average lot width requirement and a variance is necessary. The *Zoning Ordinance* exempts outlots from all zoning requirements but also prohibits construction or use requiring a Zoning Use Permit. Thus, this is a Minor Subdivision because there are only three buildable lots being divided. See Table 1 for a summary.

**Table 1. Review Of Minimum Lot Requirements**

Lot Characteristic	Requirement (or Limit)	Proposed Lots <sup>1</sup>			Notes
		Proposed Lot 1	Proposed Lot 2	Proposed Lot (existing dwelling)	
Lot Area (acres)	Minimum: 1.00 acre	1.00 acres	1.06 acres	1.15 acres	MEETS OR EXCEEDS MINIMUM REQUIREMENT
	Maximum <sup>2</sup> : 3.00 acres				
Lot Frontage (feet)	20.00 (minimum)	208.41 feet	228.82 feet	309.60 feet	EXCEEDS MINIMUM REQUIREMENT
Lot Depth (feet)	80.00 (minimum)	232 feet	196 feet	219 feet	EXCEEDS MINIMUM REQUIREMENT
Average Lot Width (feet)	200.00 (minimum)	195.00 feet <sup>3</sup>	236 feet	229 feet	LOT 1 REQUIRES 6.5% VARIANCE
Lot Depth to Width	3.00 : 1.00 (maximum)	1.24 : 1.00	.83 : 1.00	.96 : 1.00	LESS THAN MAXIMUM ALLOWED
<div style="background-color: #cccccc; width: 50px; height: 20px; display: inline-block; vertical-align: middle;"></div> DOES NOT MEET REQUIREMENT- ZONING VARIANCE REQUIRED					
<p><b>NOTES</b>                  NR = No Requirement (or limit)</p> <p>1. Each lot has an associated outlot area that is not included in these dimensions. No Zoning Use Permits may be issued on outlots.</p> <p>2. The maximum lot size only applies when Best Prime Farmland is involved and when the tract to be divided is larger than 12 acres. Overall, the subject property is not Best Prime Farmland. However, the proposed lots probably are Best Prime Farmland on average.</p> <p>3. Average lot width for Lot 1 determined by the largest diameter circle that fits within the lot lines.. Average lot width may also be determined by lot area divided by lot depth but that is only 187 feet.</p>					

**Minimum Subdivision Standards**

Minimum subdivision standards were added to the *Subdivision Regulations* on July 8, 2004. Table 2 reviews the conformance of the proposed subdivision with those standards and required waivers are discussed below.

**Soil Conditions / Natural Resource Report**

A Section 22 Natural Resource Report (see attached) prepared for this site by the Champaign County Soil and Water Conservation District indicates the following:

- This tract is not Best Prime Farmland for Champaign County.**  
 (Note: Proposed Lots 1, 2, and 3 do appear to be Best Prime Farmland on average. The outlots are not Best Prime Farmland.)

2. **The area that is to be developed has 1 soil type that has severe wetness and 2 soil types that have severe ponding characteristics. This will be especially important for the septic systems that are planned.**  
(Note: The soil types with severe ponding characteristics primarily make up the outlots and will not have septic systems.)
3. **The tracts are adjacent to the 100-year floodplain which may make them subject to flooding in the future. The elevations are only 1- 2 feet above the floodplain.**  
(Note: Most of proposed Lots 1 and 3 are more than 2 feet above the Base Flood Elevation. Part of proposed Lot 2 is in the floodplain.)

### **Drainage, Stormwater Management Policy, and Flood Hazard Status**

The subject property is located in the Saline Branch Drainage District. The drainage district was notified of the proposed subdivision. No part of the proposed lots contain any portion of the right of way of the Saline Branch Drainage Ditch. The right of way of the Drainage Ditch is contained entirely within the proposed outlots on which no construction may occur.

The Subsidiary Drainage Plat indicates spot elevations in selected locations. There appears to be little or no tributary area under different ownership that drains through the proposed subdivision and no areas of stormwater ponding on the proposed lots.

A large portion of the existing property is in Zone A (the 100-year floodplain and Special Flood Hazard Area, or SFHA) on the Flood Insurance Rate Map (FIRM) Panel No. 170894 0185 B dated March 1, 1984, but the Subsidiary Drainage Plat indicates a much smaller portion of the property in the SFHA.

The Subsidiary Drainage Plat illustrates an SFHA based on a Base Flood Elevation (or BFE which is the elevation of the 100-year flood) of 677.9 feet and indicates the outline of this reduced SFHA. This lower BFE comes from the *Salt Fork of the Vermilion River Hydraulic Model* that was prepared for the Champaign County Soil and Water Conservation District's Salt Fork Watershed Steering Committee on October 3, 2002, by the Natural Resources Conservation Service.

The proposed BFE is about one-and-one-half feet lower than the 100-year flood elevation used in the design of the bridge over the Saline Branch at the northeast corner of the property and is about four feet lower than the BFE that was estimated for this property in 1996 and that was used in Special Flood Hazard Area variance Case 10-FV-94 about one-quarter mile upstream.

**Table 2. Preliminary Assessment Of Compliance With Minimum Subdivision Standards<sup>1</sup>**

Standard	Preliminary Assessment
<b>SUITABILITY STANDARDS</b> (Section 6.1.5 a.)	
<p>1) No part of a minimum required LOT AREA<sup>2</sup> shall be located on the following soils: Ross silt loam soil (No. 3473A), Ambraw silty clay loam soil (No. 3302A), Peotone silty clay loam soil (No. 330A), or Colo silty clay loam soil (3107A)</p>	<p><b>LOT 1 DOES NOT CONFORM- WAIVER REQUIRED.</b>                      The Natural Resource Report indicates that more than half of this property is Colo silty clay loam (renamed to Sawmill silty clay loam, map unit 3107A) which is the bottomland soil in the Saline Branch Drainage Ditch floodplain. The Soil Survey is not expected to be accurate for any one acre of land but even considering that accuracy some significant portion of Lot 1 will be located on this soil.</p> <p>Lots 2 and 3 probably do conform considering the accuracy of the Soil Survey.</p>
<p>2) No part of a minimum required LOT AREA<sup>2</sup> shall contain an EASEMENT for an interstate pipeline</p>	<p><b>APPEARS TO CONFORM.</b> A pipeline marker is located at the northeast corner of the property and indicates that a gas pipeline crosses the Saline Branch Drainage Ditch at that location. The pipeline likely comes no closer to the lots than the right of way of CR1800E.</p>
<p>3) No part of a minimum required LOT AREA<sup>2</sup> shall be within a runway primary surface or runway clear zone</p>	<p><b>APPEARS TO CONFORM.</b> No runway is known to be in the vicinity of the subject property.</p>
<p>4) Prior to the commencement of any change in elevation of the land, no part of a minimum required LOT AREA<sup>2</sup> shall be located more than one foot below the BASE FLOOD ELEVATION (BFE).</p>	<p><b>APPEARS TO CONFORM.</b>                      The Subsidiary Drainage Plat indicates a proposed Base Flood Elevation (BFE) at this location of 677.9 feet above mean sea level that is much lower than previous BFEs at this location. The County's consulting engineer has reviewed the proposed BFE and recommends that the proposed BFE is the <u>best available information</u> at this location.</p> <p>The proposed BFE is mapped on the Subsidiary Drainage Plat using actual ground elevations. Using the proposed BFE, about 18% of Lot 2 is partially below the BFE and is never more than .7 feet below.</p>
<p>5) When a connected public sanitary sewer is not available, the septic suitability of the soils occupied by each proposed LOT must be the most suitable soils on the larger tract from which the SUBDIVISION is proposed.</p>	<p><b>APPEARS TO CONFORM.</b> The soil under proposed Lots 1 and 2 is much more suitable for septic systems than the soil under proposed Outlot 3A which is also in the Special Flood Hazard Area.</p>
<p>6) The amount of farmland with a Land Evaluation score of 85 or greater that is occupied by each LOT must be minimized as much as possible.</p>	<p><b>APPEARS TO CONFORM.</b> Lots 1 and 2 and most of Lot 3 appear to be Best Prime Farmland on average even though the existing property is not. Non-Best Prime Farmland makes up the outlots which are in the Special Flood Hazard Area and not suitable for septic systems.</p>

**Table 2. Preliminary Assessment Of Compliance With Minimum Subdivision Standards<sup>1</sup>**

Standard	Preliminary Assessment
7) A minimum required LOT AREA <sup>2</sup> for any LOT must have positive surface drainage with no significant identifiable area of likely stormwater ponding and provided that any portion of any LOT that is likely to experience ponding of stormwater is noted on the FINAL PLAT.	<b>APPEARS TO CONFORM.</b> The outlots contain the portions of the property that extend into the Saline Branch.
8) Possible driveway locations on each LOT must comply with the Minimum Stopping Sight Distance standards based on lawful speed limits at that location.	<b>APPEARS TO CONFORM.</b> At the west edge of the subject property there is a bend and a dip in CR1650N. When roadside vegetation is tall the visibility of driveways on proposed Lots 1 and 2 may be somewhat reduced but it is difficult to analyze and it is not clear that minimum standards will not be met.  The driveway on Lot 1 may be more visible if it is closer to the west side of the lot rather than next to Lot 2 but there is no proposed requirement for driveway location on Lot 1.
<b>AGRICULTURAL COMPATIBILITY STANDARDS (Section 6.1.5 b.)</b>	
1) Possible driveway locations on each LOT must be limited such that driveway entrances to existing public STREETS are centralized as much as possible consistent with good engineering practice.	<b>LOTS 1 AND 2 DO NOT CONFORM- WAIVER REQUIRED</b> Lot 3 conforms because it is very wide and already has an existing driveway.  Lots 1 and 2 do not conform. The visibility of the Lot 1 driveway to traffic will be enhanced if it is closer to the west side of the lot rather than next to Lot 2 but there is no proposed requirement for driveway location on Lot 1.  A letter of support for this waiver has been received from the Urbana Township Highway Commissioner. See attached.
2) The location of a SUBDIVISION on the larger tract from which the SUBDIVISION is proposed must maximize the separation of the proposed SUBDIVISION from: i. adjacent farmland that is under different OWNERSHIP at the time of SUBDIVISION; and ii. adjacent public parks, natural areas, or nature preserves	<b>APPEARS TO CONFORM.</b>
3) The SUBDIVISION LOT arrangement must minimize the perimeter of the SUBDIVISION that borders adjacent agriculture and must be located next to adjacent residential LOTS whenever possible.	<b>APPEARS TO CONFORM.</b> The existing property does not border any farmland and is bordered by other residential lots on the west.

**Table 2. Preliminary Assessment Of Compliance With Minimum Subdivision Standards<sup>1</sup>**

Standard	Preliminary Assessment
Notes 1. A waiver is required for any Minimum Subdivision Standard to which the proposed Area General Plan and subdivision does not conform.  2. The minimum required lot area is one acre (43,560 square feet).	

As indicated on the Subsidiary Drainage Plat, the proposed BFE results in the following:

1. Lots 1 and 3 are not in the Special Flood Hazard Area and most of these lots are more than 2 feet above the Base Flood Elevation.
2. Part of Lot 2 (about 18%) is in the Special Flood Hazard Area (100-year floodplain) but is less than a foot below the Base Flood Elevation so flooding will be less than a foot deep. The rest of Lot 2 is above the Base Flood Elevation and not in the Special Flood Hazard Area. About 20% of the lot is more than 2 feet above the Base Flood Elevation.

The County's consulting engineer has reviewed the proposed BFE and recommends that the proposed BFE is the best available information at this location (see attached letter).

No Stormwater Drainage Plan is required for the subdivision due to the low development density (impervious area less than 16%).

**Public Improvements**

No public improvements are indicated or required in this subdivision.

**Water Wells and Soil Suitability For Septic Systems**

The subject property does not have access to either a public water supply or a public sanitary sewer system. The existing dwelling on proposed Lot 3 already has a private water well and a working wastewater system.

The County Health Department has approved this subdivision (see attached letter).

**NECESSARY WAIVERS AND REQUIRED FINDINGS**

Article 18 of the Champaign County Subdivision Regulations requires four specific findings for any waiver of the Subdivision Regulations. The Required Findings are generally as follows:

- **Required Finding 1. Does the waiver appear to be detrimental or injurious to the public safety?**
- **Required Finding 2. Are there special circumstances unique to the property that are not generally applicable to other property and will granting the waiver provide any special privilege to the subdivider?**

- **Required Finding 3. Do particular hardships result to the subdivider by carrying out the strict letter of the regulations?**
- **Required Finding 4. Do the special conditions or practical difficulties result from actions of the subdivider?**

#### **Area General Plan Approval And Required Waivers Of Minimum Subdivision Standards**

The Minimum Subdivision Standards were added to the Area General Plan section of the *Subdivision Regulations* in Subdivision Case 175-04, Part B, which also added the requirement that any subdivision needed Area General Plan approval except for those subdivision pursuant to a Rural Residential Overlay (RRO) map amendment. The subject subdivision is not pursuant to an RRO amendment and so requires Area General Plan approval. Only ELUC approves the Area General Plan and Area General Plan approval is required in order for the full Board to consider Final Plat approval.

It does not appear feasible to divide this property into three lots and have all three lots meet the Minimum Subdivision Standards. Area General Plan approval requires the following waivers from the Minimum Subdivision Standards:

1. **Proposed Lot 1 does not meet the requirement of paragraph 6.1.5. a. (1) that no part of a minimum required lot area shall be located on Colo silty clay loam soil (3107A).**  
On this property Colo silty clay loam (renamed to Sawmill silty clay loam, map unit 3107A in the Soil Survey) is the bottomland soil in the Saline Branch Drainage Ditch. Colo silty clay loam soil often floods and is wet and also has the lowest rating for septic tank leach fields of any soil type in Champaign County. Note the following:
  - A. It does not appear possible to divide this property into three lots that each meet this minimum subdivision standard. The purpose of this standard is to prevent lots from being located on soils that are unsuitable for septic systems and that are wet and that also are subject to flooding.
  - B. It is not clear how much of proposed Lot 1 is likely to be on Colo (Sawmill) silty clay loam soil (map unit 3107A) because the Soil Survey is not accurate for small tracts. However, based on the Soil Survey it appears that some small portion of proposed Lot 1 will consist of these problem soils.
  - C. Percolation test data has been submitted for the proposed Lot 1 and the County Health Department has approved the subdivision.
  - D. Ground elevations indicate that the entire area of proposed Lot 1 is above the BFE and is not within the Special Flood Hazard Area.

- E. Allowing a new house to be built at this attractive location may prevent a home from being built at another location that is likely to either be on prime farmland or in an existing wooded area that would need to be cleared.
- F. This waiver is not prohibited by the Subdivision Regulations and could be requested for any subdivision with similar special conditions.
- G. The property is too small to farm economically and has not been farmed for years.
- H. The subdivider has lived on the property for many years.

**2. Proposed Lots 1 and 2 do not meet the requirement of paragraph 6.1.5. b. (1) that requires driveways to be centralized as much as possible consistent with good engineering practice.**

The subdivider prefers not to limit driveway location on lots 1 and 2 because he feels it is unwarranted for the following reasons:

- A. There are a great number of driveways that already exist to the west and these two additional driveways are only a small addition.
- B. There is little farm traffic on this portion of CR1650N.

Also note the following:

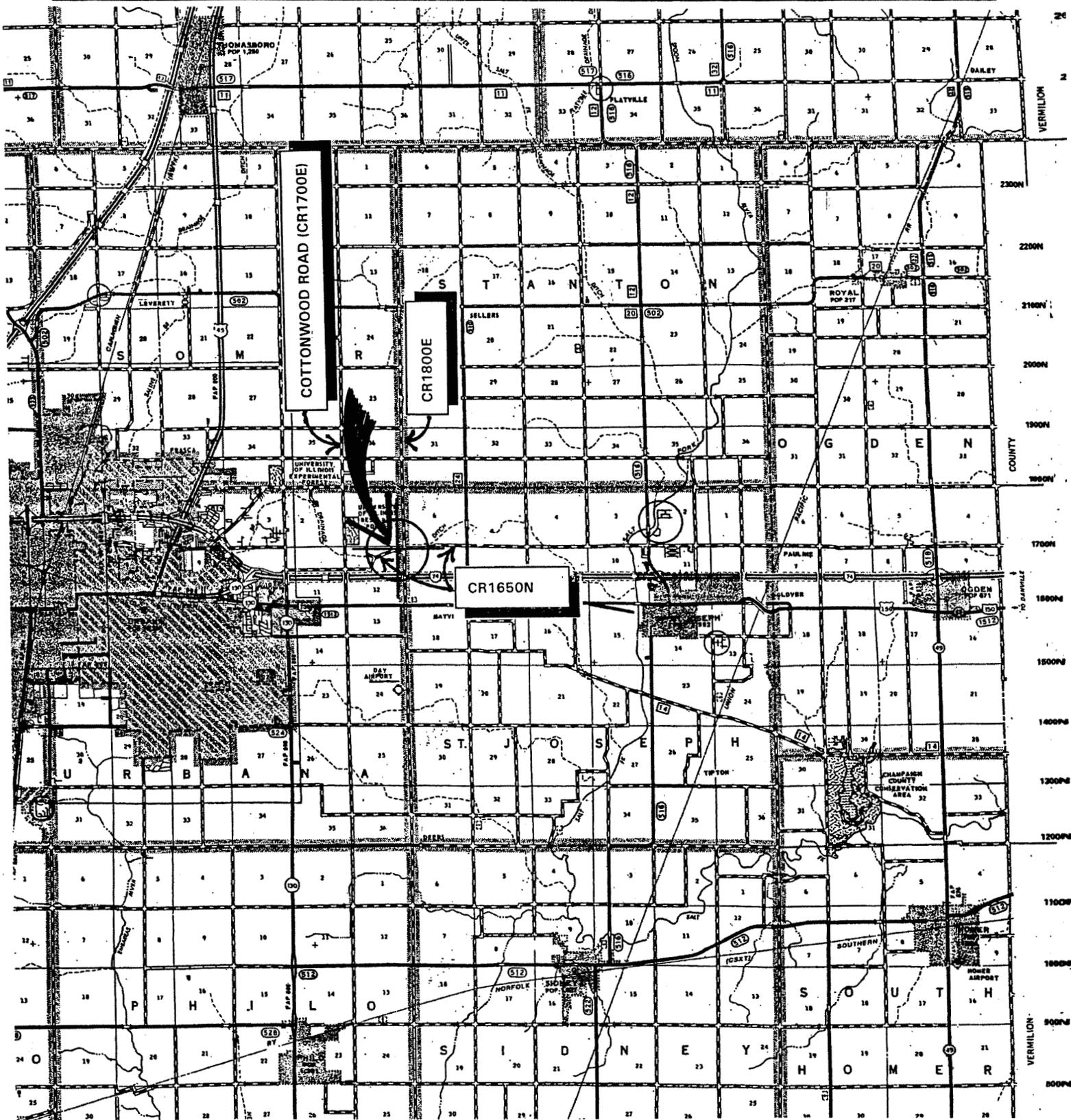
- C. The purpose of this standard is to minimize the number of locations where driveways intersect existing rural roads. Driveways and mail boxes create conflicts with the movement of farm machinery. Minimizing driveway locations by centralizing driveways as much as possible and at the same time ensuring consistency with good engineering practice will minimize those conflicts.
- D. Because of the bend and dip in CR1650N at the west edge of the property the visibility of the Lot 1 driveway to traffic will be enhanced if it is closer to the west side of the lot rather than next to Lot 2. There is no proposed requirement for driveway location on Lot 1.
- E. A letter of support for this waiver has been received from the Urbana Township Highway Commissioner. See attached.
- F. Allowing a new house to be built at this attractive location may prevent a home from being built at another location that is likely to either be on prime farmland or in an existing wooded area that would need to be cleared.
- G. This waiver is not prohibited by the Subdivision Regulations and could be requested for any subdivision with similar special conditions.
- H. The subdivider has lived on the property for many years.

Comprehensive Draft Findings are attached that address both required waivers.

**ATTACHMENTS**

- A** Subdivision Case Maps (Location, Land Use, Zoning)
- B** Subdivider's location map
- C** Subdivider's aerial photograph indicating area of interest
- D** Area General Plan, Preliminary Plat, and Subsidiary Drainage Plat of Pusey First Subdivision received June 3, 2005 (sheets 1 to 3)
- E** Final Plat of Pusey First Subdivision received June 3, 2005 (sheets 1 and 2)
- F** Section 22 Natural Resource Report By The Champaign County Soil and Water Conservation District
- G** Letter from Tom Berns to John Hall dated June 3, 2005
- H** Letter dated May 17, 2005, from James Prather, Urbana Township Highway Commissioner
- I** Letter from Carter Sarver, P.E., to John Hall dated July 14, 2005
- J** Letter dated June 7, 2005, from Sarah Michaels of the Champaign County Health Department
- K** Draft Findings for Waivers of Minimum Subdivision Standards

**ATTACHMENT A. LOCATION MAP**  
*Case 183-05 Pusey First Subdivision*  
 AUGUST 2, 2005



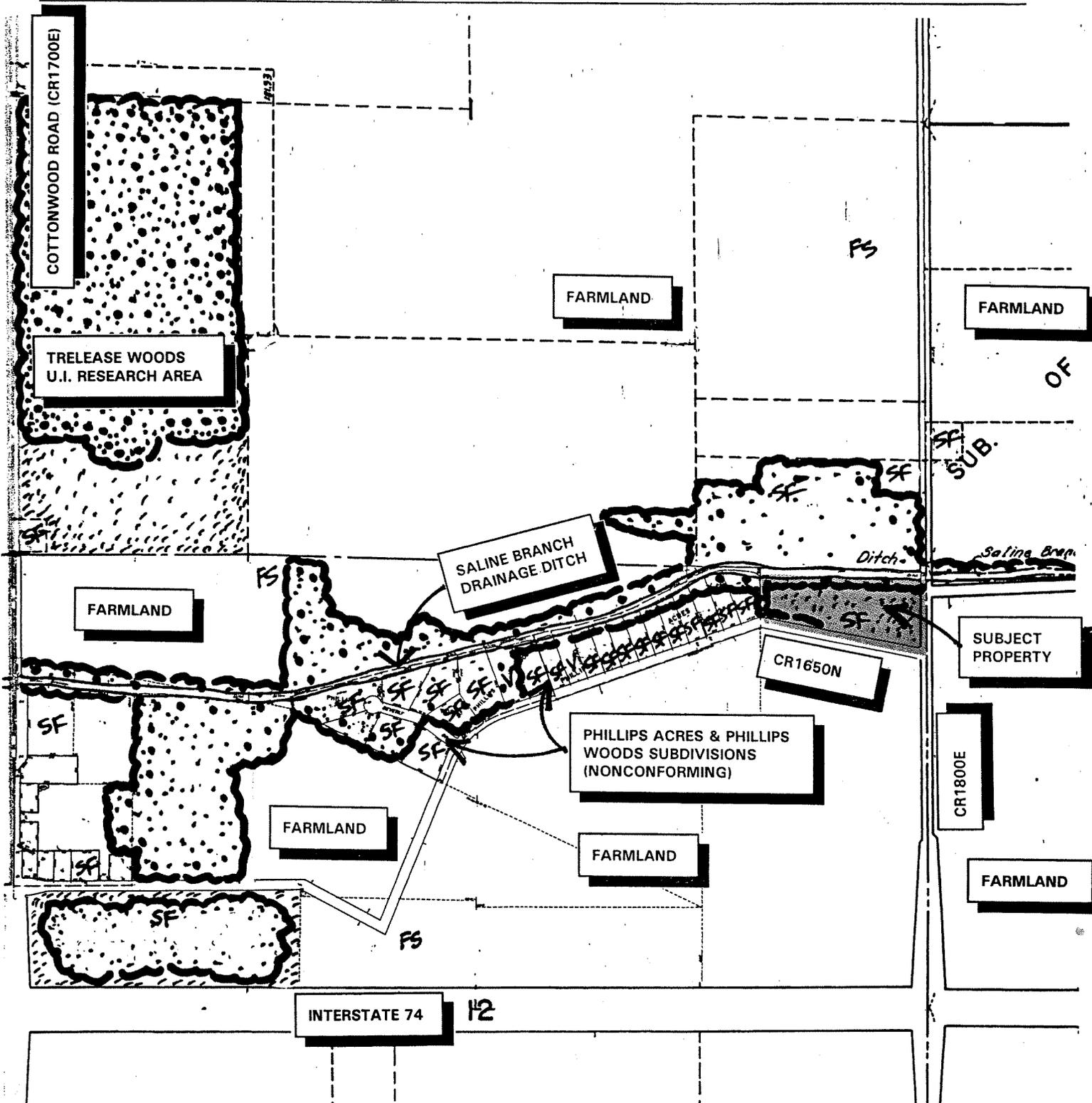
**Area of Concern**

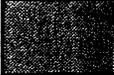
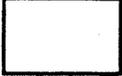


**NORTH**

Champlain  
 County  
 Department of  
**PLANNING &  
 ZONING**

**ATTACHMENT A. LAND USE MAP**  
*Case 183-05 Pusey First Subdivision*  
 AUGUST 2, 2005

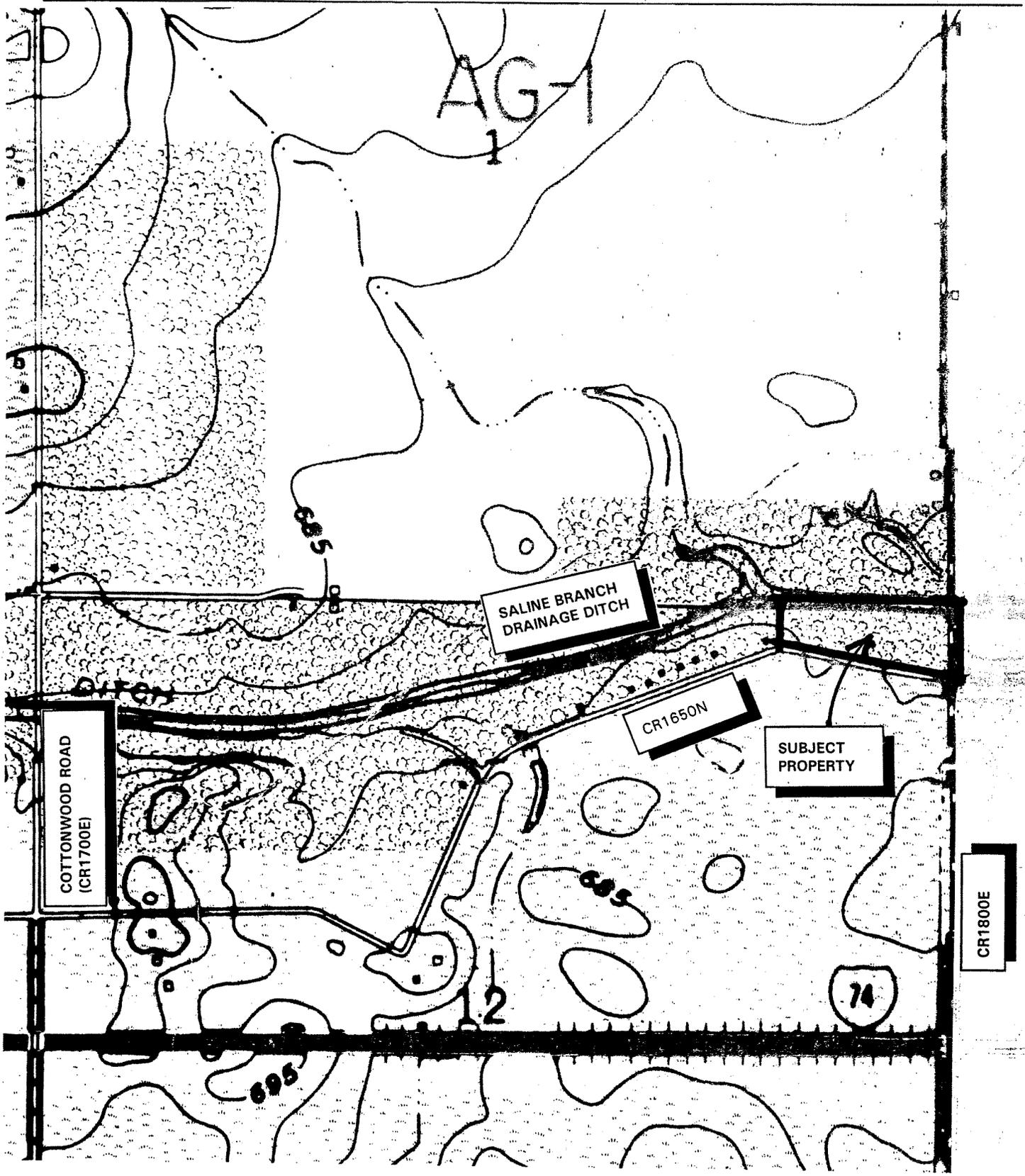


	<b>Area of Concern</b>		<b>Wooded Area</b>
	<b>Single Family</b>		
	<b>Farmstead</b>		

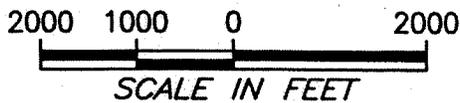
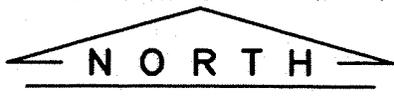
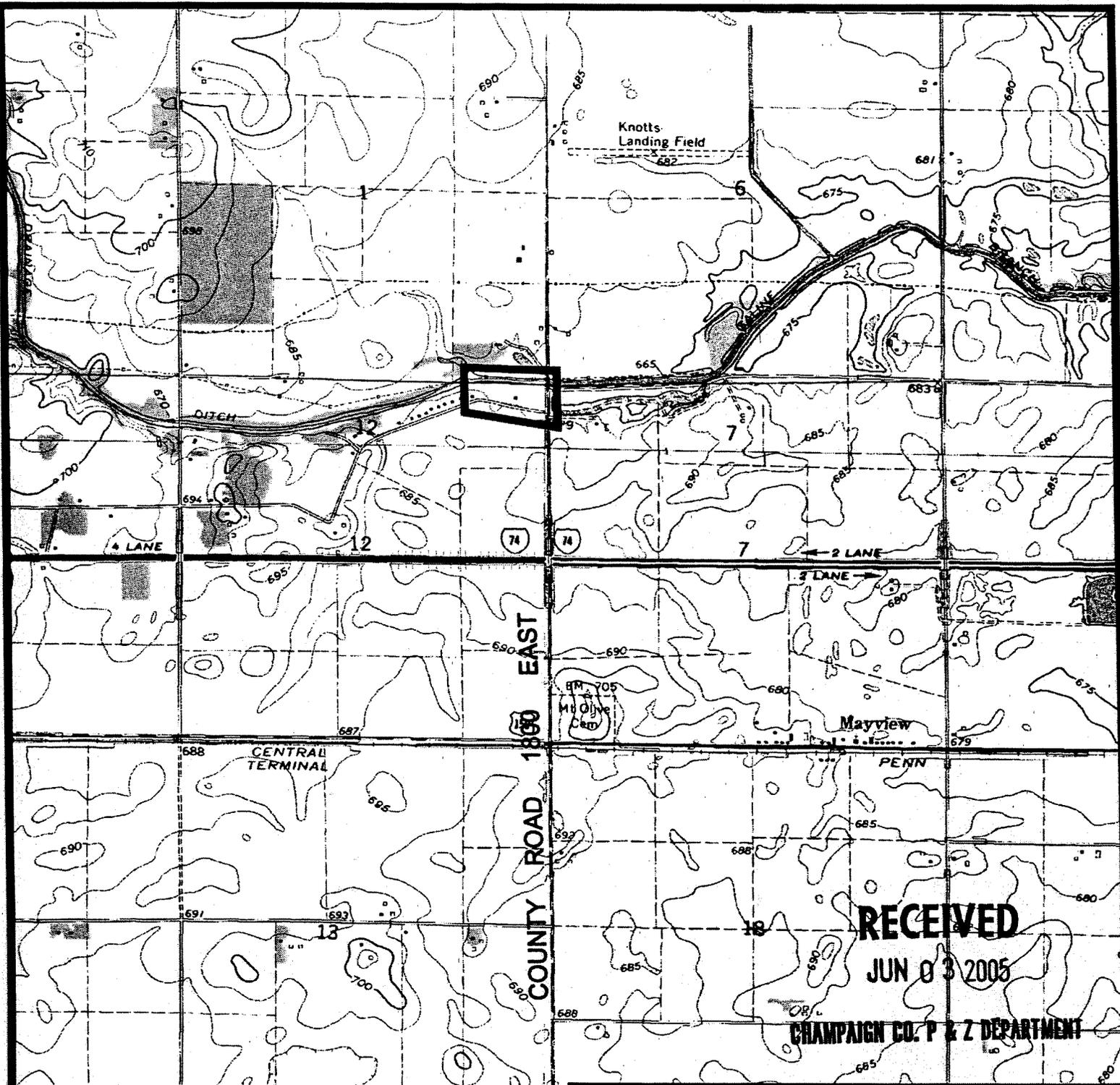
Champaign  
County  
Department of  
**PLANNING &  
ZONING**

  
NORTH

**ATTACHMENT A. ZONING MAP**  
*Case 183-05 Pusey First Subdivision*  
 AUGUST 2, 2005



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	 NORTH Champaign County Department of <b>PLANNING &amp; ZONING</b>
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation-Recreation	R-3 Two-family Residence	B-1 Rural 1 Center	B-4 General Business	I-2 Heavy Industry	



**AREA OF INTEREST**

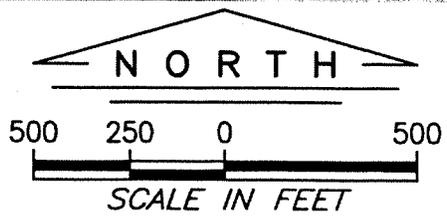
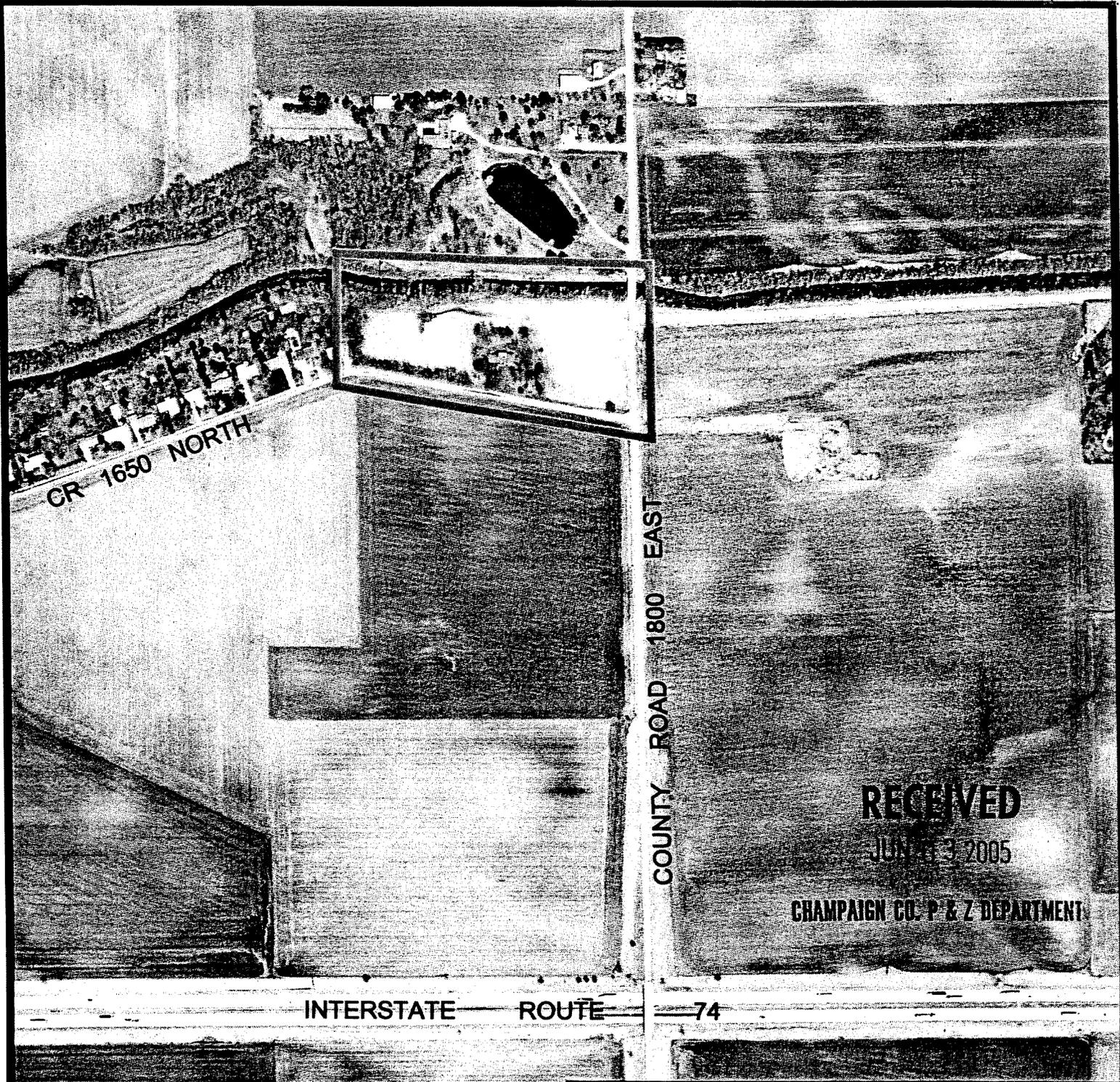
BASE DATA TAKEN FROM UNITED STATES GEOLOGICAL SURVEY 7.5 MINUTE QUADRANGLE MAPS "URBANA" AND "THOMASBORO" BOTH DATED 1970, PHOTOREVISED 1975; "ST. JOSEPH" DATED 1968; AND "FLATVILLE" DATED 1968, PHOTOINSPECTED 1971. ALL WITH A CONTOUR INTERVAL OF 5 FEET.

**PUSEY FIRST SUBDIVISION  
 NORTHEAST 1/4 OF SECTION 12,  
 TOWNSHIP 19 NORTH, RANGE 9 EAST  
 OF THE THIRD PRINCIPAL MERIDIAN  
 URBANA TOWNSHIP,  
 CHAMPAIGN COUNTY, ILLINOIS**



**BERNS, CLANCY AND ASSOCIATES**  
 ENGINEERS • SURVEYORS • PLANNERS  
 405 EAST MAIN STREET - POST OFFICE BOX 755  
 URBANA, ILLINOIS 61803-0755  
 PHONE: (217) 384-1144 - FAX: (217) 384-3355

**HEET 1 OF 3      DATE: 060205      JOB: 5367**



— AREA OF INTEREST

CHAMPAIGN COUNTY BLACK AND WHITE  
DIGITAL ORTHOPHOTOGRAPHY  
WEDNESDAY, APRIL 10, 2002

**PUSEY FIRST SUBDIVISION**  
NORTHEAST 1/4 OF SECTION 12,  
TOWNSHIP 19 NORTH, RANGE 9 EAST  
OF THE THIRD PRINCIPAL MERIDIAN  
URBANA TOWNSHIP,  
CHAMPAIGN COUNTY, ILLINOIS



BERNS, CLANCY AND ASSOCIATES  
ENGINEERS • SURVEYORS • PLANNERS  
405 EAST MAIN STREET - POST OFFICE BOX 755  
URBANA, ILLINOIS 61803-0755  
PHONE: (217) 384-1144 - FAX: (217) 384-3355

HEET 2 OF 3    DATE: 060205    JOB: 5367

BERNS, CLANCY AND ASSOCIATES  
 ENGINEERS • SURVEYORS • PLANNERS  
 408 EAST MAIN STREET - POST OFFICE BOX 788  
 URBANA, ILLINOIS 62501  
 PHONE: (217) 244-1111 FAX: (217) 244-3388  
 DATE: 06/03/05 SHEET 1 OF 3



AREA GENERAL PLAN,  
 PRELIMINARY PLAT AND  
 SUBSIDIARY DRAINAGE PLAT  
 PUSEY FIRST SUBDIVISION  
 URBANA TOWNSHIP,  
 CHAMPAIGN COUNTY, ILLINOIS



THOMAS B. BERNS, P.E., PRESIDENT  
 BERNS, CLANCY AND ASSOCIATES, P.C.  
 ILLINOIS PROFESSIONAL LAND SURVEYOR 2008  
 URBANA, CHAMPAIGN COUNTY, ILLINOIS  
 DIVE OF LICENSE EXPIRES: NOVEMBER 30, 2005

THOMAS B. BERNS, P.E., PRESIDENT  
 BERNS, CLANCY AND ASSOCIATES, P.C.  
 ILLINOIS PROFESSIONAL ENGINEER 20088  
 URBANA, CHAMPAIGN COUNTY, ILLINOIS  
 DIVE OF LICENSE EXPIRES: NOVEMBER 30, 2005

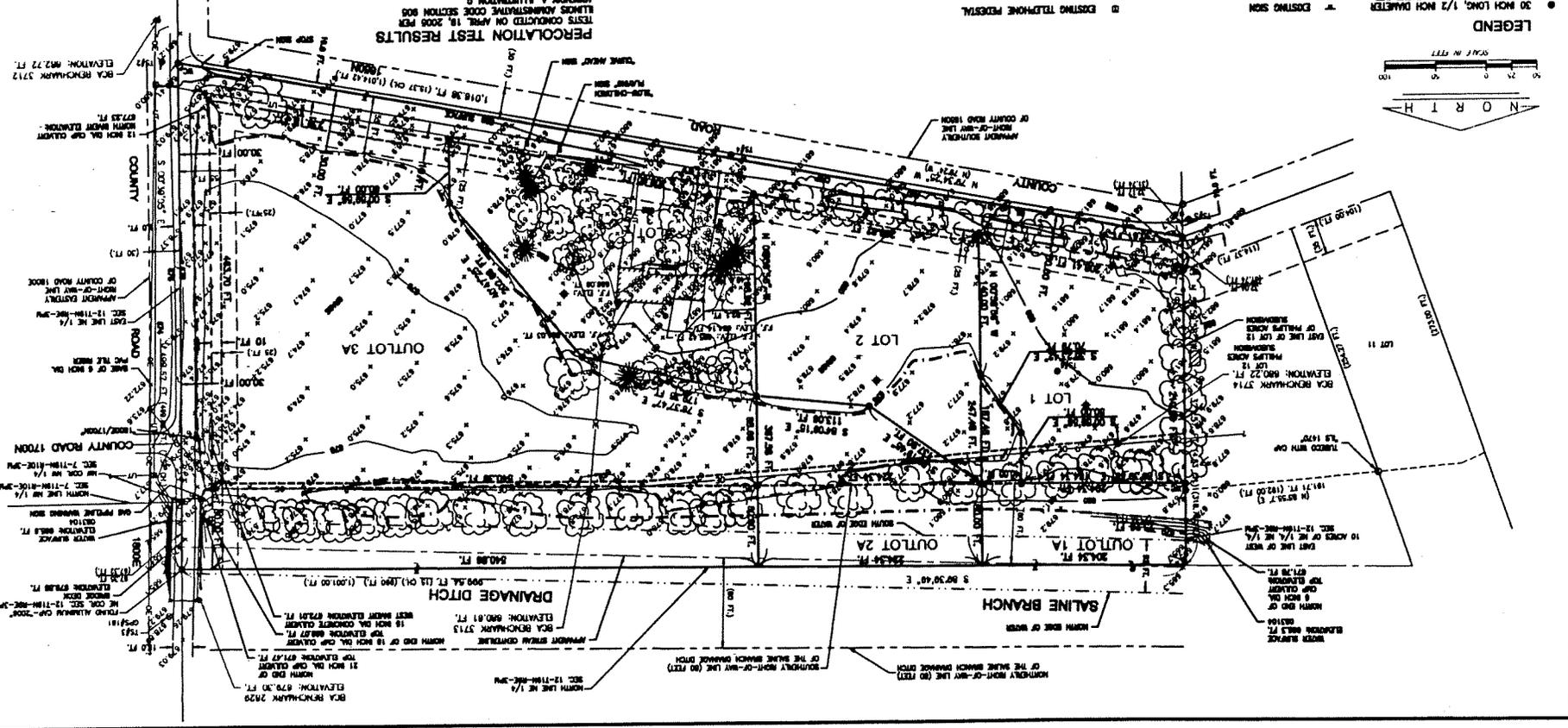


THE PROPOSED LAND USE, LOTS, AND DRAINAGE  
 CHARACTERISTICS ARE ADEQUATE FOR PRIVATE SEWER  
 DISPOSAL SYSTEMS.

THOMAS B. BERNS, P.E., PRESIDENT  
 BERNS, CLANCY AND ASSOCIATES, P.C.  
 ILLINOIS PROFESSIONAL ENGINEER 20088  
 URBANA, CHAMPAIGN COUNTY, ILLINOIS  
 DIVE OF LICENSE EXPIRES: NOVEMBER 30, 2005

PERCOLATION TEST RESULTS  
 ILLINOIS ADMINISTRATIVE CODE SECTION 805  
 APPENDIX A, ILLUSTRATION 8

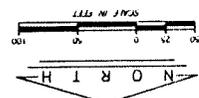
LOT 1 36 MINUTES  
 LOT 2 44 MINUTES  
 LOT 3 45 MINUTES



CHAMPAIGN CO. P & Z DEPARTMENT

JUN 03 2005

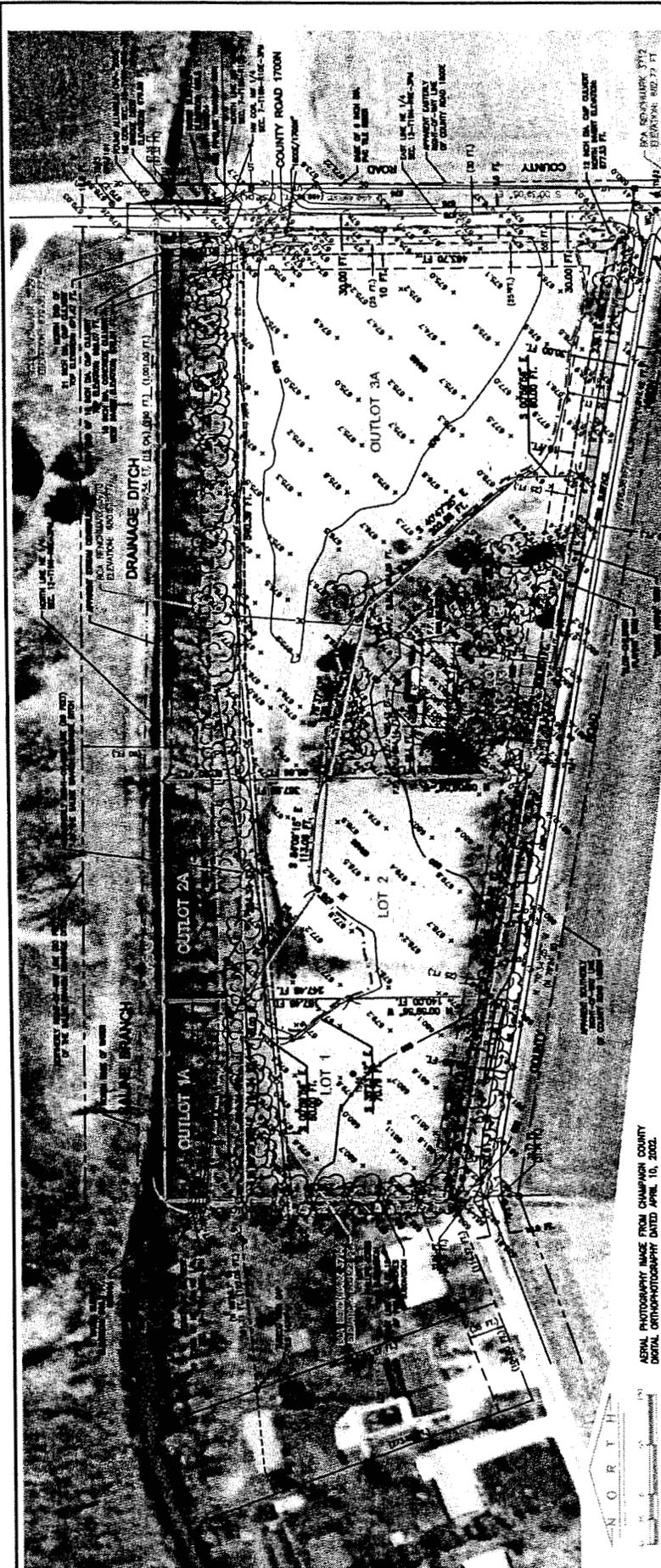
RECEIVED



LEGEND

- 30 INCH LONG, 1/2 INCH DIAMETER IRON PIPE SURVEY MONUMENT SET WITH ALUMINUM CAP STAMPED JULY 2008 2207
- EXISTING IRON PIPE/PIN SURVEY MONUMENT FOUND
- "MAY" NAIL SURVEY MONUMENT SET
- EXISTING RIGHT-OF-WAY LINE
- EXISTING UTILITY EASEMENT LINE
- - - - - TITLE LINE
- ( ) RECORD MEASUREMENT AND/OR DATA
- WC WITNESS CORNER
- EXISTING CENTRALLINE
- - - - - EXISTING INDEX CONTOUR LINE
- - - - - EXISTING INTERMEDIATE CONTOUR LINE
- 1512 TIMEWISE STATION/DESIGNATION
- EXISTING TELEPHONE FEEDER
- EXISTING TELEPHONE POLE/POST
- EXISTING TELEPHONE FEEDER (APPROXIMATE LOCATION)
- EXISTING OVERHEAD FEEDING LINE
- △ EXISTING ELECTRIC METER
- EXISTING UTILITY EASEMENT LINE
- EXISTING "MAY" SPOT ELEVATION
- ◆ PERCOLATION TEST HOLE (TESTS CONDUCTED ON APRIL 19, 2005)
- EXISTING WATER WELL

JULIE  
 MORE THE EXACT LOCATION OF ALL UTILITIES  
 CONTAINED HEREIN FROM UTILITY LOCATIONS  
 SHALL BE OBTAINED BY THE CONTRACTOR PRIOR TO  
 CONSTRUCTION.



CHAMPAIGN COUNTY, ILLINOIS

**AREA GENERAL PLAN,  
PRELIMINARY PLAT AND  
SUBSIDIARY DRAINAGE PLAT  
PUSEY FIRST SUBDIVISION  
URBANA TOWNSHIP,  
CHAMPAIGN COUNTY, ILLINOIS**

BERNS, CLANCY AND ASSOCIATES  
ENGINEERS • SURVEYORS • PLANNERS  
408 EAST MAIN STREET • POST OFFICE BOX 786  
URBANA, ILLINOIS 61802-0786  
PHONE (317) 344-1144 • FAX (317) 344-3386

DATE: 5/3/07 FILE: 5307922.DWG 08/07/06 SHEET 2 OF 3

PERCOLATION TEST RESULTS  
TESTS CONDUCTED ON APRIL 19, 2005 PER  
ILLINOIS ADMINISTRATIVE CODE SECTION 605  
APPENDIX A, ILLUSTRATION 6

LOT	PERCOLATION TEST RESULTS
LOT 1	39 MINUTES
LOT 2	44 MINUTES
LOT 3	45 MINUTES

THE PROPOSED LAND USE, LOTS, AND KNOWN SOIL CHARACTERISTICS ARE ADEQUATE FOR PRIVATE SEPTIC DISPOSAL SYSTEMS.

THOMAS B. BERNS, P.E., L.S., PRESIDENT  
BERNS, CLANCY AND ASSOCIATES, P.C.  
ILLINOIS PROFESSIONAL LAND SURVEYOR 2006  
URBANA, ILLINOIS 61802-0786  
DATE OF LICENSE EXPIRES: NOVEMBER 30, 2005

SIGNED AND SEALED JUNE 2, 2005

THOMAS B. BERNS, P.E., L.S., PRESIDENT  
BERNS, CLANCY AND ASSOCIATES, P.C.  
ILLINOIS PROFESSIONAL LAND SURVEYOR 2006  
URBANA, ILLINOIS 61802-0786  
DATE OF LICENSE EXPIRES: NOVEMBER 30, 2005

ASTRAL PHOTOGRAPHY MADE FROM CHAMPAIGN COUNTY  
DIGITAL AERIAL PHOTOGRAPHY DATED APRIL 10, 2002.

**LEGEND**

- 3/4 INCH LONG, 1/2 INCH DIAMETER IRON PIPE SURVEY MONUMENT SET WITH ALUMINUM CAP STAMPED "JLS 2006 2307"
- EXISTING IRON PIPE/PIPE SURVEY MONUMENT FOUND
- "JAC" NAIL SURVEY MONUMENT SET
- EXISTING RIGHT-OF-WAY LINE
- EXISTING UTILITY EASEMENT LINE
- EXISTING UTILITY SETBACK LINE
- ( ) RECORD MEASUREMENT AND/OR DATA
- WC WITNESS CORNER
- EXISTING CENTERLINE
- EXISTING BUILDING SETBACK LINE
- EXISTING BUILDING LINE
- EXISTING SIGN
- ✦ EXISTING STREET SIGN
- ✦ EXISTING POLE/POST
- 9 BENCHMARK/RESURVEYMENT
- ⊗ EXISTING DEODOROUS TREE/SIZE
- ⊙ EXISTING EVERGREEN TREE/SIZE
- ⊙ EXISTING PRIVATE WALDOX
- ⊙ EXISTING "SOFT" SPOT ELEVATION
- ⊙ EXISTING "HARD" SPOT ELEVATION
- ⊙ EXISTING "HARD" SPOT ELEVATION AT BUILDING FIRST FLOOR
- EXISTING INDEX CONTOUR LINE
- EXISTING INTERMEDIATE CONTOUR LINE
- 1542 TRAVELER STATION/RESURVEYMENT
- EXISTING TELEPHONE PEDESTAL
- ✦ EXISTING UTILITY POLE/GET TRIP/TRANSFORMER
- EXISTING CHLVERT
- EXISTING UNDERGROUND TELEPHONE LINE (APPROXIMATE LOCATION)
- EXISTING OVERHEAD ELECTRIC LINE
- △ EXISTING ELECTRIC METER
- PROPOSED UTILITY EASEMENT LINE
- 100-YEAR N.F.A.S. BASE FLOOD ELEVATION: 877.9 FT.
- ◆ PERCOLATION TEST HOLE (TESTS CONDUCTED ON APRIL 19, 2005)
- EXISTING WATER WELL

33

**GENERAL NOTES**

ALL MEASUREMENTS ARE IN FEET AND DECIMAL PARTS THEREOF, UNLESS NOTED OTHERWISE.

SEE CHAMPAIGN COUNTY ORDINANCES AND REGULATIONS FOR ZONING, SETBACK AND BUILDING STANDARD REQUIREMENTS.

ALL SURFACE, SUBSURFACE, BUILDING IMPROVEMENTS AND UTILITY SERVICE LINES ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN.

ALL ELEVATIONS SHOWN ARE BASED UPON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (MEAN SEA LEVEL DATUM) AS ESTABLISHED AND PUBLISHED BY THE UNITED STATES NATIONAL GEODETIC SURVEY.

NO INVESTIGATION CONCERNING ENVIRONMENTAL AND SUBSURFACE CONDITIONS, OR TO DETERMINE THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.

PER THE CHAMPAIGN COUNTY DEPARTMENT OF PLANNING AND ZONING, SUBJECT SITE IS APPARENTLY ZONED "CR" (CONSERVATION RECREATION ZONING DISTRICT) BY CHAMPAIGN COUNTY.

SETBACKS: FRONT YARD FROM STREET CENTERLINE, 55 FEET;  
FRONT YARD FROM FRONT LOT LINE, 25 FEET;  
SIDE YARD, 15 FEET;  
REAR YARD, 25 FEET.

MAXIMUM BUILDING HEIGHT: 35 FEET

100-YEAR BASE FLOOD ELEVATION WAS PROVIDED BY NATURAL RESOURCES CONSERVATION SERVICE PER "SALT FORK OF THE VERMILION RIVER HYDRAULIC MODEL" FOR CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT AND SALT FORK WATERSHED PLANNING COMMITTEE DATED OCTOBER 3, 2002.

**BENCHMARKS (N.A.V.D. 1988)**

BCA BENCHMARK 2629  
ELEVATION: 679.30 FT.

BCA BENCHMARK 3712  
ELEVATION: 662.72 FT.

BCA BENCHMARK 3713  
ELEVATION: 660.81 FT.

BCA BENCHMARK 3714  
ELEVATION: 660.22 FT.

CHISELED SQUARE FOUND ON TOP OF THE SOUTHWESTERN CORNER OF THE NORTHWESTERN CONCRETE BRIDGE ABUTMENT OF COUNTY ROAD 1800E BRIDGE OVER THE SALINE BRANCH DRAINAGE DITCH, 16 FEET WEST OF THE CENTERLINE OF COUNTY ROAD 1800E AND 156 FEET NORTH OF THE CENTERLINE OF COUNTY ROAD 1700N, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS.

P.X. NAIL SET 1 FOOT ABOVE GROUND IN THE WESTERN FACE OF A UTILITY POLE, 43 FEET SOUTH OF THE CENTERLINE OF COUNTY ROAD 1800E AND 21 FEET EAST OF THE CENTERLINE OF COUNTY ROAD 1800E, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS.

P.X. NAIL SET 1 FOOT ABOVE GROUND IN THE SOUTHERN FACE OF A UTILITY POLE, 340 FEET NORTH OF THE CENTERLINE OF COUNTY ROAD 1800E AND 400 FEET WEST OF THE CENTERLINE OF COUNTY ROAD 1800E, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS.

P.X. NAIL SET 1 FOOT ABOVE GROUND IN THE SOUTHERN FACE OF A UTILITY POLE, 200 FEET NORTH OF THE CENTERLINE OF COUNTY ROAD 1800E AND 830 FEET WEST OF THE CENTERLINE OF COUNTY ROAD 1800E, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS.

**LEGAL DESCRIPTION**

THAT PART OF SECTION 12 IN TOWNSHIP 18 NORTH RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN CHAMPAIGN COUNTY, ILLINOIS DESCRIBED AS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 12, THENCE WEST 15 CHAINS, THENCE SOUTH 4.83 CHAINS, THENCE SOUTH 79' 34" EAST 15.37 CHAINS MORE OR LESS TO A POINT ON THE EAST LINE OF SAID SECTION 12, THENCE NORTH 7.57 CHAINS TO THE PLACE OF BEGINNING, SAID TRACT LYING SOUTH OF THE CENTER OF SALINE BRANCH DRAINAGE DITCH AS NOW LOCATED AND SUBJECT TO RIGHT OF WAY FOR HIGHWAY PURPOSES.

**OWNER'S AND ENGINEER'S STATEMENT**

TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE DEVELOPMENT OF "PUSEY FIRST SUBDIVISION, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS" OR ANY PART THEREOF, OR IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED THAT REASONABLE PROVISION HAS BEEN MADE FOR THE COLLECTION AND DIVERSION OF SURFACE WATERS INTO PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS THE RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF CONSTRUCTION OF "PUSEY FIRST SUBDIVISION, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS"

*Thomas B. Berns*

THOMAS B. BERNS, P.E., S., PRESIDENT  
BERNS, CLANCY AND ASSOCIATES, P.C.  
ILLINOIS PROFESSIONAL ENGINEER 30889  
URBANA, CHAMPAIGN COUNTY, ILLINOIS  
DATE OF LICENSE EXPIRES: NOVEMBER 30, 2005

WILLIAM S. PUSEY



**PRELIMINARY PLAT CERTIFICATE**

THE PRELIMINARY PLAT OF SUBDIVISION AS SHOWN HEREIN IS APPROVED AND THE COUNTY ENVIRONMENT AND LAND USE COMMITTEE NOW IS READY TO RECEIVE THE FINAL PLAT OF SAID SUBDIVISION FOR CONSIDERATION. THIS IS NOT AN APPROVAL OF THE FINAL PLAT. FINAL ACCEPTANCE OF THE STREETS AND OTHER PUBLIC WAYS FOR DEDICATION IS NOT GUARANTEED BY THIS APPROVAL. THIS APPROVAL SHALL EXPIRE WITHIN 12 MONTHS OF THE DATE BELOW.

DATE: \_\_\_\_\_ 20\_\_

CHAMPAIGN COUNTY ENVIRONMENT AND LAND USE COMMITTEE

BY: \_\_\_\_\_ CHAIRMAN

\_\_\_\_\_ SECRETARY

AREA GENERAL PLAN,  
PRELIMINARY PLAT AND  
SUBSIDIARY DRAINAGE PLAT  
  
PUSEY FIRST SUBDIVISION  
URBANA TOWNSHIP,  
CHAMPAIGN COUNTY, ILLINOIS



BERNS, CLANCY AND ASSOCIATES  
ENGINEERS • SURVEYORS • PLANNERS  
408 EAST MAIN STREET - POST OFFICE BOX 796  
URBANA, ILLINOIS 61802-0796  
PHONE: (217) 284-1144 - FAX: (217) 284-2366

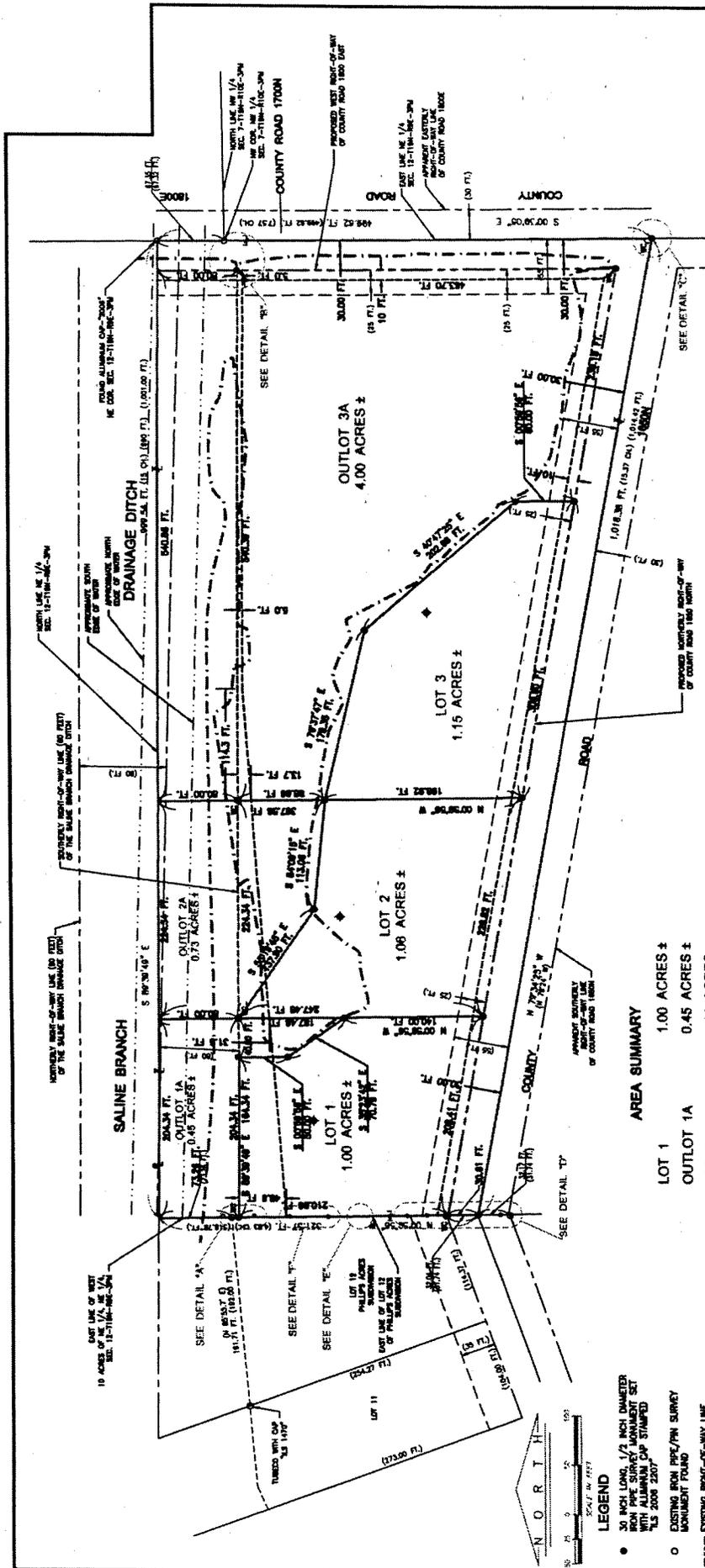
JOB: 5367      DATE: 08/20/05  
FILE: 5367PP3.DWG      SHEET 3 OF 3

**J.U.L.I.E.**  
NOTE: THE EXACT LOCATION OF ALL UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION ACTIVITIES. FOR UTILITY LOCATIONS CALL J.U.L.I.E. 1 (800) 588-6189

RECEIVED

JUN 03 2005

CHAMPAIGN CO. P & Z DEPARTMENT



FINAL PLAT

PUSEY FIRST SUBDIVISION  
URBANA TOWNSHIP,  
CHAMPAIGN COUNTY, ILLINOIS

BERNS, CLANCY AND ASSOCIATES  
ENGINEERS • SURVEYORS • PLANNERS  
405 EAST MAIN STREET • POST OFFICE BOX 78  
URBANA, ILLINOIS 61801  
PHONE: (317) 38-1114 • FAX: (317) 38-2885



SIGNED AND SEALED JUNE 2, 2005  
*Thomas B. Berns*  
THOMAS B. BERNS, P.E., P.L.S., PRESIDENT  
BERNS, CLANCY AND ASSOCIATES, P.C.  
ILLINOIS PROFESSIONAL LAND SURVEYOR 2008  
URBANA, CHAMPAIGN COUNTY, ILLINOIS  
DATE OF ISSUE: DRAWING NUMBER 03, 2005

PERCOLATION TEST RESULTS  
TESTS CONDUCTED ON APRIL 19, 2005 FOR  
LANDS ADMINISTRATION, CODE SECTION 05  
APPENDIX A, ILLUSTRATION 6

LOT 1	39 MINUTES
LOT 2	44 MINUTES
LOT 3	45 MINUTES

AREA SUMMARY

LOT 1	1.00 ACRES ±
OUTLOT 1A	0.46 ACRES ±
LOT 2	1.06 ACRES ±
OUTLOT 2A	0.73 ACRES ±
LOT 3	1.15 ACRES ±
OUTLOT 3A	4.00 ACRES ±
RIGHTS-OF-WAY	1.02 ACRES ±
TOTAL AREA:	9.41 ACRES ±

I, THOMAS B. BERNS, ILLINOIS PROFESSIONAL LAND SURVEYOR 2008, IN ACCORDANCE WITH PAR. 7-7005 (THE PLAT ACT) DO HEREBY CERTIFY THAT JOHN HALL OF THE CHAMPAIGN COUNTY PLANNING AND ZONING DEPARTMENT HAS REVIEWED THIS PLAT AND FINDS THAT THE PLAT IS IN ACCORDANCE WITH THE CHAMPAIGN COUNTY PLANNING AND ZONING DEPARTMENT'S ORDINANCES. A TRUE COPY OF WHICH HAS BEEN RETURNED BY ME TO ASSURE NO CHANGES HAVE BEEN MADE TO THIS PLAT.

RETURN TO: BERNS, CLANCY AND ASSOCIATES, P.C.  
405 EAST MAIN STREET  
URBANA, ILLINOIS 61802

- LEGEND
- 30 INCH DIAMETER 1/2 INCH SPACING WITH ALUMINUM CAP STAMPED "S 2008 2207"
  - EXISTING IRON PIPE/PIPE SURVEY BENCHMARK FOUND
  - EXISTING RIGHT-OF-WAY LINE
  - - - EXISTING CENTERLINE
  - - - EXISTING UTILITY EASEMENT LINE
  - - - EXISTING BUILDING SETBACK LINE
  - - - TITLE LINE
  - ( ) RECORD MEASUREMENT AND/OR DATA
  - CH CHAIN MEASUREMENT
  - WC WIRELESS CORNER
  - EXISTING POLE/POST
  - - - PROPOSED UTILITY EASEMENT LINE
  - - - 100-YEAR M.E.L.C.S. BANK FLOOD ELEVATION: 877.9 FT.
  - ◆ PERCOLATION TEST HOLE (TESTS CONDUCTED ON APRIL 19, 2005)

J.U.L.I.E.  
NOTE: THE EXACT LOCATION OF ALL UTILITIES AND BENCHMARKS SHOWN ON THIS PLAT WAS OBTAINED FROM THE CHAMPAIGN COUNTY PLANNING AND ZONING DEPARTMENT'S RECORDS FOR UTILITY LOCATIONS (URBANA, ILLINOIS 61802)

TOWNSHIP HIGHWAY COMMISSIONER

HIGHWAY COMMISSIONER, OF URBANA TOWNSHIP DO HEREBY CERTIFY THAT THIS PLAN HAS BEEN REVIEWED BY ME AND APPROVED WITH RESPECT TO ROADWAY ACCESS AND OTHER MATTERS UNDER MY JURISDICTION.

DATE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

TOWNSHIP HIGHWAY COMMISSIONER

COUNTY ENVIRONMENT AND LAND USE COMMITTEE

CHAIRMAN

SUBCOMMISSION OFFICER

CHAMPAIGN COUNTY BOARD  
OF  
CHAMPAIGN COUNTY BOARD

A.D. 20\_\_\_\_

CHAIR

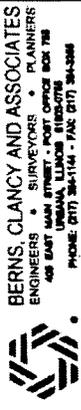
THE PROPOSED LAND USE, LOTS, AND KNOWN SOIL CHARACTERISTICS ARE ADEQUATE FOR PRIVATE SEPTIC DISPOSAL SYSTEMS.



THOMAS B. BERN, P.E., LICENSED PROFESSIONAL ENGINEER, MECHANICAL ENGINEERING, STATE OF ILLINOIS, LICENSE NO. 00889, DATE OF LICENSE EXPIRES: NOVEMBER 30, 2020

FINAL PLAT

PUSEY FIRST SUBDIVISION  
URBANA TOWNSHIP,  
CHAMPAIGN COUNTY, ILLINOIS



BERNS, CLANCY AND ASSOCIATES  
ENGINEERS • SURVEYORS • PLANNERS  
408 EAST MAIN STREET • POST OFFICE BOX 78  
URBANA, ILLINOIS 61801-0078  
PHONE: (317) 341-1144 • FAX: (317) 341-3486

DATE: 08/20/20  
SHEET 2 OF 2

KNOWN PRIOR SURVEYS

- BOUNDARY SURVEY OF PART OF THE SOUTH HALF OF SECTION 8 AND PART OF THE NORTH HALF OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 9 EAST, 10TH MERIDIAN, ILLINOIS PROFESSIONAL LAND SURVEYOR 2267, CHARLES S. DANER, ILLINOIS PROFESSIONAL LAND SURVEYOR 1470.
- BOUNDARY SURVEY OF PART OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 18 NORTH, RANGE 9 EAST, OF THE THIRD PRINCIPAL MERIDIAN BY THOMAS B. BERN, ILLINOIS PROFESSIONAL LAND SURVEYOR 2006.
- PHILIPS WOODS, CHAMPAIGN COUNTY, ILLINOIS BY CHARLES S. DANER, ILLINOIS PROFESSIONAL LAND SURVEYOR 1470.
- SURVEY OF A PART OF THE NORTH HALF OF SECTION 12, TOWNSHIP 18 NORTH, RANGE 9 EAST, OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS BY CHARLES S. DANER, ILLINOIS PROFESSIONAL LAND SURVEYOR 1470.
- PHILIPS ACRES, CHAMPAIGN COUNTY, ILLINOIS BY CHARLES S. DANER, ILLINOIS PROFESSIONAL LAND SURVEYOR 1470.

SURVEYOR'S REPORT

I, THOMAS B. BERN, ILLINOIS PROFESSIONAL LAND SURVEYOR 2006 AND PRESIDENT OF BERNS, CLANCY AND ASSOCIATES, P.C. DO HEREBY STATE THAT AT THE REQUEST OF AND FOR THE EXCLUSIVE BENEFIT OF MR. WILLIAM S. PUSEY I PREPARED A BOUNDARY SURVEY ON THE GROUNDS TO THE NORMAL STANDARD OF CARE OF A PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 18 NORTH, RANGE 9 EAST, OF THE THIRD PRINCIPAL MERIDIAN, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED IN THE DESCRIPTION PROVIDED TO ME AS FOLLOWS:

THAT PART OF SECTION 12 IN TOWNSHIP 18 NORTH RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN CHAMPAIGN COUNTY, ILLINOIS DESCRIBED AS BEING BEGINNING AT THE NORTHEAST CORNER OF SECTION 12, THENCE WEST 18 CHAINS, THENCE SOUTH 79 24' EAST 15.7 CHAINS MORE OR LESS TO A POINT ON THE EAST LINE OF SAID SECTION 12, THENCE SOUTHWEST ALONG SAID EAST LINE OF SAID SECTION 12 TO THE CENTER OF CHAMPS CREEK, THENCE UPSTREAM ALONG SAID CREEK TO THE POINT OF BEGINNING.

I FURTHER STATE THAT BASED UPON MY REVIEW OF THE FEDERAL EROSION CONTROL ACTIVITY FLOOD INSURANCE RATE MAP, PANEL 185 OF 300, COMMUNITY PANEL NUMBER 17084A 01689 WITH AN EFFECTIVE DATE OF MARCH 1, 1981, THAT THE PROPERTY SURVEYED IS REPORTEDLY PARTIALLY LOCATED WITHIN ZONE V (100-YEAR FLOOD) AND PARTIALLY LOCATED WITHIN ZONE X (AREA OF SPECIAL FLOODING).

I FURTHER STATE THAT THE OWNER DESIRES TO FACILITATE THE SALE OF HIS LOTS BY CREATING LOTS OF VARYING SIZES, PARTICULARLY DESCRIBING AND SETTING FORTH THE LOTS INTO WHICH SAID LARGES HAVE BEEN SO PLATTED AND I WARRANTED THE LOTS, WHICH NUMBERS ARE SHOWN IN LARGE SIZE ON SAID PLAN AND HAVE SET FORTH AND THE PRECISE DIMENSIONS OF SAID LOTS.

I FURTHER STATE THAT REFERENCE HAS BEEN MADE UPON SAID PLAN TO KNOWN AND PERMANENT SURVEY MONUMENTS IN EACH LOT CORNER AS SHOWN ON THE ACCOMPANYING PLAT AND THAT ALL OF THE DIMENSIONS ARE SHOWN IN FEET AND HUNDRETHS OF FEET AND THAT THE EMBLEM LOCATIONS AND NOTICES ARE AS INDICATED ON SAID PLAT.

I FURTHER STATE THAT NO INVESTIGATION CONCERNING ENVIRONMENTAL AND SUBSURFACE CONDITIONS OR TO DETERMINE THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.

I FURTHER STATE THAT AS A PART OF THIS BOUNDARY SURVEY, EXCEPT AS MAY BE SPECIFICALLY NOTED ON THIS PLAN, THERE WAS NO SEARCH FOR RECORDS FOR EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, EASEMENTS, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT OWNERSHIP TITLE ENDORSE FOR SUBJECT PROPERTY OR ANY PART THEREOF. I HAVE RELIED UPON THE INSTRUMENTS AND REPRESENTATIONS SUPPLIED BY MR. WILLIAM S. PUSEY.

I FURTHER STATE THAT NO ATTEMPT HAS BEEN MADE AS TO THE PROBABILITY OF SAID SURVEY TO OBTAIN A MARCHER OR PUBLIC SERVICE FACILITY FOR INFORMATION REGARDING THESE UTILITIES. PLEASE CONTACT THE APPROPRIATE AGENCIES.

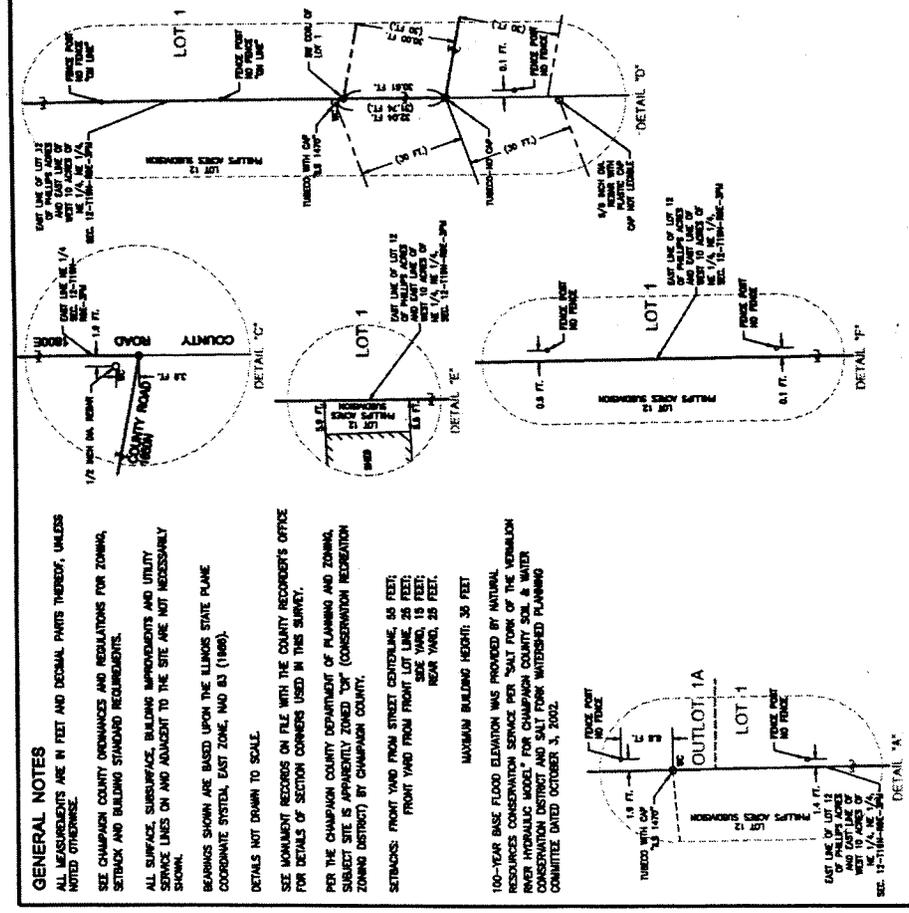
I FURTHER STATE THAT THERE IS NO ADJACENT AREAS BEING ENCUMBRANCES EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT OF SURVEY.

I FURTHER STATE AT THE REQUEST OF THE OWNER, THE SUBDIVISION IS TO BE KNOWN AS "PUSEY FIRST SUBDIVISION, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS".

I FURTHER STATE THAT THE PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MANUAL STANDARDS FOR A BOUNDARY SURVEY.

DRAWN AND SET BY: JUNE 2, 2008

THOMAS B. BERN, P.E., LICENSED PROFESSIONAL ENGINEER, MECHANICAL ENGINEERING, STATE OF ILLINOIS, LICENSE NO. 00889, DATE OF LICENSE EXPIRES: NOVEMBER 30, 2020



OWNERS AND ENGINEER'S STATEMENT

TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE DEVELOPMENT OF HEREBY OR IF SUCH SURFACE WATER CHANGES ARE CAUSED BY THE DEVELOPMENT OF HEREBY, AND THAT THE DEVELOPMENT OF HEREBY WILL NOT BE RESPONSIBLE FOR ANY DAMAGE TO ADJACENT PROPERTIES OR TO THE COLLECTION AND DRAINAGE OF SURFACE WATERS INTO PUBLIC AREAS OR DRAINAGE WHICH THE SUBDIVISION HAS THE RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED PROFESSIONAL PRACTICES TO REDUCE THE POSSIBILITY OF DAMAGE TO ADJACENT PROPERTIES BECAUSE OF CONSTRUCTION OF PUSEY FIRST SUBDIVISION, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS.

WILLIAM S. PUSEY  
THOMAS B. BERN, P.E., LICENSED PROFESSIONAL ENGINEER, MECHANICAL ENGINEERING, STATE OF ILLINOIS, LICENSE NO. 00889, DATE OF LICENSE EXPIRES: NOVEMBER 30, 2020

GENERAL NOTES

- ALL MEASUREMENTS ARE IN FEET AND DECIMAL PARTS THEREOF, UNLESS NOTED OTHERWISE.
- SEE CHAMPAIGN COUNTY ORDINANCES AND REGULATIONS FOR ZONING, SETBACK AND BUILDING STANDARDS REQUIREMENTS.
- ALL SURFACE, SURFACE, BUILDING IMPROVEMENTS AND UTILITY SERVICE LINES ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN.
- BEARINGS SHOWN ARE BASED UPON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1408 83 (1983).
- DETAILS NOT DRAWN TO SCALE.
- SEE MONUMENT RECORDS ON FILE WITH THE COUNTY RECORDER'S OFFICE FOR DETAILS OF SECTION CORNERS USED IN THIS SURVEY.
- PER THE CHAMPAIGN COUNTY DEPARTMENT OF PLANNING AND ZONING, SUBJECT SITE IS APPARENTLY ZONED "C" (CONSERVATION RESTRICTION ZONING DISTRICT) BY CHAMPAIGN COUNTY.
- SETBACKS: FRONT YARD FROM STREET CENTERLINE, 35 FEET;  
FRONT YARD FROM FRONT LOT LINE, 25 FEET;  
SIDE YARD, 15 FEET;  
REAR YARD, 25 FEET.
- MANSION BUILDING HEIGHT: 35 FEET
- 100-YEAR BASE FLOOD ELEVATION WAS PROVIDED BY NATURAL RESOURCES CONSERVATION SERVICE PER "MAY" FORM OF THE VERMILION CONSERVATION DISTRICT AND SALT FORK WATERSHED PLANNING COMMITTEE DATED OCTOBER 3, 2002.

DATE: 08/20/20

THOMAS B. BERN, P.E., LICENSED PROFESSIONAL ENGINEER, MECHANICAL ENGINEERING, STATE OF ILLINOIS, LICENSE NO. 00889, DATE OF LICENSE EXPIRES: NOVEMBER 30, 2020

**Champaign County Soil and Water Conservation District**  
2110 W. Park Court, Suite C  
Champaign, IL. 61821  
(217) 352-3536, Ext. 3

**NATURAL RESOURCE REPORT**

**Development Name: Pusey First Subdivision**

**Date Reviewed: June 1, 2005**

**Requested By: Berns, Clancy and Associates**

**Address:** William Pusey  
1790 CR 1650 North  
Urbana, IL 61802

**Location of Property:** The Northeast quarter of the Northeast Quarter of Section 12, T19N, R9E, Urbana Township, Champaign County, IL. This is on the northwest corner of County Road 1800 East and County Road 1650 North.

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract May 25, 2005.

**SITE SPECIFIC CONCERNS**

1. The area that is to be developed is has 1 soil types that have severe wetness and 2 soil types that have severe ponding characteristics. This will be especially important for the septic systems that are planned.
2. The tracts are adjacent to the 100-year flood plain which may make them subject to flooding in the future. The elevations are only 1-2 ft. above the flood plain.

**SOIL RESOURCE**

**a) Prime Farmland:**

This tract is not considered best prime farmland for Champaign County.

This tract has an L.E. Factor of 82. See the attached worksheet for this calculation. The tract is not farmed now and the area with the highest LE score has trees on it which indicate it has not been in agricultural production for a significant number of years.

**b) Erosion:**

This area will be susceptible to erosion both during and after construction. Any areas left bare for more than 30 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area is covered with grass, trees and an existing home site, that will minimize any erosion until construction begins.

**c) Sedimentation:**

A complete erosion and sedimentation control plan should be developed and implemented on this site prior to and during major construction activity. All sediment-laden runoff should be routed through sediment basins before discharge. No straw bales or silt fences should be used in concentrated flow areas, with drainage areas exceeding 0.5 acres. A perimeter berm could be installed around the entire site to totally control all runoff from the site. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control. The tract has a direct inlet to the Saline Branch, so it will be important to control sedimentation after any soil disturbance takes place to minimize transport to the river.

**d) Soil Characteristics:**

There are three (3) soil types on this site, with Sawmill (3107A) and Flannigan (154A) being predominate. See the attached soil map. The soils present have moderate to severe limitations for development in their natural, unimproved state. The possible limitations include severe ponding and wetness that will adversely affect septic fields on the site.

A development plan will have to take these soil characteristics into consideration; specific problem areas are addressed below.

Map Symbol	Name	Slope	Shallow Excavations	Basements	Roads	Septic Fields
152A	Drummer Silty Clay Loam	0-2%	Severe: ponding	Severe: ponding	Severe: ponding	Severe: ponding
154A	Flannigan Silty Clay Loam	0-2%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness
3107A	Sawmill Silty Clay Loam	0-2%	Severe: ponding	Severe: ponding	Severe: ponding	Severe: flooding

**a) Surface Drainage:**

Most of the water drains off to the east and then north into the Saline Branch. Most of the runoff will flow through grass in the 100-year flood plain area before it enters the river. The roads on the south and east sides minimize any water flow off or on the property.

**b) Subsurface Drainage:**

It is unlikely that the site contains agricultural tile, if any tile found care should be taken to maintain it in working order.

Wetness may be a limitation associated with the soils on this site. Installing a properly designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils.

**c) Water Quality:**

As long as adequate erosion and sedimentation control systems are installed as described above, the quality of water should not be significantly impacted. The property is adjacent to the Saline Branch, which makes it imperative water quality is maintained for any flow exiting the site.

**CULTURAL, PLANT, AND ANIMAL RESOURCE**

**a) Plant:**

For eventual landscaping of the site, the use of native species is recommended whenever possible. Some species include White Oak, Blue Spruce, Norway Spruce, Red Oak, and Red Twig Dogwood.

**b) Cultural:**

The Illinois Historic Preservation Agency may require a Phase 1 Archeological Review to identify any cultural resources that may be on the site.

If you have further questions, please contact the Champaign County Soil and Water Conservation District.

Signed by Steve Stierwalt  
Steve Stierwalt  
Board Chairman

Prepared by Bruce Stickers  
Bruce Stickers  
Resource Conservationist

## LAND EVALUATION WORKSHEET

<u>Soil Type</u>	<u>Ag Group</u>	<u>Relative Value</u>	<u>Acres</u>	<u>L.E.</u>
152A	2	98	0.1	9.80
154A	1	100	3.8	380.00
3107A	6	70	5.5	385.00
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00

Total LE factor= 774.80

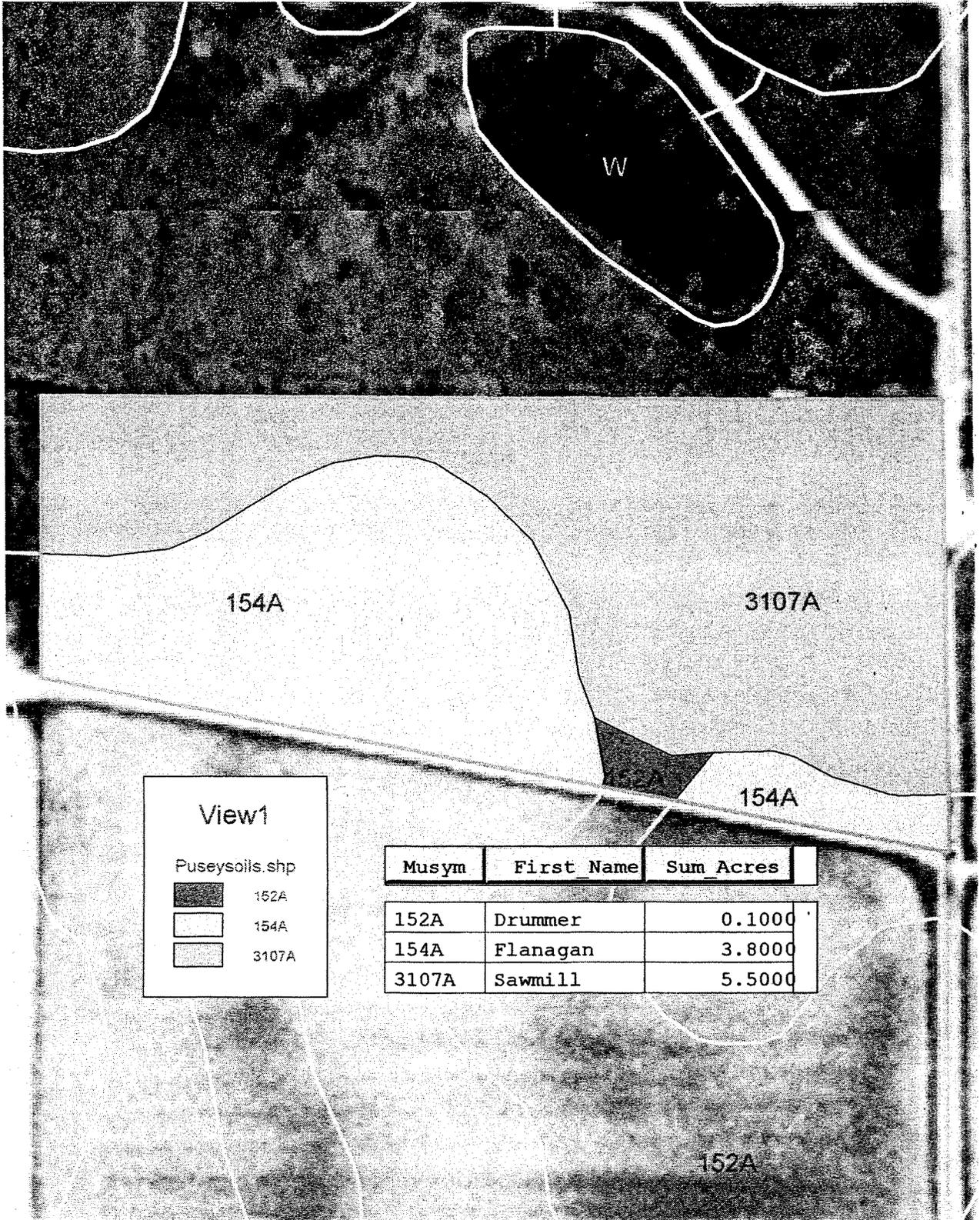
Acreage= 9.4

**Land Evaluation Factor for site = 82**

Note: The maps used for this calculation are not extremely accurate when use on small tracts such as this. A Soil Classifier could be hired for additional accuracy if necessary.

Data Source: Champaign County Digital Soil Survey  
Revised fall 2002

# Pusey Subdivision



## Soils

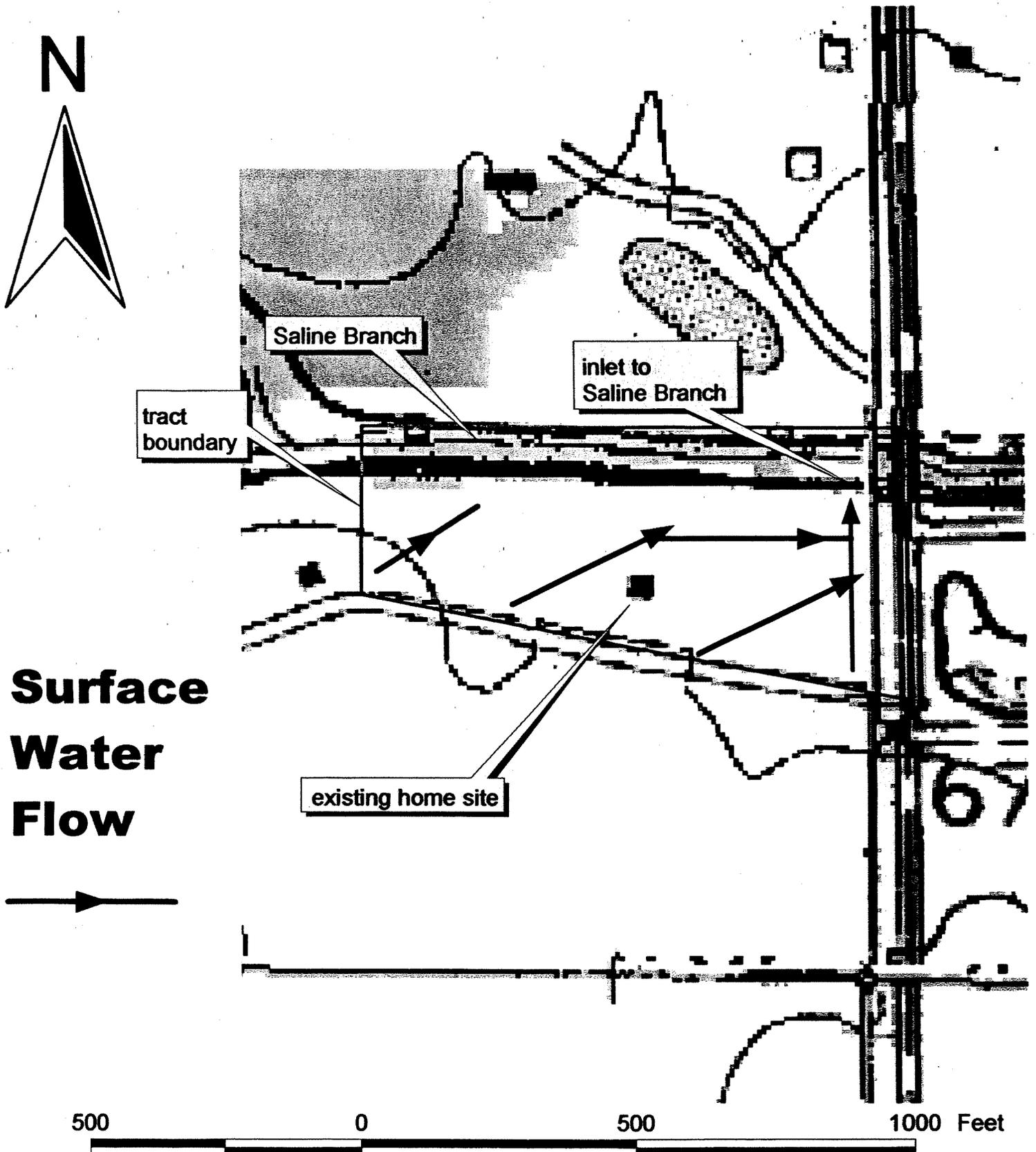
T19N  
R9E  
Sec 12

View1	
Puseysoils.shp	
	152A
	154A
	3107A

Musym	First_Name	Sum_Acres
152A	Drummer	0.1000
154A	Flanagan	3.8000
3107A	Sawmill	5.5000



# Pusey Subdivision





# BERNS, CLANCY AND ASSOCIATES

PROFESSIONAL CORPORATION

ENGINEERS • SURVEYORS • PLANNERS

THOMAS B. BERNs  
EDWARD L. CLANCY  
CHRISTOPHER BILLING

DONALD WAUTHIER

BRIAN CHAILLE  
DENNIS CUMMINS  
JENNIFER SELBY

MICHAEL BERNs  
OF COUNSEL

June 3, 2005

**RECEIVED**

JUN 03 2005

Mr. John Hall  
Associate Planner  
1776 East Washington Street  
Urbana, Illinois 61801

**CHAMPAIGN CO. P & Z DEPARTMENT**

**RE: MINOR PUSEY FIRST SUBDIVISION  
PART OF THE NORTHEAST QUARTER OF SECTION 12  
TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE  
THIRD PRINCIPAL MERIDIAN  
URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS**

Dear Mr. Hall:

Mr. William Pusey, 1790 County Road 1650 North, Urbana, Illinois 61802 proposes to develop a three (3) lot residential subdivision on a 9.41± acre remnant parcel located in Urbana Township, Champaign County, Illinois. This site is currently a single homesite with adjacent undeveloped pasture land. Two (2) new lots are proposed to be created. These proposed two (2) lots will be served by on-site private wells and on-site private sewage disposal systems.

We do not anticipate any public improvements for this development. We also do not anticipate impervious improvements to exceed 16%. Therefore, per County standards, no Stormwater Management Plan will be required.

The areas north and west of this site were previously developed with residences. The areas to the east and south will remain in agricultural use. Please note that this site is not within the 1 ½ mile extra-territorial jurisdictional area for any municipality.

We enclose the following information for your review:

1. Champaign County Minor Subdivision Plat Application and a \$1,100 check for the Minor Subdivision filing fee;
2. One (1) copy of portions of the United States Geological Survey 7.5 Minute Quadrangle Maps: "Urbana and Thomasboro, Illinois" dated 1970, photorevised 1975; "St. Joseph" dated 1968; and "Flatville" dated 1968, photorevised 1975;
3. One (1) photocopy of a portion of the Champaign County black and white digital orthophotography dated April 10, 2002;
4. One (1) photocopy of a portion of the Champaign County Photo Atlas Sheet 21-F with Spring 1988 photography;

5367

5. One (1) copy each of our applications for: the Illinois Historic Preservation Agency; Champaign County Public Health District; Illinois Department of Natural Resources; Urbana Township Road Commissioner; and the Champaign County Soil and Water Conservation District (all dated May 17, 2005);
6. One (1) copy of the Champaign County Soil & Water Conservation District Report dated June 1, 2005;
7. Champaign County Clerk's Certificate dated June 2, 2005;
8. One (1) photocopy of the Illinois Department of Natural Resources (IDNR) report will reportedly be forthcoming;
9. One (1) photocopy of the Illinois Historic Preservation Agency (IHPA) report will reportedly be forthcoming;
10. Five (5) copies each of the Final Plat of **Pusey First Subdivision, Urbana Township, Champaign County, Illinois** and the Area General Plan, Preliminary Plat, and Subsidiary Drainage Plat of **Pusey First Subdivision, Urbana Township, Champaign County, Illinois**. (full-size and reduced-size prints are provided for your use).

Mr. Pusey requests a waiver for Subdivision Standard 6.1.5a.1 which prohibits any minimum required lot area from certain soils including Colo Silty Clay Loam Map Unit Number 402. We note that the Champaign County Soil and Water Conservation District Natural Resource Report provided does not indicate the presence of any Colo Silty Clay Loam Map Unit Number 402. However, we noted similar Sawmill Soil Map Unit 3107A is identified for outlots 1, 2, & 3. See our comments below.

Regarding Lots 1 and 3, no part of Lots 1 and 3 are in the floodplain and the lots meet other area requirements. Colo soil is present where land is frequently flooded year after year for many years. Being entirely above the 100 year base flood elevation, these two (2) lots are not subject to flooding. In addition, the percolation tests for Lot 1 and Lot 3 both tested at under 45 minutes. Therefore, there is a low probability of Colo Soil on Lot 1 and Lot 3.

Regarding Lot 2, no part of Lot 2 is more than 1 foot below the 100-year base flood elevation. Colo soil is present where land is frequently flooded year after year for many years. Being subject to flooding at depths of less than 1 foot, Lot 2 is not subject to frequent flooding, but only occasionally. In addition, the percolation test for Lot 2 was 44 minutes. Therefore, there is a low probability of Colo Soil on Lot 2. Also, this area apparently contains "spoil" from the original dredging of the Saline Branch Drainage Ditch. This "spoil" has probably covered any Colo Soil present.



Mr. John Hall  
**Pusey First Subdivision**  
Urbana Township, Champaign County, Illinois  
June 3, 2005  
Page 3

As designated on the Natural Resource Report, the areas containing Sawmill Soil are in the low lying areas to be in Outlots 1, 2, and 3. Lots 1, 2, and 3 do not contain this soil as they are above the 100-year Base Flood Elevation.

Percolation tests were conducted for each lot. The location of the tests are shown on the Preliminary Plat and Final Plat. The results of the tests show that the soils present on the site percolate adequately. All results for this site showed a 6-inch drop of water between 39 and 45 minutes. The threshold for inadequate soil type for conventional on-site sewage disposal systems is 300 minutes. We will forward a letter from the Champaign County Public Health Department when it is submitted to us.

We understand Lot 1 may not meet a technicality of the lot width requirement as defined by Champaign County Planning and Zoning. Lot 1 is 203 feet wide for most all of its depth. Lot 1 will be legally attached to Outlot 1 to make the two lots essentially one combined lot. The reason for the odd configuration of the lot line between Lot 1 and Outlot 1 is to remove from Lot 1 any land that is below the 100-year Base Flood Elevation.

Mr. Pusey requests a waiver from the requirement for centralized driveways for Lots 1 and 2. He will include a provision in the Subdivision Covenants that the mailboxes for Lots 1 and 2 will be centrally located. 15 lots already exist to the west of subject site with separate driveways. We contacted Mr. Jim Prather, Urbana Township Road District Commissioner, regarding this separate driveway issue. You previously received a letter from Jim Prather stating he has no objection to the grant of this waiver.

Mr. Pusey will submit directly to you the Subdivision Covenants and School District Certificate in the near future. We appreciate your help and cooperation with regard to this matter. We look forward to hearing from you in the near future.

We appreciate your cooperative efforts to assist us in the process of this minor subdivision. We look forward to your Committee meeting scheduled for June 13, 2005.

Sincerely,  
**BERNS, CLANCY AND ASSOCIATES, P.C.**



Thomas B. Berns, P.E., L.S., President

Enclosures  
cc: Bill Pusey  
J:\5367 Pusey\5367 le7.doc



May 17, 2005

Mr. John Hall  
Associate Planner  
Champaign County Planning & Zoning Department  
1776 East Washington Street  
Urbana, Illinois 61801

**RE: PUSEY FIRST SUBDIVISION  
URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS**

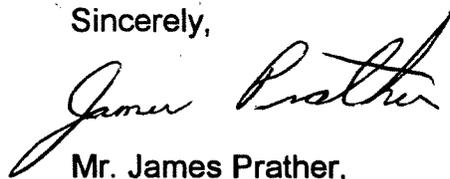
Dear Mr. Hall:

I understand that Mr. William Pusey desires to obtain a waiver for the construction of two (2) new separate driveways as a part of Pusey First Subdivision, Urbana Township, Champaign County, Illinois.

I have reviewed the final plat for subject site. I support the grant of a waiver for the construction of new separate driveways for Lots 1 and 2 of this proposed subdivision.

Should you have any questions or comments, please contact us at any time.

Sincerely,

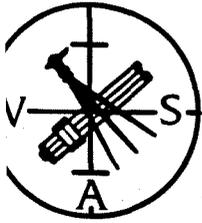


Mr. James Prather,  
Urbana Township Road Commissioner

**RECEIVED**

**MAY 27 2005**

**CHAMPAIGN CO. P & Z DEPARTMENT**



# VEGRZYN, SARVER AND ASSOCIATES, INC.

ENGINEERING • SURVEYING • ARCHITECTURE

24 E. Green St. Suite 18  
P.O. Box 3697  
Champaign, Illinois 61826

Ph 217-359-6603  
Fx 217-359-0430  
vsa\_champaign@veg-sarv.com

**RECEIVED**

JUL 15 2005

**CHAMPAIGN CO. P & Z DEPARTMENT**

July 14, 2005

John Hall, Associate Planner  
Champaign County Department of Planning & Zoning  
Brookens Administrative Center  
1776 East Washington Street  
Urbana, Illinois 61802

**Re: Subdivision Case 183-05, Pusey First Subdivision Review**

Dear Mr. Hall:

We have completed the review of the Preliminary Plat and Subsidiary Drainage Plat as requested in your June 6, 2005 letter to us. The results of our review follow.

Basic Stormwater Engineering Review

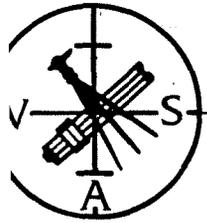
You said that the Stormwater Management Policy does not require storm water detention for development on one-acre lots. We do not have a copy of this rule. The area of the Pusey First Subdivision lots are - Lot 1 = 1.003, Acres, Lot 2 = 1.063, Lot 3 = 1.146, Outlot 1A = .447, Outlot 2A = .726, Outlot 3A = 4.002. We assume that Outlots are exempt from the one-acre rule. Also a drainage plan and detention is not required because less than 16% of the area is impervious.

The subdivision plat does not show any easements for tile, drainage, or other utilities. Any subsurface tile should be located and appropriate easement shown on the final plat.

Review of Proposed BFE

The BFE shown on the plat is 677.9, which came from a recent N.R.C.S. Flood Study performed by Hydrologist Karl Visser. The study was based on field survey data and benchmarks at the bridges. Additional cross sections would be needed to make a flood map amendment. The hydrology was done by TR20 and the Hydraulic Modeling was by HEC RAS. These methods are acceptable to FEMA. We talked to Karl and reviewed the computer files and agree that 677.9 is the study result for the 100-year high water elevation at the subdivision. The County Road 1800E bridge was replaced around 1980 and the high water elevation shown on the bridge plans is higher than the elevation from the N.R.C.S. study. The County did not have data available and the Company that did

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Ph 217-359-6603

Fx 217-359-0430

[vsa\\_champaign@veg-sarv.com](mailto:vsa_champaign@veg-sarv.com)

the plans is no longer there. The NRCS study determined the 100-year flow to be 4600 CFS and the bridge plans showed 4800 CFS. This is very good correlation and would not make much difference in the high water elevation. The difference would have to be in the hydraulics. We were told that they did not do a lot of extended hydraulic calculations for bridge hydraulics in Champaign County. The NRCS study did a detailed study using modern software HEC RAS. They also calibrated their results at three gaging stations. One happened to be upstream and one downstream of the Pusey First Subdivision. The FEMA Map (1984) in the area shows a larger flood area but does not show any cross section data on the map panel. Any high water elevation interpolation would have been over a larger distance than the NRCS Study. For these reasons I feel that the NRCS elevation shown on the Pusey First Subdivision Plat is the best available information for the Pusey First Subdivision High Water. It would be good if additional cross-sections could be taken and a map amendment be made.

If you have any questions or require additional information, please feel free to contact me at 815-434-7225.

Sincerely,

A handwritten signature in cursive script that reads "Carter Sarver".

Carter E. Sarver, P.E.  
Job 12632

*W.S.*

815 N. Randolph St.  
Champaign, IL 61820



Champaign County Public  
Health Department

Phone: (217) 363-3269  
Fax: (217) 373-7905  
TDD: (217) 352-7961

June 7, 2005

Berns, Clancy and Associates  
405 East Main Street  
P.O. Box 755  
Urbana, IL 61803-0755

Dear Mr. Thomas Berns/Dennis Cummings:

This letter is in regard to the preliminary plat for Pusey First Subdivision located on County Road 1650 North and west of County Road 1800 East, Urbana Township, Champaign County, Illinois. According to the *Plat Act* (765 ILCS 205/2), we are authorized to review the plat with respect to sewage disposal systems.

Based upon the percolation test results submitted for Pusey First Subdivision, a septic system could be designed to serve each lot. Final approval can be issued once *all* required information is submitted for review. You may proceed as planned.

Please contact me at (217) 363-3269 if you have any questions.

Sincerely,

*Sarah A. Michaels*

Sarah A. Michaels  
Senior Sanitarian

ATTACHMENT H. *DRAFT FINDINGS FOR WAIVERS OF MINIMUM SUBDIVISION STANDARDS*

*Case 183-05 Pusey First Subdivision*

AUGUST 2, 2005

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**DRAFT FINDINGS OF FACT FOR WAIVERS OF MINIMUM SUBDIVISION STANDARDS**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 8, 2005**, the Environment and Land Use Committee of the Champaign County Board finds that:

1. The requested subdivision waiver(s) of minimum subdivision standards **WILL NOT** be detrimental to the public health, safety, or welfare or injurious to other property located in the area because:
  - A. **The entire area of proposed Lot 1 is above the BFE and is not within the Special Flood Hazard Area.**
  - B. **Acceptable percolation test data has been submitted for the proposed Lot 1 and the County Health Department has approved Lot 1.**
  - C. **There are a great number of driveways that already exist to the west and these two additional driveways are only a small addition.**
  - D. **There is little farm traffic on this portion of CR1650N.**
  - E. **Because of the bend and dip in CR1650N at the west edge of the property the visibility of the Lot 1 driveway to traffic will be enhanced if it is closer to the west side of the lot rather than next to Lot 2.**
  - F. **Allowing two additional homes to be built at this attractive location may prevent two homes from being built at other locations that are likely to either be on prime farmland or in an existing wooded area that would need to be cleared.**
  
2. Special conditions and circumstances **DO** exist which are unique to the property involved and are not applicable generally to other property and granting the subdivision waiver(s) of minimum subdivision standards will not confer any special privilege to the subdivider because:
  - A. **There is only a small part of Lot 1 that is on bottomland soils but all of Lot 1 is above the Base Flood Elevation and acceptable percolation test data has been submitted for Lot 1 and the County Health Department has approved Lot 1.**
  - B. **There are a great number of driveways that already exist to the west and these two additional driveways are a small increase.**
  - C. **Because of the bend and dip in CR1650N at the west edge of the property the visibility of the Lot 1 driveway to traffic will be enhanced if it is closer to the west side of the lot rather than next to Lot 2.**
  - D. **The two new lots created by the proposed subdivision are probably the last good buildable areas on the north side of the CR1650N in the vicinity.**
  - E. **There is little farm traffic on this portion of CR1650N.**

**ATTACHMENT H. DRAFT FINDINGS FOR WAIVERS OF MINIMUM SUBDIVISION STANDARDS**

**Case 183-05 Pusey First Subdivision**

AUGUST 2, 2005

---

- F. These waivers are not prohibited by the Subdivision Regulations and could be requested for any subdivision with similar special conditions.**
3. Particular hardships **WILL** result to the subdivider by carrying out the strict letter of the subdivision standards sought to be waived because:
- A. The property is too small to farm economically.**
  - B. The proposed three lot subdivision will add only two new homes to an area with several existing homes but that remains a desirable location.**
  - C. There is little farm traffic on this portion of CR1650N.**
4. The special conditions, circumstances, hardships, or practical difficulties **DO** result from actions of the subdivider because:
- A. The subdivider chose to subdivide the property into three lots.**

To: **Environment and Land Use Committee**

From: **John Hall, Associate Planner**

Date: **August 2, 2005**

RE: **Case 453-AM-04**

Champaign  
County  
Department of

**PLANNING &  
ZONING**

**Brookens  
Administrative Center**  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708  
FAX (217) 328-2426

---

**Zoning Case 453-AM-04**

Request: **Amend the Zoning Map to change the zoning district designation from AG-2 Agriculture to B-1 Rural Trade Center as amended on April 18, 2005**

Petitioners: **William and Peggy Campo**

Location: **A .62 acre tract of land located in the N1/2 of the NW1/4 of the NE1/4 of the SW1/4 of Section 34 of Somer Township and located approximately one-half mile east of Illinois Route 45 on the south side of Oaks Road (CR1850N) and known as the business located at 2305 East Oaks Road, Urbana.**

---

**STATUS**

The Zoning Board of Appeals voted that the proposed amendment in this Case "NOT BE ENACTED" (recommended denial) at their meeting on July 28, 2005. The overview of the Finding of Fact (see below) explains which goals and policies the proposed map amendment does not meet.

This case has a frontage protest on 100% of the boundary of the subject property and a "supermajority" of the County Board (21 members) would be required to approve the map amendment.

The subject property is located within the extraterritorial jurisdiction of the City of Urbana and so a municipal protest is also possible. The City of Urbana Plan Commission will review this case at their Thursday, August 4, 2005, meeting.

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**FINDING OF FACT**

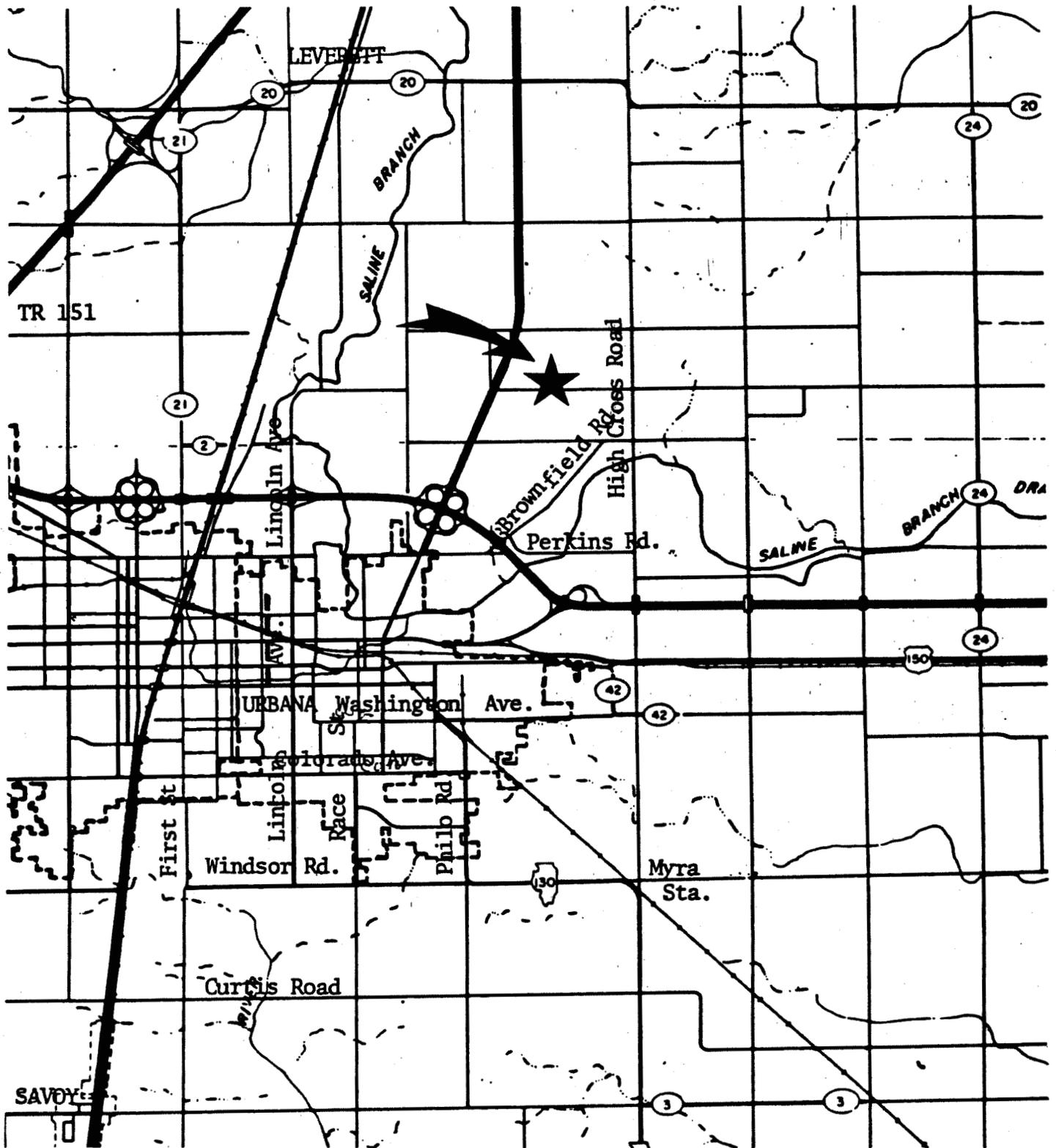
The Finding of Fact (see attached) is organized as follows:

- Items 1 through 3 review **the location and legal description of the subject property.**
- Item 4 reviews **the background of the original request for map amendment and its subsequent amendment.** This case is necessitated because the existing business is not allowed in the current zoning district and is a violation of the Zoning Ordinance. If the map amendment is not approved the business will have to relocate.
- Items 5 through 7 review **land use and zoning in the vicinity of the subject property.**

- Item 8 is a **comparison of the existing AG-2 Agriculture Zoning District to the proposed B-1 Rural Trade Center Zoning District**. The building on the subject property existed long before the adoption of the Zoning Ordinance on October 10, 1973, and it is not clear why this property was zoned AG-2 Agriculture and not B-1 Rural Trade Center at that time.
- Items 9 through 11 review **the Urbana comprehensive plan designation for the subject property and vicinity**.
- Item 12 reviews **the relationship of the Land Use Goals and Policies to the Land Use Regulatory Policies**.
- Items 13 through 20 review **the commercial land use policies**. Some neighbor testimony is included under item 20.
- Items 21 through 23 review the **commercial land use goals**. Testimony of many neighbors is included in item 23. The ZBA found that the proposed map amendment does not achieve the third commercial land use goal (item 23) regarding compatibility with non-commercial land uses.
- Items 24 and 25 review the **agricultural land use policies**.
- Items 26 and 27 review the **agricultural land use goals**.
- Items 28 and 29 review the **general land use policies**.
- Items 30 through 32 review the **general land use goals**. The ZBA found that the proposed map amendment does not achieve the fourth general land use goal (item 32) regarding land use compatibility.
- Items 33 through 40 review the **Rural Land Use Regulatory Policies**. The ZBA found that the proposed map amendment does not conform to Land Use Regulatory Policy 1.6.1. (item 38) which states that in all rural areas non-residential uses will be permitted if they support agriculture or involve a product or service that is provided better in a rural area than in an urban area.
- Items 41 through 44 review **possible conditions of approval**. The ZBA did not think that the proposed conditions would ensure compatibility with the adjacent land uses and thus recommended denial of the proposed map amendment. A more restrictive condition intended to provide greater compatibility had been proposed but the State's Attorney advised against it. The conditions remain a part of the Finding of Fact.

#### ATTACHMENTS

- A Zoning Case Maps (Location, Land Use, Zoning; from previous Case 276-S-00 on this property)
- B Site plan (also from previous Case 276-S-00)
- C Finding of Fact and Final Determination of the Champaign County Zoning Board of Appeals as approved on July 28, 2005 (UNSIGNED)

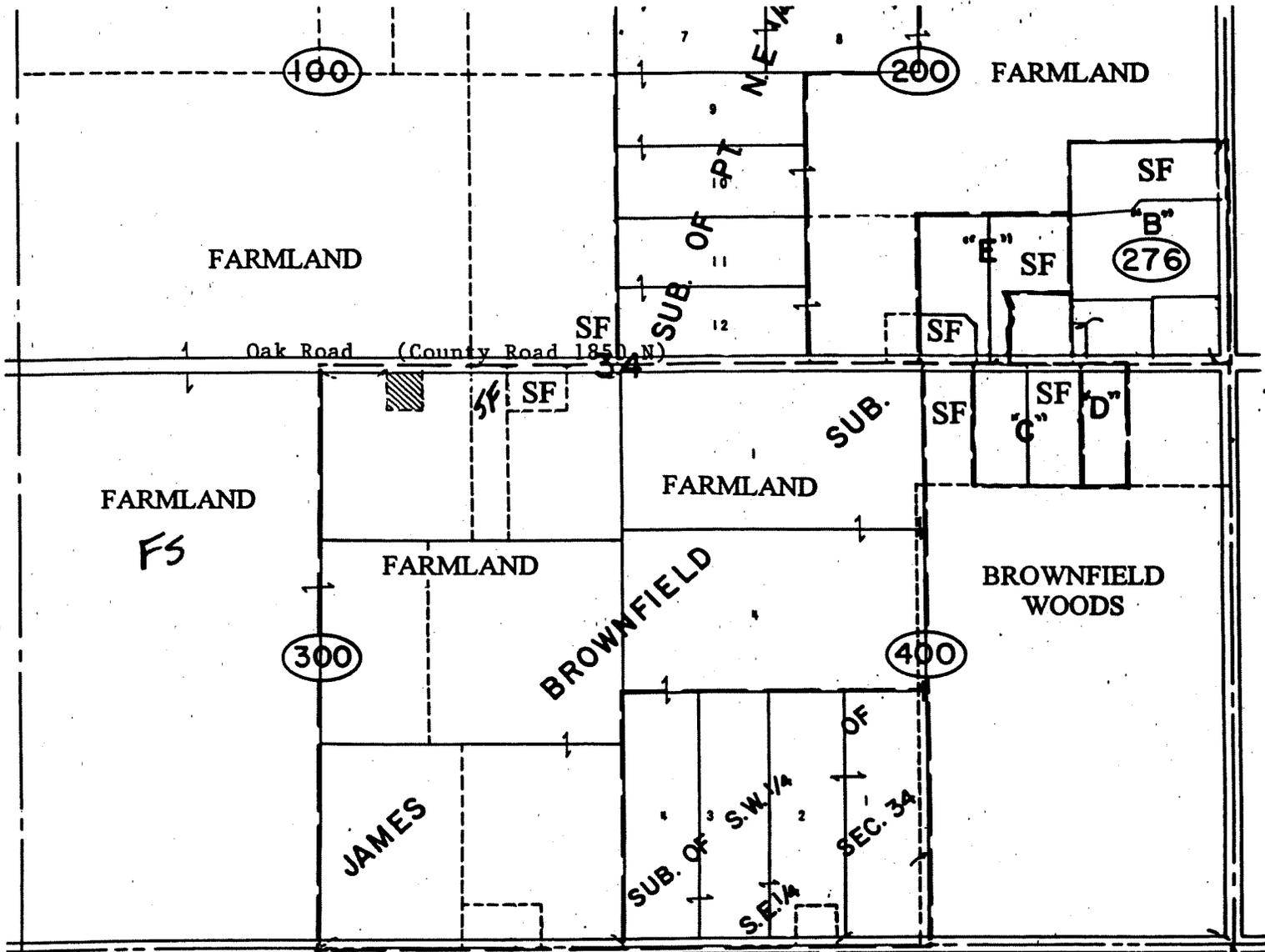


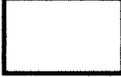
Area of Concern



NORTH

Champaign  
County  
Department of  
PLANNING &  
ZONING



	<b>Area of Concern</b>	
	<b>Single Family</b>	
	<b>Farmstead</b>	



Champaign  
County  
Department of  
**PLANNING &  
ZONING**



1-A

# G & G Specialties

1706 1/2 N. Cunningham Ave., Urbana, IL 61801

(217)328-6400 - FAX (217)328-6436

FACSIMILE

2305 E. OAK

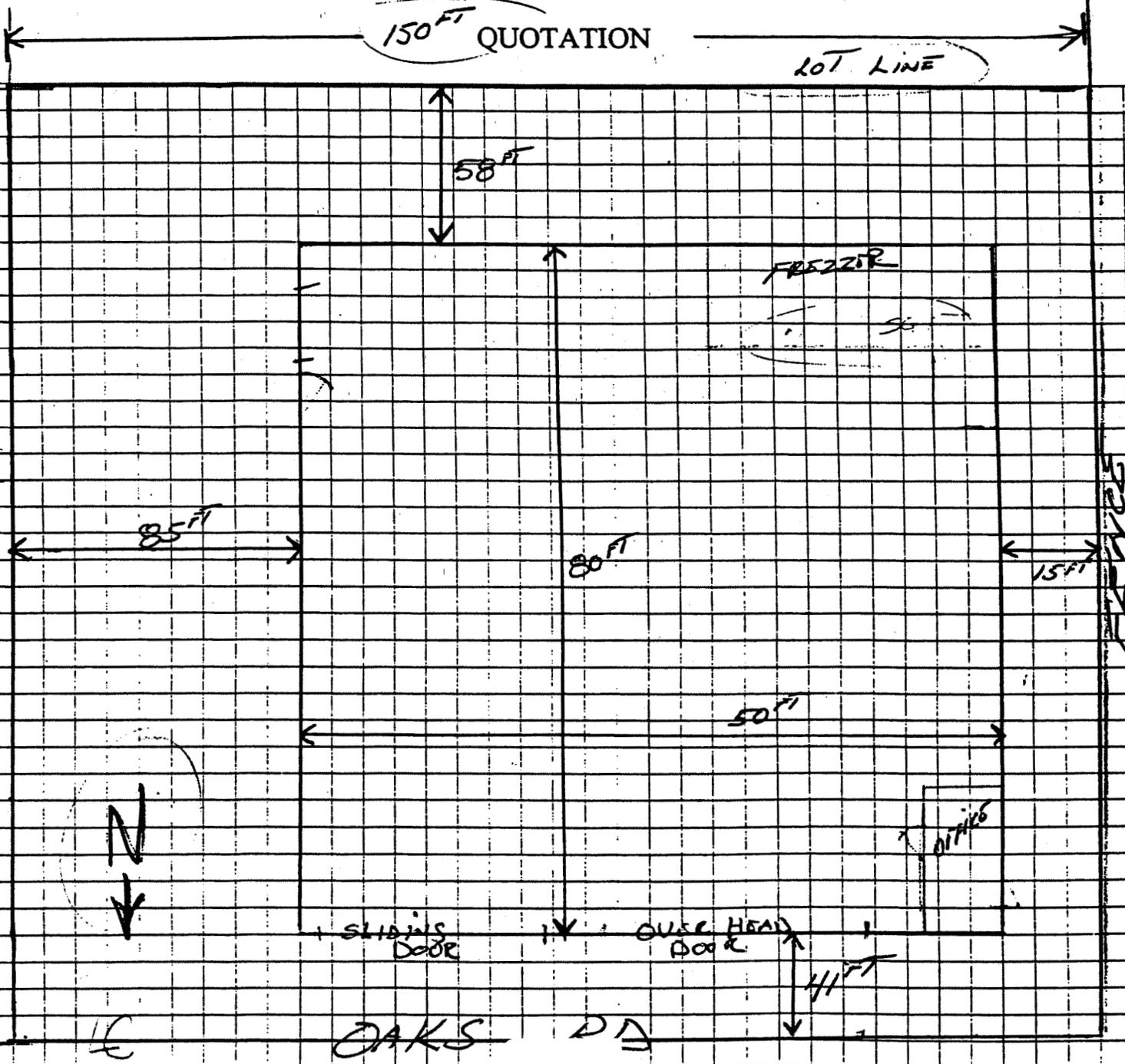
Champaign County  
Planning & Zoning Department

Approved Site Plan

Case # 276-5-00

Date: 2-15-01

TO:	FROM: <u>T. J. G...</u>
FAX:	PAGES: TOTAL
PHONE:	DATE <u>12-4-2000</u>
RE:	



**AS-APPROVED SUMMARY OF EVIDENCE & FINDING OF FACT (DENIAL RECOMMENDED)**

453-AM-04

**FINDING OF FACT  
AND FINAL DETERMINATION  
of  
Champaign County Zoning Board of Appeals**

---

Final Determination: **DENIED**

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Date: July 28, 2005

---

Petitioners: William and Peggy Campo

---

Request: Amend the Zoning Map to change the zoning district designation from AG-2 Agriculture to B-1 Rural Trade Center as amended on April 18, 2005

---

**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 17, 2005, and May 26, 2005, and July 28, 2005**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners are the owners of the subject property.
2. The subject property is a .62 acre tract of land located in the N1/2 of the NW1/4 of the NE1/4 of the SW1/4 of Section 34 of Somer Township and located approximately one-half mile east of Illinois Route 45 on the south side of Oaks Road (CR1850N) and known as the business located at 2305 East Oaks Road, Urbana.
3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana.
4. Regarding the petition:
  - A. On the Petition, when asked what error in the present Ordinance is to be corrected by the proposed change, the Petitioners indicated the following:

**No error**

**Item 4 (continued)**

B. On the Petition, when asked what other circumstances justify the amendment the Petitioner indicated the following:

A. **The building existed before the Zoning Ordinance was adopted plus the current use is not authorized in the existing zoning district.**

B. **I purchased the property in December of 2003 and it was marketed as “Business Zoning” therefore I had no reason to suspect that it was not zoned for business. See attached listing.**

C. As originally submitted, the petitioner requested that the zoning designation be changed from AG-2 Agriculture to B-3 Highway Business but the petition was amended on April 18, 2005, and the request was changed to a request for B-1 Rural Trade Center rather than B-3 Highway Business. Background information regarding that change is as follows:

(1) John Hall, Associate Planner, testified at the February 17, 2005, hearing that this case is pursuant to an enforcement action. The property recently sold and a complaint was received in January, 2004, that an auto repair business was operating at this location and staff contacted the landowner. The owners of the property have determined that they would like to continue operation of an auto repair business and it is undetermined whether the existing use is a minor or major automobile repair shop but a map amendment is required in either case. Two of the business districts in the Ordinance only allow minor auto repair (B-1 Rural Trade Center and B-2 Neighborhood Business) and B-2 only allows it as a Special Use Permit. B-3 and B-4 General Business allow both minor and major auto repair. The request is proposed with B-3 Highway Business because it is the lowest classification that allows both minor and major auto repair and it is not clear why this property was zoned AG-2 Agriculture and not B-1 Rural Trade Center. He said that it is assumed that the property was vacant when zoning was established which would help explain why no one requested B-1.

(2) The Zoning Ordinance defines “minor” and “major” auto repair as follows (capitalized words are defined in the Ordinance):

(a) MAJOR AUTOMOBILE REPAIR is the general repair, rebuilding or reconditioning of engines, MOTOR VEHICLES or trailers; collision services, including: body, frame, or fender straightening or repair; overall painting or paint shop, or vehicle steam cleaning.

**Item 4. c. (continued)**

- (b) MINOR AUTOMOBILE REPAIR is the replacement of parts and motor services to passenger cars and trucks not exceeding one and one-half tons capacity, excluding body repairs.
- (3) The petitioner William Campo testified at the February 17, 2005, meeting as follows:
  - (a) He purchased the property in December, 2003, with the intention of obtaining a tenant.
  - (b) He said that he purchased the property with the understanding that it was commercial property. The property was under a commercial listing with the realty company but no certification was provided to indicate that the property was zoned commercial and there was no mention by the listing agent that the existing fabrication shop was being operated under a Special Use Permit.
  - (c) The existing business is under the category of minor automobile repair but how this is defined is not an issue on which he would speculate and since the definition of minor and major auto repair is so vague it was better to cover all of the bases.
- (4) Mr. Bernard Coffey, who operates the automobile repair business Bernie's Place at 2305 E. Oaks Rd, Urbana testified at the February 17, 2005, meeting as follows:
  - (a) He has been involved in the automotive repair business for approximately 30 years and his business was originally located at 810 Dennison, Champaign but it was very congested.
  - (b) He mainly does minor repairs to automobiles and does not work on heavy vehicles and his business would fall into the category of Minor Automobile Repair.
- (5) Two of the business districts in the Ordinance only allow minor auto repair (B-1 Rural Trade Center and B-2 Neighborhood Business) and B-2 only allows it as a Special Use Permit. B-3 and B-4 General Business allow both minor and major auto repair. The B-3 Highway Business Zoning District is the "lowest" class of business district that allows both minor and major auto repair.

**GENERALLY REGARDING ZONING AND LAND USE IN THE IMMEDIATE VICINITY**

5. The subject property is zoned AG-2 Agriculture but is currently used for an auto repair business. In the previous zoning case 276-S-00 a Special Use Permit was granted for a small scale metal fabricating shop.
6. Land use and zoning in the vicinity and adjacent to the subject property are as follows:
  - A. Land north, east, and south of the subject property is farmland and is zoned AG-2 Agriculture.
  - B. Land west of the subject property is also zoned AG-2 Agriculture. There is an unoccupied dwelling immediately to the west of the property.
7. There are no previous map amendment cases in the immediate vicinity.

**GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS**

8. Regarding the existing and proposed zoning districts:
  - A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
    - (1) The AG-2 Agriculture zoning DISTRICT is intended to prevent scatted indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
    - (2) The B-1 Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.
  - B. Regarding the general locations of the existing and proposed zoning districts:
    - (1) The AG-2 District is generally a belt that surrounds the larger municipalities and villages.
    - (2) The B-1 District is located in a very few locations throughout the County and most often includes only one or two uses at each location.
  - C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
    - (1) Single family dwellings are authorized by right in the AG-2 District and two-family dwellings (duplexes) are authorized by Special Use Permit in the AG-2 District but no residential uses are authorized by right in the B-1 District.

**Item 8. C. (continued)**

- (2) There are 10 different types of non-residential uses authorized by right in the AG-2 District and there are 22 different types of non-residential uses authorized by right in the B-1 District.
- (3) There are 67 different types of non-residential uses authorized by Special Use Permit in the AG-2 District and there are 10 different types of uses authorized by Special Use Permit in the B-1 District.
- (4) In total, Section 5.2 of the Ordinance indicates 74 different types of non-residential uses authorized in the AG-2 District and 34 different types of non-residential uses authorized in the B-1 District.
- (5) As a principal use, minor automobile repair is not authorized in the AG-2 District but is authorized by right as a principal use in the B-1 District. Other principal uses authorized by right in the B-1 District are the following:
  - (a) Agriculture
  - (b) Rural specialty business (minor and major)
  - (c) government building
  - (d) police or fire station
  - (e) library, museum, or gallery
  - (f) public park or recreational facility
  - (g) parking garage or lot
  - (h) telephone exchange
  - (i) telegraph office
  - (j) farm chemical and fertilizer sales
  - (k) roadside produce sales stand
  - (l) farm equipment sales & service
  - (m) feed and grain sales
  - (n) grain storage elevator and bins
  - (o) cold storage locker for individual use
  - (p) minor AUTOMOBILE repair (all indoors)
  - (q) gasoline service station
  - (r) antique sales and service
  - (s) christmas tree sales lot
  - (t) temporary use
  - (u) small scale fabricating shop

**Item 8. C. (continued)**

- (5) As an accessory use, outdoor automobile repair is prohibited as a Rural Home Occupation in the AG-2 District but indoor automobile repair is not prohibited as an accessory use in any dwelling in the AG-2 District. Rural Home Occupations must be accessory to a dwelling and dwellings are not authorized in the B-1 District except as an accessory use to some other authorized business use.

***GENERALLY REGARDING WHETHER THE SUBJECT PROPERTY IS WITHIN A MUNICIPAL ETJ AREA***

9. The subject property is located within the One-and-One-Half Mile Extraterritorial Jurisdiction of the City of Urbana. The City has received notice of this request.
10. Municipalities have protest rights on all Map Amendments. In the event of a municipal protest, a three-fourths majority of the County Board will be required to grant the rezoning request instead of a simple majority.
11. The subject property appears to be indicated as "Residential" on Map 15. Future Land Use Guide in the City of Urbana's 1993 Extraterritorial Jurisdiction Plan of 1993 and appears to be indicated as "RESIDENTIAL" in the Draft update of the City's comprehensive plan.

***REGARDING CHAMPAIGN COUNTY LAND USE GOALS AND POLICIES***

12. The Land Use Goals and Policies were adopted on November 29, 1977, and were the only guidance for County Map Amendments until the Land Use Regulatory Policies- Rural Districts were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). Even though the proposed rezoning involves a parcel that is small and has not been farmland for many years the Land Use Regulatory Policies- Rural Districts should still be considered. The relationship of the Land Use Goals and Policies to the Land Use Regulatory Policies is as follows:
  - A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
  - B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.

***GENERALLY REGARDING POLICIES FOR COMMERCIAL LAND USE***

13. There are seven commercial land use policies in the Land Use Goals and Policies. In addition, there are two utilities policies (7.3 and 7.3a) that are relevant.

14. Policy 3.1 of the Land Use Goals and Policies states that the County Board will encourage only those new commercial developments which are found to be needed to serve the demands of the residents of Champaign County and its trade area.

The proposed map amendment **CONFORMS** to Policy 3.1 based on the following:

- A. The existing use is a use that was previously established in the City of Champaign and so the current proprietor has an established clientele.
- B. At the February 17, 2005, meeting (before the petition was amended from B-3 to B-1) Ms. Debbie Messmer, who resides at 3011 E. Oaks Rd, Urbana stated that she was opposed to the request and that the classification of B-3, Highway Business would allow the potential for future businesses. She said that along with herself and her husband the neighbors have utilized Mr. Coffey's services and do not oppose his existing business.

15. Policy 3.2 of the Land Use Goals and Policies states that the County Board will establish, by amendment to the Zoning Ordinance or other means, a process for reviewing petitions for new commercial land to include a determination of the need for new commercial development based on market demand.

There is no required process for reviewing petitions for determining the need for new commercial development based on market demand.

16. Policy 3.3 of the of the Land Use Goals and Policies states that the Environment and Land Use Committee will examine the Zoning Ordinance to institute more flexible commercial development controls such as planned unit development and transfer of development rights in order to provide a wider variety of commercial development techniques and better compatibility with non-commercial uses.

This policy does not appear to be relevant to relevant to any specific map amendment.

17. Policy 3.4 of the Land Use Goals and Policies states that the County Board will not encourage major new commercial development except in those areas where sewer, water, adequate fire protection and other utilities are readily available. The following additional policies relate to adequacy of sewer and water utilities:

- Policy 7.3 states that the County Board will encourage development only in areas where both sewer and water systems are available. In areas without public sewer and water systems, development may occur only if it is determined that individual septic systems can be installed and maintained in a manner which will not cause contamination of aquifers and groundwater and will not cause health hazards. Requests for development should demonstrate that wastewater disposal systems, water supply, fire and police protection are adequate to meet the needs of the proposed development.

Item 17 (continued)

- Policy 7.3A states that new subdivisions and zoning changes should meet these (7.3 above) standards and will be considered where they are not in conflict with the goals and policies of this Plan.

Policy 3.4 is **NOT RELEVANT** to the proposed map amendment as follows:

- A. "Major new commercial development" could occur on this parcel of less than one acre.
- B. Regarding the availability of a connected public water supply system:
  - (1) The proposed development is not the type of development that is generally considered "major new development".
  - (2) The subject property is not currently serviced by a connected public water supply system. There is no evidence regarding the presence of an existing waterwell on the subject property.
  - (3) The County Health Ordinance requires connection to a public water system when the subject property is located within 200 feet of a public water system and when such connection is practical and when such connection is authorized. The subject property is not located within 200 feet of a public water system.
  - (4) Any significant new construction and commercial use on the property will be required to have County Health Department approval for potable water.
  - (5) Policy 3.4 does not appear to be relevant to the proposed map amendment because the proposed development is not major new development.
- C. Regarding the availability of a connected public sanitary sewer system:
  - (1) The proposed development is not the type of development that is generally considered "major new development".
  - (2) The subject property is not currently serviced by a connected public sanitary sewer system. It is not clear if there is an existing onsite wastewater treatment and disposal system and if so if it is adequate for the suggested commercial use or for other uses that are authorized in the proposed zoning district.
  - (3) The County Health Ordinance requires any new commercial use that generates more than 1,500 gallons per day of wastewater to connect to any public sewer system that is located within 1,000 feet. There is no collector sewer located within 1,000 feet of the subject property.

Item 17. C. (continued)

- (4) Any new construction and commercial use on the property would be required to have County Health Department approval for onsite wastewater treatment and disposal. Any commercial use established in the existing structure would require a Change of Use Permit that would also be reviewed by the County Health Department. The existing business has never been authorized by means of a Change of Use Permit and so the County Health Department did not review the establishment of this use.
  - (5) Policy 3.4 does not appear to be relevant to the proposed map amendment because the proposed development is not major new development. It is not yet clear that the proposed map amendment conforms to 7.3 and 7.3A in regards to sewer availability as there is no evidence regarding the existing or proposed onsite wastewater disposal system or the feasibility of such a system.
- D. Regarding the adequacy of fire protection at this location for the proposed map amendment:
- (1) Policy 3.4 does not appear to be relevant to the proposed map amendment because the proposed development is not major new development.
  - (2) The subject property is located within the response area of the Carroll Protection District. The subject property is located within approximately 4.0 road miles from the station via township roads. The Fire District chief has been notified of this request but no comments have been received.
  - (3) There have been no concerns raised by the Carroll Fire Department.
- E. There is no evidence to suggest that demand for other utilities by a commercial use on this small parcel would cause any problem or costs for the public at large.
18. Policy 3.5 of the Land Use Goals and Policies states that the County Board will not encourage major new commercial developments except in those areas which can be adequately served by public mass transit.

This policy is **NOT RELEVANT** to the proposed map amendment as follows:

A. The Mass Transit District does not provide service in the vicinity of the subject property.

B. "Major new commercial development" could not occur on this parcel of less than one acre.

19. Policy 3.6 of the Land Use Goals and Policies states that the County Board will strongly discourage proposals for new commercial development not making adequate provisions for drainage and other site considerations.

The proposed map amendment **WILL CONFORM** to Policy 3.6 based on the available information:

**Item 19 (continued)**

- A. Regarding compliance of the existing site development with the Zoning Ordinance:
- (1) The application included the site plan from the previous Special Use Permit (276-S-00; see the Preliminary Memorandum) which has been determined to be inadequate and a new site plan must be submitted.
  - (2) The existing building on the subject property existed in this location on the adoption of the Zoning Ordinance (October 10, 1973) and is closer to the center of the street than required by the Ordinance (41 feet versus 75 feet; the front yard is apparently 11 feet versus 30 feet) and so is a “nonconforming structure”. Neither setback or front yard vary by district and the current requirements will also apply if the map amendment is approved. Subsection 8.3.2 of the Ordinance prohibits replacement of nonconforming structures if such structures are damaged to more than 50% of their replacement cost unless a variance is granted. Thus, if the existing building were damaged to more than 50% of its replacement cost it could not be rebuilt in this location. The petitioners were made aware of this prior to the legal advertisement for the map amendment and no variance has been requested. The building complies with all other requirements related to location on the property (side yard and rear yard) and limits on height and lot coverage for both the current zoning and the proposed map amendment.
  - (3) The subject property appears to be large enough for several parking spaces to be provided but at the current time it seems likely that parking spaces are too close to the front lot line and may well be too close to the east lot line. The new site plan must indicate and dimension each parking space.
  - (4) Parking of vehicles that are awaiting repair constitutes “outdoor storage”. The storage of firewood is also outdoor storage on a commercial property. Outdoor storage cannot occur any closer than 30 feet to the front lot line regardless of zoning district and no closer than 10 feet to a side or rear lot line in the current AG-2 District and no closer than five feet in any business district.
  - (5) The property is close enough to adjacent dwellings that all outdoor storage must be screened by a Type D screen. Type D screen is defined in the Ordinance to be a landscaped berm or an opaque fence or wall or a screen planting with a minimum height of eight feet.
  - (6) There are no limitations on exterior lighting in the Zoning Ordinance. Incompatibilities often arise in regards to exterior lighting whenever commercial uses are adjacent to residential uses. There is currently no information regarding existing exterior lighting.

**Item 19.A. (continued)**

- (7) The petitioner has not requested any variances and the property must be brought into compliance if the map amendment is approved.

**B. Regarding drainage conditions of the subject property:**

- (1) The existing building predates the adoption of zoning.
- (2) It is not clear how much of the onsite parking existed on the adoption of zoning but there are no apparent drainage problems related to the parking area.

**C. Regarding other relevant site conditions on the subject property:**

- (1) Pursuant to Federal Emergency Management Agency Panel Number 170894- 0125B, the subject property is not located within the Special Flood Hazard Area.

20. Policy 3.7 of the Land Use Goals and Policies states that the County Board will strongly discourage proposals for new commercial development along arterial streets and highways if the proposals contribute to the establishment or maintenance of a strip commercial pattern. As an alternative, concentrated or nodal patterns of development may be considered when there is adequate provision for safe, controlled access to the arterial streets and highways.

The proposed map amendment **CONFORMS** to Policy 3.7 based on the following:

- A. Oaks Road is an urban arterial in the Draft update of the Urbana Comprehensive Plan.
- B. The following considerations are relevant to whether or not the proposed map amendment contributes to the establishment or maintenance of a strip commercial pattern:
  - (1) The proposed map amendment is for the entire subject lot and so the proposed map amendment provides for the full development of an existing land parcel. However, the subject lot is a very small lot and is a typical lot size for common strip development.
  - (2) The proposed map amendment would extend business zoning into an area that is largely agricultural but the existing building was at this location prior to the adoption of the Zoning Ordinance on October 10, 1973, and has apparently been in business use at various times since.
- C. Regarding traffic and street access:
  - (1) There is no traffic impact analysis provided for this case. The subject property has apparently been in use for several different business uses since the adoption of zoning on October 10, 1973, and the proposed map amendment should have little effect on the traffic on Oaks Road.

**REGARDING GOALS FOR COMMERCIAL LAND USE IN THE LAND USE GOALS AND POLICIES**

21. There are four goals for commercial land use in the Land Use Goals and Policies. Two of the commercial land use goals are not relevant to the proposed map amendment for the following reasons:

A. The first commercial land use goal is so generally stated that it is difficult to evaluate the degree of achievement by the proposed map amendment.

B. The fourth commercial land use goal is not relevant to any specific map amendment.

22. The second commercial land use goal of the Land Use Goals and Policies is as follows:

Location of commercial uses

i. with ready accessibility to sewer, water and other utilities as well as adequate streets and highways and

ii. adequate public transit will also be considered.

Based on the review of the five relevant specific policies, the proposed map amendment **DOES ACHIEVE** this goal as follows:

A. The proposed map amendment conforms to the following policies:

(1) Policy 3.5 regarding adequacy of public mass transit. "Major new commercial development" could not occur on this parcel of less than one acre and so mass transit is not required.

(2) Policy 3.7 regarding the establishment or maintenance of a strip commercial pattern. The existing building was at this location prior to the adoption of the Zoning Ordinance on October 10, 1973, and has apparently been in use for several different business uses since that time but is the only use of this type in the vicinity and so the proposed amendment will neither establish nor maintain a strip pattern.

B. Policy 3.4 does not apply as the proposed development is not major commercial development. Policies 7.3 and 7.3A are relevant in regards to sewer availability but there is no evidence regarding the existing or proposed onsite wastewater disposal system or the feasibility of such a system.

(1) At the July 28, 2005, meeting Bernard Coffey testified that the water system that was previously shared with the trailer to the east is no longer functional.

23. The third commercial land use goal of the Land Use Goals and Policies is as follows:

Commercial areas

i. designed to promote compatibility with non-commercial uses and

ii. at the same time provide ease of access.

**Item 23 (continued)**

Based on the review of the relevant specific policies and other evidence, the proposed map amendment **DOES NOT ACHIEVE** this goal as follows:

A. In regards to compatibility with non-commercial uses, the proposed map amendment **IS NOT** compatible with surrounding non-commercial uses based on the following:

(1) In a letter dated February 15, 2005, (before the petition was amended from B-3 to B-1) Dr. John L. Newman who resides at 3407 North High Cross Road, Urbana testified that he was against the change and did not want to the area to change from a residential to a business district but the car repair shop on the property had been a good neighbor and he would like to see him stay.

(2) In regards to compatibility, testimony received at the February 17, 2005, meeting (before the petition was amended from B-3 to B-1) was as follows:

(a) Mr. Brian Luckenbill, who resides at 2405 E. Oaks Rd, Urbana stated that the subject property is approximately 280 feet to the west of his property. He said that any business zoning would be inconsistent with the current development as well as the planned development in accordance with the City of Urbana's Comprehensive Plan. He said that the area, as it is developed, is primarily residential and farmland. He submitted photographs of the area and a signed petition by area property owners as evidence. He said that 100% of the property owners within this area do oppose any permanent zoning changes to this property as indicated in the petition and personal letters. The property has been zoned as AG-2 since 1973 and has only been operated as a business under a Special Use Permit. He said that his concern along with his neighbors is not with the existing business, although the tenant does lease the building, but with the proposed rezoning and the potential business which could be allowed to operate at this location. He said along with all the other beautiful homes which exist in this area he and his wife just completed their dream home therefore they do not feel that the proposed business zoning is compatible. He said that he personally does not know the tenant of the property and is unaware of any problems but questioned what will happen when the present tenant moves out of the building and perhaps another tenant wants to occupy the property for a nightclub, which would be allowed "by-right" in B-3.

(b) Mr. Frank Palmer, who resides at 2413 E. Oaks Rd, Urbana stated that this is a town and country area comprised mostly of agricultural and residential properties. He said that the proposed B-3, Highway Business zoning is totally out of character with the area and once rezoning takes place it opens up the door for other businesses to conceivably end up in the area. He said that there are three high intensity lights along the east side of the property and they do not blend well with the existing residences. The existing business should not have been allowed in the first place because two people have been victimized

**Item 23. A. (continued)**

because it was misrepresented and rezoning the property would not rectify the mistake.

- (c) Mr. Mark Weckel, who resides at 2007 E. Oaks Rd, Urbana stated that during his discussions with various neighbors it is apparent that no one supports the proposed rezoning. He said that the area is residential and will probably continue to expand as a residential area.
- (d) Mr. Mike Messmer, who resides at 3011 E. Oaks Rd, Urbana stated that the proposed rezoning will leave the door wide open for unwanted businesses in a residential area. He said that he is not concerned with the existing business but with what the proposed rezoning will bring to the area in the future.
- (e) Ms. Debbie Messmer, who resides at 3011 E. Oaks Rd, Urbana stated that she is opposed to the request. She said that the classification of B-3, Highway Business would allow the potential for future businesses.
- (f) Mr. Jeff Roloff, who resides at 3412 N. High Cross Rd, Urbana stated that he opposes the request due to the businesses which would be allowed to legally operate under the B-3 designation.
- (g) Mr. Ron Meyer, who resides at 2812 E. Oaks Rd, Urbana stated that he opposes the request.
- (h) Mr. Ken Mathis, Somer Township Supervisor stated that he serves on the City of Urbana's Long Range Planning Commission and the proposed rezoning does not conform to that plan.
- (i) Mr. Don White who resides at 1415 Raintree Woods Drive, Urbana, stated that he is a member of the Urbana Plan Commission and he is struck by the fact that someone purchased property without checking the zoning assuming that the existing use is legal but when the owner finds out that it is not legal requests that the County make it right. Mr. White said that it is obvious that the building does not conform to the front setback and if the request is approved it will allow for not only a new building but for new uses which will run with the land. He said that he is concerned with the precedence that will be set if approved therefore he requests that the Board enforce the present zoning rather than changing the zoning to correct an illegal use.

**Item 23. A. (continued)**

- (3) Indoor automobile repair is authorized by right as “rural home occupation” as an accessory use in any dwelling in the AG-2 District and as such can be used as a reference for compatibility. The relevant limits on indoor automobile repair as a rural home occupation are established in Section 7.1.2 of the Ordinance and are the following:
  - (a) The rural home occupation must be located on the same lot as the dwelling of the owner.
  - (b) On lots smaller than five acres no more than one non-family, non-resident employee may be present on the premises
  - (c) Changes to the exterior of the dwelling or accessory building in which the rural home occupation occurs and that indicate that the building is used in whole or in part for any purpose other than that of a residence or farm building are prohibited.
  - (d) No more than three self propelled vehicles over 8,000 pounds gross vehicle weight are authorized and no more than 10 vehicles in total excluding patron or employee personal vehicles and all Second Division vehicles shall be stored indoors or parked no less than 50 feet from any lot line and no less than 100 feet from any off-site existing dwelling conforming as to use.
  - (e) Processes employed shall not create odor, dust, noise, gas, smoke, or vibration discernible at the property line other than of such a nature, quantity, intensity, duration, or time of occurrence customarily associated with agriculture.
  - (f) Prohibited activities related to automobile repair include the outdoor storage of any number of unlicensed vehicles or more than two licensed vehicles awaiting repair and all outdoor repair operations and all salvage or recycling operations and retail sale of articles not produced on the site except as such sales are incidental to the service.
- (4) Compared to other uses that are authorized by right in the existing AG-2 District, the uses that could be established by right under the requested map amendment compare as follows:
  - (a) Public and quasi-public uses that could be established by right in the requested B-1 District but would require a Special Use Permit in the existing AG-2 District are government building; police or fire station; library, museum, or gallery; public park or recreational facility; parking garage or lot; and telephone exchange.

**Item 23. A. (continued)**

- (b) Agriculture related business uses that could be established by right in the requested B-1 District and would require a Special Use Permit under the existing AG-2 District include farm chemical and fertilizer sales; roadside produce sales stand; feed and grain sales; and grain elevator. Establishment of a grain elevator on a lot this small seems unlikely and would probably require an additional map amendment to rezone additional area.
  - (c) Farm equipment sales & service could be established by right in the requested B-1 District and is not authorized by any means in the existing AG-2 District. As a practical matter it seems unlikely that a farm equipment dealer would be established on such a small property.
  - (d) Other business uses that could be established by right in the requested B-1 District and would require a Special Use Permit under the existing AG-2 District are antique sales and service.
  - (e) Other business uses that could be established by right in the requested B-1 District and are not authorized by any means in the existing AG-2 District are telegraph office and gas station.
- B. In regards to ease of access, the subject property appears to have adequate access because it is less than 3/4 of mile from US Route 45 and has good access. The subject property has apparently been in use for several different business uses since the adoption of zoning on October 10, 1973, and the proposed map amendment should have little effect on the traffic on Oaks Road.

**GENERALLY REGARDING POLICIES FOR AGRICULTURAL LAND USE IN THE LAND USE GOALS AND POLICIES**

24. There are six policies related to agricultural land uses in the Land Use Goals and Policies. The agricultural land use policies are relevant because the property is proposed to be changed from the AG-2 District. The following agricultural land use policies do not appear to be relevant to any specific map amendment:
- A. Policy 1.1 of the Land Use Goals and Policies states that the Environmental and Land Use Committee will study the possibility of creating several agricultural districts which would provide one or more districts for agricultural uses, only, while other districts would permit limited non-agricultural uses.

**Item 24 (continued)**

- B. Policy 1.3 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the Board of Appeals will work towards applying the concepts of development rights transfer, planned unit development, cluster development and special use permits to insure, when and where necessary, that development of non-agricultural uses is compatible to adjacent agricultural activities.
  - C. Policy 1.4 of the Land Use Goals and Policies states that the Environment and Land Use Committee will examine the zoning classification of lands on the urban periphery for the possibility of rezoning lands from district classifications which encourage productive farming.
  - D. Policy 1.5 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will encourage the development of tax assessment policies which will discourage the unnecessary conversion of agricultural land to non-agricultural uses.
  - E. Policy 1.6 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will initiate a coordinated effort among local units of government to create uniform standards and procedures to review developments proposed for agricultural areas.
25. Policy 1.2 of the Land Use Goals and Policies states that the Board of Appeals and the County Board will restrict non-agricultural uses to non-agricultural areas or
- i. those areas served by
    - adequate utilities,
    - transportation facilities and
    - commercial services or
  - ii. those areas where non-agricultural uses will not be incompatible with existing agricultural uses.

The proposed map amendment **SOMEWHAT CONFORMS** to Policy 1.2 based on the following:

- A. In regards to overall adequacy of utilities and services, the proposed map amendment **SOMEWHAT CONFORMS** to Policies 7.3 and 7.3A and related Policy 1.2 based on conformance with Policy 3.4 (see item 17 ).
- B. In regards to transportation facilities, the proposed map amendment **CONFORMS** to the same degree that it conforms with Policy 3.7 (item 20.)
- C. In regards to compatibility with existing agricultural uses the proposed map amendment apparently **CONFORMS** because of the following:
  - (1) This location is close to US Route 45.
  - (2) This parcel is less than one acre in area and cannot generate much traffic.
  - (3) There has been no testimony regarding incompatibility with agricultural uses.

**REGARDING GOALS FOR AGRICULTURAL LAND USES IN THE LAND USE GOALS AND POLICIES**

26. The agricultural land use goals are relevant because the property is proposed to be changed from the AG-2 District. The first agricultural land use goal of the Land Use Goals and Policies is as follows:

Preservation and maintenance of as much agricultural land in food and fiber production as possible, and protection of these lands from encroachment by non-agricultural uses.

There are no specific policies related to this goal and the proposed map amendment **ACHIEVES** this goal based on the following:

- A. The subject property has not been farmland for many years.
  - B. The proposed map amendment does not include any expansion of facilities or additional conversion and loss of prime farmland.
  - C. Approval of the proposed map amendment will result in non-agricultural use continuing on the subject property rather than ending non-agricultural use at this location. The proposed map amendment will not result in new or additional encroachment by non-agricultural uses.
27. The second agricultural land use goal of the Land Use Goals and Policies is as follows:

Establishment of an agricultural land classification system based on productivity.  
Improvement of rural drainage systems.

This policy does not appear to be relevant to relevant to any specific map amendment.

**REGARDING GENERAL LAND USE POLICIES IN THE LAND USE GOALS AND POLICIES**

28. There are two general land use policies in the Land Use Goals and Policies. The second general land use policy is not relevant to any specific map amendment.
29. The first general land use policy in the Land Use Goals and Policies is the following:

The County Board, the Environmental and Land Use Committee and the Zoning Board of Appeals will follow the policies of

- i. encouraging new development in and near urban and village centers to preserve agricultural land and open space;
- ii. optimizing the use of water, sewer, and public transportation facilities; and reducing the need for extending road improvements and other public services.

Based on the review of the relevant specific policies, the proposed map amendment **CONFORMS** to this policy as follows:

**Item 29 (continued)**

- A. Conforms in regards to encouraging new development in and near urban and village centers to preserve agricultural land and open space because of the existing building has existed since before the adoption of zoning.
- B. In regards to the second part of this policy:
  - (1) Conforms to the policy in regards to optimizing the use of public transportation facilities (see the second commercial land use goal); and
  - (2) Conforms to the policy in regards to reducing the need for extending road improvements (see the second commercial land use goal) and other public services, because the Carroll Fire Protection District has received notice of this proposed map amendment but no comments have been received.
  - (3) Based on the available information, the proposed map amendment **CONFORMS** to this policy regarding optimizing the use of water and sewer because no public infrastructure is required. See Policies 3.4, 7.3, and 7.3A in regards to overall adequacy of utilities (see items 22 and 17)

**REGARDING GENERAL LAND USE GOALS OF THE LAND USE GOALS AND POLICIES**

- 30. There are five general goals for land use in the Land Use Goals and Policies. Three of the general land use goals are not relevant to the proposed map amendment for the following reasons:
  - A. The first and fourth general goals are not relevant to any specific map amendment.
  - B. The second general goal is so generally stated that it is difficult to evaluate the degree of achievement by the proposed map amendment.

- 31. The third general land use goal is as follows:

- Land uses appropriately located in terms of
- i. utilities,
  - ii. public facilities,
  - iii. site characteristics and
  - iv. public services.

The proposed map amendment relates to this goal as follows:

- A. **NOT CLEARLY ACHIEVED** in regards to utilities considering the degree of conformance with the first general policy (item 29), the degree of achievement of the second commercial land use goal (item 22), and the degree of conformance with commercial land use policy 3.4 (item 17).

Item 31 (continued)

- B. **ACHIEVED** in regards to public facilities to the extent that no public facilities are required to accommodate the proposed development.
- C. **ACHIEVED** in regards to site characteristics because based on the available information, the proposed map amendment **WILL CONFORM** to Policy 3.6 because the petitioner has not requested any variances and the property must be brought into compliance if the map amendment is approved.
- D. **ACHIEVED** in regards to public services because no comments have been received from the agencies providing services.

32. The fourth general land use goal is as follows:

Arrangement of land use patterns designed to promote mutual compatibility.

Based on the review of the relevant specific policies and other evidence and the third commercial goal in regards to compatibility with non-commercial land uses (item 23), the proposed map amendment **DOES NOT ACHIEVE** this goal because the proposed map amendment **IS NOT** compatible with surrounding non-commercial uses.

**REGARDING LAND USE REGULATORY POLICIES THAT ARE RELEVANT TO AGRICULTURAL LAND USES**

33. Land Use Regulatory Policy 1.4.1 states that non-agricultural land uses will not be permitted unless they are of a type that is not negatively affected by agricultural activities or else are located and designed to minimize exposure to any negative affect caused by agricultural activities.

The proposed map amendment **CONFORMS** to this policy as follows:

- A. The subject property has not been farmland for many years and even prior to the adoption of the Zoning Ordinance.
- B. The proposed zoning district is a rural business zoning district. The land uses that could be established under the proposed zoning district are those that may be compatible in rural areas.
- C. At this time there is no significant expansion of facilities proposed beyond what is already in operation.

34. Land Use Regulatory Policy 1.4.2 states that non-agricultural land uses will not be permitted if they would interfere with farm operations or would damage or negatively effect the operation of agricultural drainage systems, rural roads or other agriculture related infrastructure.

The proposed map amendment **CONFORMS** to this policy as follows:

**Item 34. A. (continued)**

- A. The subject property has apparently been used for non-agricultural purposes at various times since the adoption of the Zoning Ordinance at this time there is no proposed expansion of facilities proposed beyond what is already in operation.
- B. This parcel is less than one acre in area and cannot generate much traffic. This location is only about 3/4 mile from US Route 45 and so traffic over rural roads should be minimal.
- C. There has been no testimony regarding incompatibility with agricultural uses.

35. Land Use Regulatory Policy 1.5.1 states that on less productive farmland, development will not be permitted if the site is unsuited, overall, for the proposed land use. The supporting narrative for this policy explains that a site may be unsuited overall if it is clearly inadequate in one respect even if it is acceptable in other respects.

The proposed map amendment **CONFORMS** to this policy as follows:

- A. As reviewed in Policy 3.6 (item 19) there are no apparent drainage problems on the subject property and the subject property is not located within the Special Flood Hazard Area.
- B. There is no other evidence that the subject property is unsuited to the proposed use.

36. Land Use Regulatory Policy 1.5.3 states that development will not be permitted if existing infrastructure, together with proposed improvements, is inadequate to support the proposed development effectively and safely without undue public expense.

The proposed map amendment **CONFORMS** to this policy as follows:

- A. As reviewed in Policy 3.7 (item 20) the proposed map amendment should have little effect on the traffic on Oaks Road.
- B. The proposed development requires no public infrastructure improvements.

37. Land Use Regulatory Policy 1.5.4 states that development will not be permitted if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.

The proposed map amendment **CONFORMS** to this policy as follows:

- A. As reviewed in Policy 3.4 (item 20. D.) there have been no concerns raised by the Carroll Fire Department.
- B. The proposed development places no additional demand on public services.

38. Land Use Regulatory Policy 1.6.1 states that in all rural areas, businesses and other non-residential uses will be permitted if they support agriculture or involve a product or service that is provided better in a rural area than in an urban area.

The proposed map amendment **DOES NOT CONFORM** to this policy:

- A. The existing business neither supports agriculture nor involves a product or service that is provided better in a rural area than in an urban area.
- B. The existing business makes use of a non-agricultural building that existed prior to the adoption of zoning and is not proposed for any expansion.
39. Land Use Regulatory Policy 1.6.2 states that on the best prime farmland, businesses and other non-residential uses will not be permitted if they take any best prime farmland out of production unless:
- (1) they also serve surrounding agricultural uses or an important public need, and cannot be located in an urban area or on a less productive site, or
  - (2) the uses are otherwise appropriate in a rural area and the site is very well suited to them.

The proposed map amendment **CONFORMS** to this policy the subject property has not been farmland for many years and there is no significant expansion of facilities proposed beyond what is already in operation.

40. Land Use Regulatory Policy 1.1 provides that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. Other land uses can be accommodated in those areas provided that:
- the conversion of prime farmland is minimized;
  - the disturbance of natural areas is minimized;
  - the sites are suitable for the proposed use;
  - infrastructure and public services are adequate for the proposed use;
  - the potential for conflicts with agriculture is minimized.

At this time with the available information, the proposed map amendment **CONFORMS** to this policy based on the following:

- A. No farmland is proposed to be taken out of production.
- B. There is no nearby natural area.
- C. There is no evidence suggesting that the site is unsuited in even one respect.
- D. The infrastructure and public services appear to be adequate for the proposed use.

Item 40 (continued)

- E. The potential for conflicts with agriculture appear to be minimal.

**GENERALLY REGARDING POSSIBLE SPECIAL CONDITIONS OF APPROVAL**

41. This property could have been zoned B-1 Rural Trade Center on the adoption of the Zoning Ordinance but it was not. At this time the proposed rezoning is subject to a frontage protest on the entirety of the property and frontage protests are generally very difficult to defeat even if the proposed amendment has merit. There has been ample testimony that many neighbors are accepting of the existing business and would not object to its continuation but the neighbors fear any change from the existing use. The following special conditions will ensure that use of the subject property is consistent with the comprehensive zoning plan while ensuring the least possible affects on the neighboring properties:

- A. **The zoning of the subject property shall be B-1 Rural Trade Center but the only authorized use on the subject property shall be limited to activities appropriate for and identical to the Zoning Ordinance definition of "minor automobile repair".** This is to ensure that as much as is legally permissible, the future use of the property will be similar to the current use and thus consistent with the comprehensive zoning plan while ensuring the least possible affects on the neighboring properties.
- B. **The property will be brought into compliance with all requirements of the Champaign County Zoning Ordinance within one year of map amendment approval with the exception of the setback from Oaks Road or as authorized by variance.** This is to make it clear that the current use of the subject property has to be made to conform to the Zoning Ordinance requirements so as to minimize the affects on the neighboring properties.
- C. **The zoning district designation shall revert back to AG-2 Agriculture upon either of the following:**
- **damage or destruction of the existing building by more than 50% of its replacement value; or**
  - **the cessation of a minor automobile repair business or the cessation of activities defined as minor automobile repair on the subject property in which case the Champaign County Department of Planning and Zoning shall be notified in writing upon the cessation of said use.**

This is to ensure that the conditional zoning will not remain if either (1) the nonconforming structure is damaged to a greater degree than can be replaced under the terms of the Zoning Ordinance or if (2) the current use ceases, thereby minimizing the the affects on the neighboring properties.

42. The current business appears to take reasonable care with management of hazardous wastes at this rural location. However, the building does have floor drains which could be convenient points of disposal for future operators which would impact public health and safety. The following condition will ensure that building floor drains are either permanently blocked so as to prevent impacts on public health and safety or are brought up to current public health standards for commercial vehicle repair garages:

**Building floor drains must either be permanently blocked so as to prevent oil or other hazardous substances from erroneously entering the septic system or provided with gas and oil interceptors meeting the requirements of Section 890.520 of the Illinois Plumbing Code and as verified by permit from the Champaign County Department of Public Health or the Illinois Department of Public Health.**

43. The burning of waste products is prohibited in the State of Illinois except for household paper waste or landscape waste produced onsite. The following condition will make it clear that no burning of any waste products may occur on the subject property and ensure that future operators are clearly informed as to these prohibited activities so as to minimize any disturbance to neighbors from such activities:

**There shall be no burning, dumping, or burial of any waste products onsite other than in EPA approved devices and disposal and temporary storage of all hazardous wastes shall be in conformance with EPA regulations.**

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

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

- (1) This property is surrounded by land principally used for farmland.
- (2) The only residential property that directly abuts the subject property is a single vacant dwelling abutting the west side of the subject property.
- (3) Three other dwellings are located within one-quarter mile to the east and two of those appear to predate the adoption of County zoning. More dwellings are clustered in the vicinity of the intersection of Highcross Road and Oaks Road. Most of these dwellings appear to have been constructed since the adoption of County zoning.

**Item 44. A. (continued)**

- (4) The nature of the existing uses of nearby properties appear to be compatible with the B-1 Rural Trade Center Zoning District or some limited form of B-1 designation.

**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) In regards to the value of nearby residential properties, it is not clear if the requested map amendment would have any effect as this property appears to have been in use for similar activities for several years and any property values in the area should already reflect the actual land use that was in place whenever the value was determined.
- (3) In regards to the value of the subject property it also is not clear if the requested map amendment would have any effect for the same reason. The property appears to have been used without proper zoning for several years and has apparently maintained some value. The proposed condition would allow the existing use to continue and so may have some positive effect.
- (4) If a condition of approval is included that requires at such time as the current use ceases or the building is damaged to more than 50% of replacement cost the zoning reverts to the existing AG-2 designation, it seems likely that some productive use could be made of the property at that time given the wide variety of non-residential uses possible in the AG-2 District subject to Special Use Permit in addition to single family dwellings that are authorized by "Right".

**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.**

- (1) As reviewed above, there is no appraisal available as evidence of value and any discussion of value at this time can only be general in nature.
- (2) There is no evidence indicating that there will be any destruction of property values.
- (3) The petitioner can proceed with use of the property that is not currently authorized and which has received generally positive comments from neighbors. Other business uses that could be established under non-conditional B-1 zoning will not be possible. At any time the landowner can choose to seek Special Use Permit approval for any of the greater variety of uses possible under the current AG-2 zoning or even convert the property to a residential property with no specific approval required.

Item 44. C. (continued)

- (4) The neighbors will be subjected to fewer business type uses than seem to have been present on the subject property since the adoption of zoning.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.**
- (1) The proposed conditional zoning will not require any change to current land uses except that the use of the subject property will be brought into compliance with the Zoning Ordinance.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
- (1) The existing building on the subject property appears to be well suited for minor auto repair but also appears to be well suited for other uses in both B-1 and AG-2.
- 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.**
- (1) There has been no testimony regarding the length of time the property was vacant prior to the petitioner's purchase.
- G. **Sinclair factor: The need and demand for the use.**
- (1) There is both a need and a demand for this use at this location as evidenced by the existing use that has been in operation for about one-and-one-half years. Some neighbors have also testified that they have been customers of that business.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
- (1) The *Sinclair* case involved a municipality. In this instance it is important to note that the use authorized by the proposed conditional zoning appears to conform to the County's comprehensive zoning plan. The City of Urbana has not provided comments to date regarding conformance with the City's comprehensive plan.

**DOCUMENTS OF RECORD**

1. Petition received April 7, 2004 with attachments:
  - A Legal description for subject property
  - B Excerpt from MLS listing
  
2. Preliminary Memorandum for Case 453-AM-04 dated February 11, 2005 with attachments:
  - A Zoning Case Maps for Case 276-S-00 (Location, Zoning, Land Use)
  - B Site plan from Case 276-S-00
  - C Approved Summary of Evidence, Finding of Fact, and Final Determination for Case 276-S-00
  - D Excerpt from MLS listing (attachment to the petition)
  - E Table of Authorized Principal Uses
  - F Letter dated February 8, 2005, from Helen and Mack Weckel
  - G Letter dated February 9, 2005, from Ken Mathis, Somer Township Supervisor
  - H Incomplete Draft Finding of Fact
  
3. Petition submitted by Brian Luckenbill, 2405 East Oaks Road, Urbana on February 17, 2005, with signatures from various residents in the vicinity
  
4. Letter of April 18, 2005, from William Campo amending the petition
  
5. Supplemental memorandum of May 20, 2005, with attachments:
  - A Minutes for Case 453-AM-04 excerpted from the approved minutes of February 17, 2005, ZBA meeting
  - B Petition submitted by Brian Luckenbill, 2405 East Oaks Road, Urbana on February 17, 2005, with signatures from various residents in the vicinity
  - C Letter of April 18, 2005, from William Campo amending the petition
  - D Section 7.1.2 of the Zoning Ordinance
  - E Revised Draft Finding of Fact
  
6. Supplemental memorandum of May 26, 2005, with attachment:
  - A Revised Draft Finding of Fact
  
7. Supplemental memorandum of July 22, 2005, with attachments:
  - A Excerpt of Draft ZBA minutes for May 26, 2005, meeting
  - B Summary Comparison of Commercial Land Use Goals & Policies With General Land Use Goals & Policies
  - C Summary Comparison of Agricultural Land Use Goals & Policies With General Land Use Goals & Policies
  - D Revised Draft Finding of Fact

8. Supplemental memorandum of July 28, 2005, with attachments:
  - A Excerpt of minutes for Case 453-AM-04 excerpted from the approved minutes of February 17, 2005, ZBA meeting.
  - B Revised Draft Finding of Fact

**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 Map Amendment requested in Case 453-AM-04 should **NOT BE ENACTED** by the County Board.

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

SIGNED:

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Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

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Secretary to the Zoning Board of Appeals

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Date

To: **Environment and Land Use Committee**

From: **John Hall, Associate Planner**

Date: **August 2, 2005**

RE: **Case 504-AM-05**

Champaign  
County  
Department of

**PLANNING &  
ZONING**

**Brookens  
Administrative Center**  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708  
FAX (217) 328-2426

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**Zoning Case 504-AM-05**

Request: **Amend the Zoning Map to change the zoning district designation from B-3 Highway Business Zoning District to B-4 General Business Zoning District**

Petitioners: **Central Illinois Trucks, Inc. and Richard Schugel, agent**

Location: **An approximately 15 acre tract in the East ½ of the Northeast 1/4 of the Northeast 1/4 of Section 24 of Hensley Township and located between Leverett Road and Interstate 57 and that is commonly known as the field on the west side of Leverett Road at the Interstate 57 interchange on Leverett Road.**

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**STATUS**

The Zoning Board of Appeals voted that the proposed amendment in this Case "BE ENACTED" (recommended approval) at their meeting on July 28, 2005. The ZBA found that the proposed map amendment conformed to all relevant goals and policies.

There are no frontage protests at this time and none are anticipated.

Hensley Township has a plan commission and has protest rights on any map amendment in the township. No comments have been received from the Township but the petitioner did attend a township meeting prior to the ZBA meeting on July 28, 2005.

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**FINDING OF FACT**

The Finding of Fact (see attached) is organized as follows:

- Items 1 and 2 review **the location and legal description of the subject property.**
- Item 3 reviews **the request for map amendment.**
- Items 4 through 6 review **land use and zoning in the vicinity of the subject property and previous zoning cases.** Case 688-AM-89 was a request to rezone a total of 34.45 acres that consisted of two tracts (the subject property and the tract to the west) from combined AG-2 & B-3 to B-3 and was approved by the County Board in Ordinance 353 on January 16, 1990.

- Items 7 and 8 review that **Hensley Township has a plan commission with protest rights**. No comments have been received from Hensley Township.
- Item 9 is a **comparison of the existing B-3 Highway Business Zoning District to the proposed B-4 General Business Zoning District**. There has been a trend in recent years to change B-3 zoned areas to B-4 because the B-3 District contains much fewer authorized uses than the B-4 and this limited purpose zoning district no longer seems to be justified today. It is expected that one outcome of the Comprehensive Zoning Review will be to delete the B-3 District and replace it with the B-4 District.
- Item 10 reviews **the relationship of the Land Use Goals and Policies to the Land Use Regulatory Policies**.
- Items 11 through 18 review **the commercial land use policies**.
- Items 19 through 21 review the **commercial land use goals**. Neighbor testimony and the testimony from the Beaver Lake Drainage District is included under item 21.
- Items 22 and 23 review the **general land use policies**.
- Items 24 through 26 review the **general land use goals**.

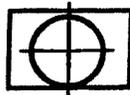
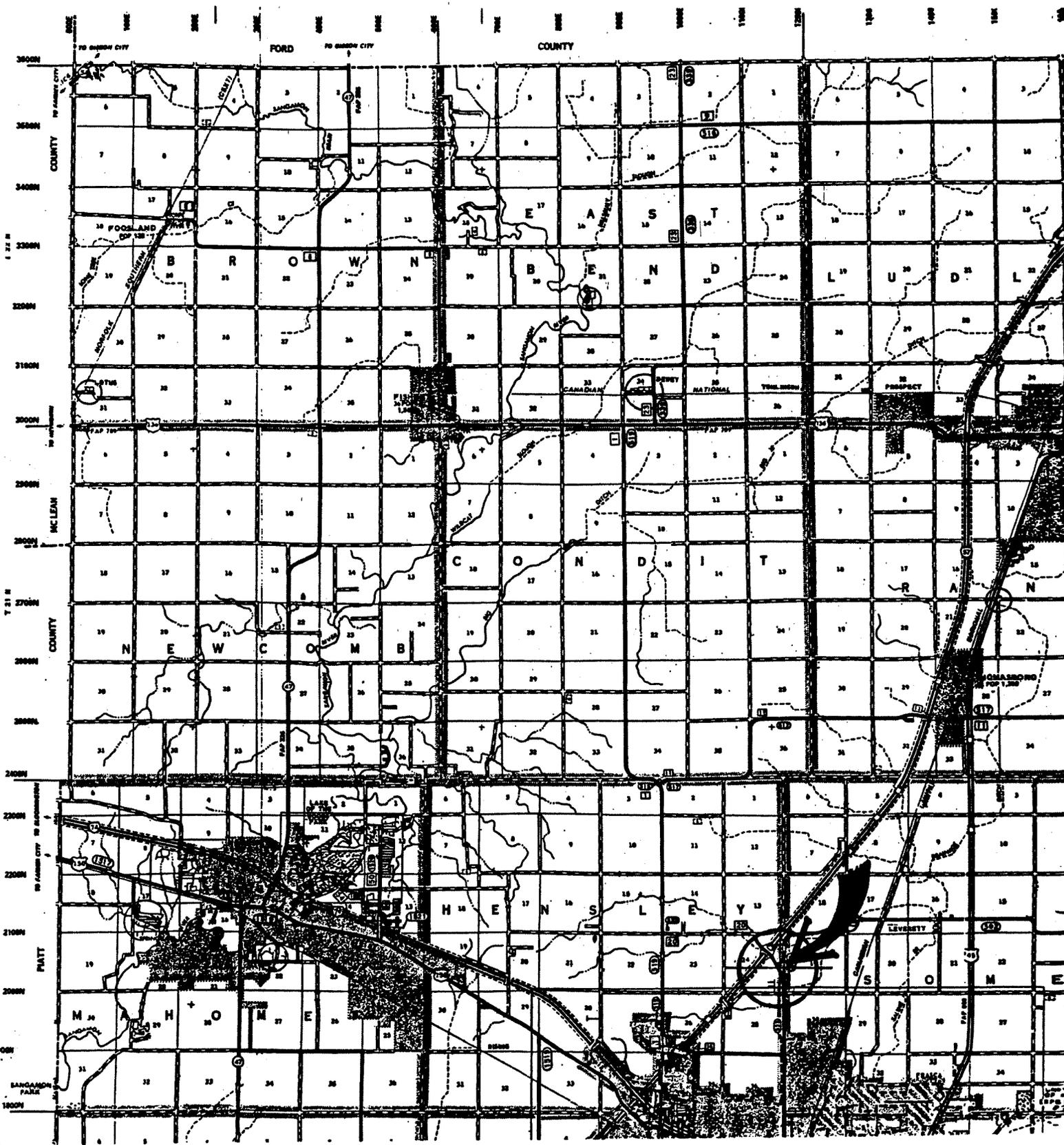
#### **ATTACHMENTS**

- A Zoning Case Maps (Location, Land Use, Zoning)
- B Plat of survey of subject property
- C Finding of Fact and Final Determination of the Champaign County Zoning Board of Appeals as approved on July 28, 2005 (UNSIGNED)

# ATTACHMENT A. LOCATION MAP

Case 504-AM-05

JULY 22, 2005



Area of Concern

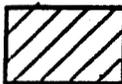
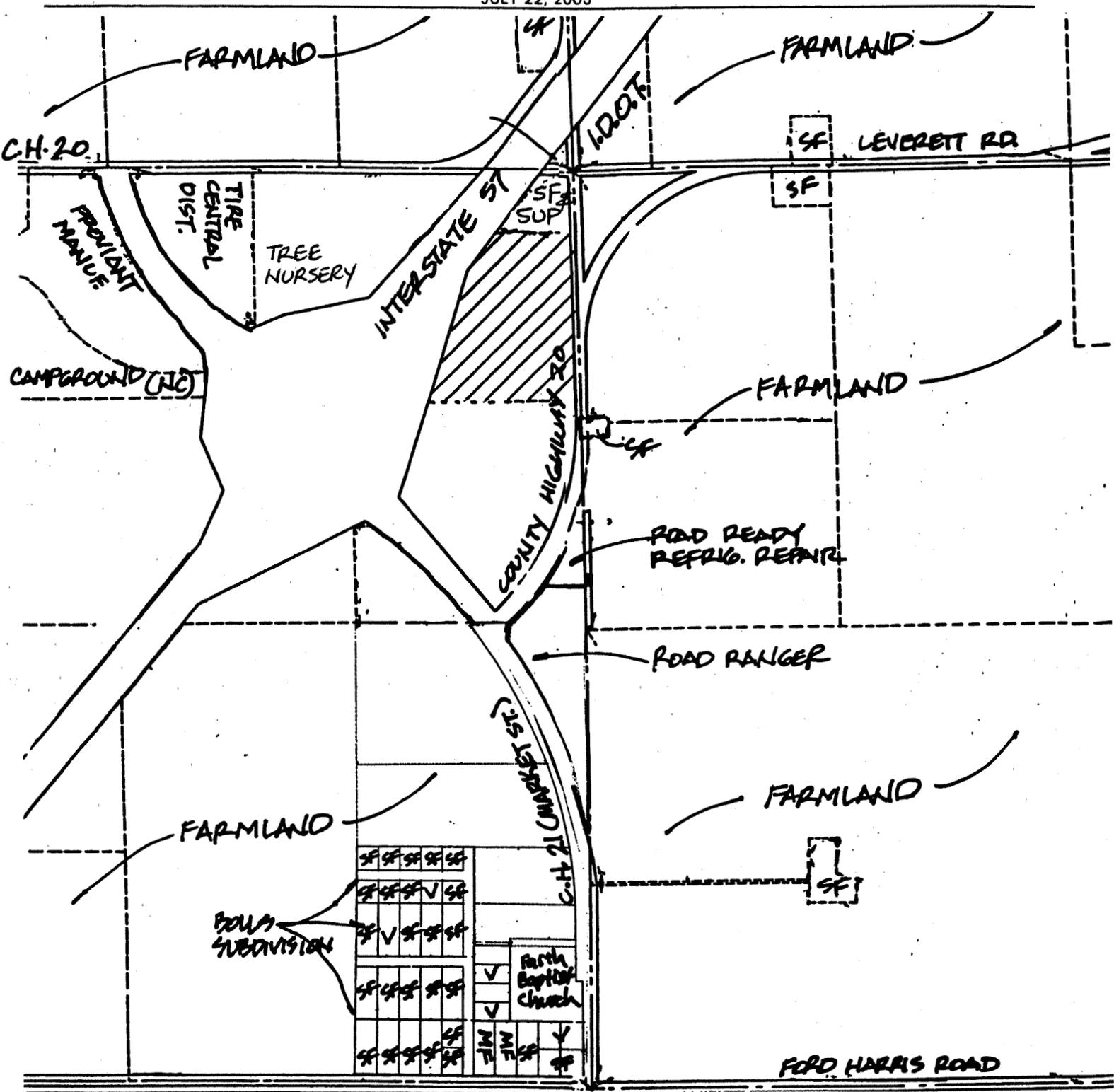


NORTH

# ATTACHMENT A. LAND USE MAP

Cases 504-AM-05

JULY 22, 2005



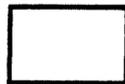
**Area of Concern**



**Single Family**



**Farmstead**



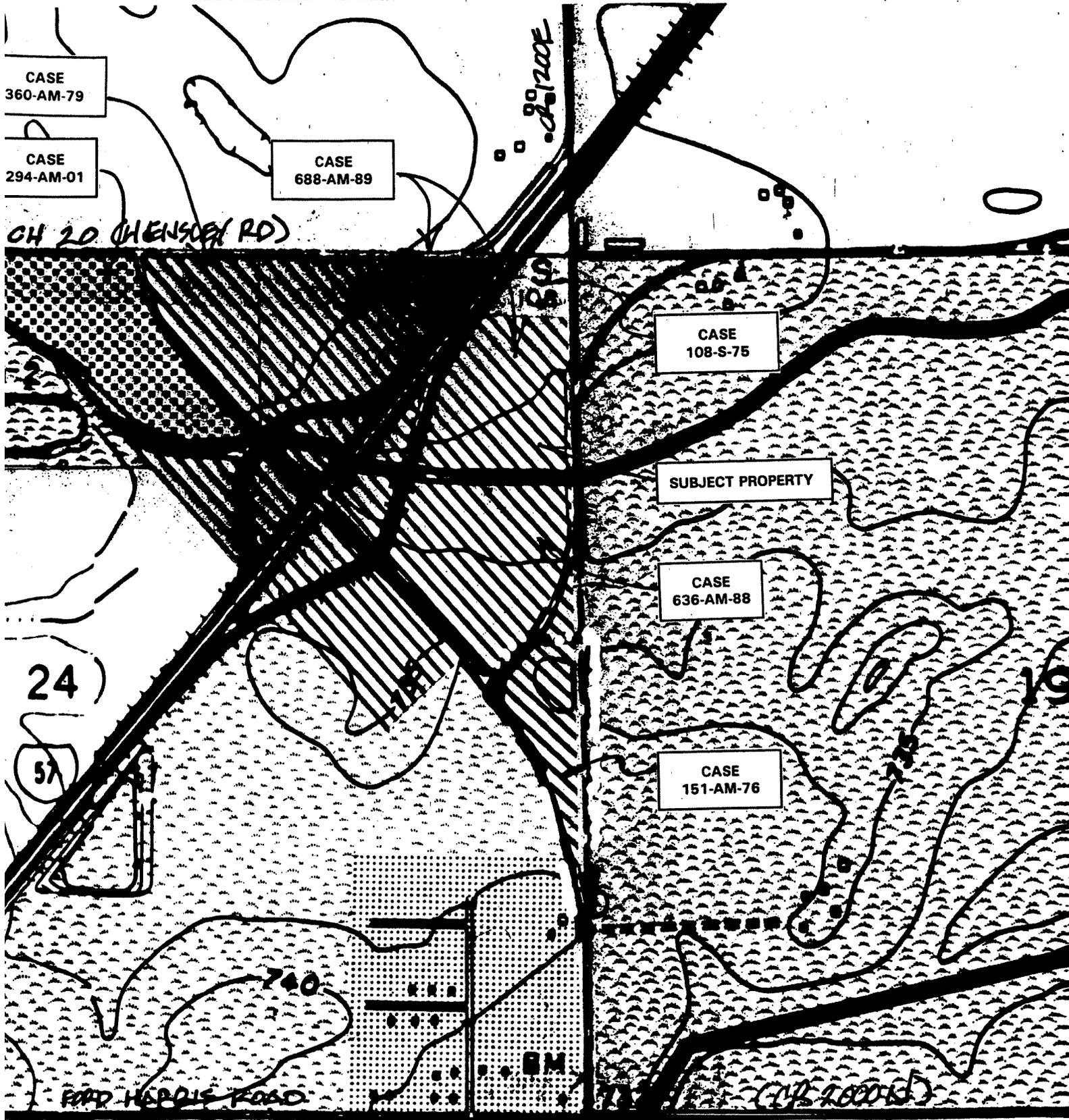
NORTH

Champaign  
County  
Department of  
**PLANNING &  
ZONING**

# ATTACHMENT A. ZONING MAP

Cases 504-AM-05

JULY 22, 2005



	AG-1 Agriculture		R-1 Single Family Residence		R-4 Multiple Family Res.		B-2 Neighborhood Business		B-5 Central Business
	AG-2 Agriculture		R-2 Single Family Residence		R-5		B-3 Highway Business		I-1 Light Industry
	CR Conservation		R-3 Two-family Residence		90		B-4 General		I-2 Heavy Industry



Champaign  
County  
Department of  
**PLANNING &  
ZONING**

NNING

N. LINE-NE 1/4 SEC. 24-T20N RBE  
N 89°15'57" W 1109.92'

7° E 554.29'

S 40°42'45" W 491.44'

WESTERLY R.O.W. LINE I-57

INTERSTATE 57 (FAI-57)  
LIS PENDENS 86-L-389 (29)  
BOOK 822, P. 124

EASTERLY R.O.W. LINE I-57

N 17°41'19" E 738.17'

N 34°38'06" E 313.06'

S 89°35'09" E 434.09' (444.85')

EAST TRACT  
15.031 ACRES

BOOK 256, P. 68  
R.O.W. DEDICATION FOR PUBLIC ROAD PURPOSES. (7)

(10) LIS PENDENS 66-L-389  
BOOK 822, P. 132

N 89°18'05" W 851.14'

HENSLEY DITCH

S. LINE-N. 1/2-NE 1/4 SEC. 24-T20N-R8E

NW COR.-NW 1/4 SEC. 19-T20N-R9E

NE COR.-NE 1/4 SEC. 24-T20N-R8E  
POINT OF COMMENCEMENT

E. LINE-NE 1/4 SEC. 24-T20N-R8E

TRUE POINT OF BEGINNING EAST TRACT  
SE COR. 2.606 ACRE TRACT

S 00°52'29" E 1327.56'

S 00°52'29" E 968.20'

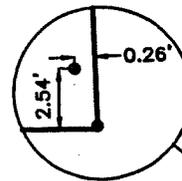
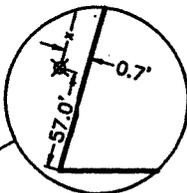
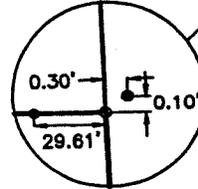
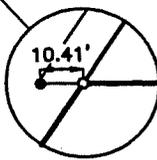
SE COR.-N. 1/2-SEC. 24-T20N-R

(75')

(40')

WARRANTY DEED  
BOOK 1057, P. 86  
75R9587  
(2.606 ACRES)

S. LINE  
2.606 ACRE TRACT



**AS-APPROVED**

**504-AM-05**

**FINDING OF FACT  
AND FINAL DETERMINATION  
of  
Champaign County Zoning Board of Appeals**

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Final Determination: **GRANTED**

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Date: July 28, 2005

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Petitioners: Central Illinois Trucks, Inc. and Richard Schugel, agent

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Request: Amend the Zoning Map to change the zoning district designation from B-3 Highway Business Zoning District to B-4 General Business Zoning District

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**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on July 28, 2005, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners propose to relocate their semi-truck sales and repair facility to the subject property and are purchasing the property from the current owner Sarabess Fink, 2813 CR600E, Fisher.
2. The subject property is an approximately 15 acre tract in the East ½ of the Northeast 1/4 of the Northeast 1/4 of Section 24 of Hensley Township and located between Leverett Road and Interstate 57 and that is commonly known as the field on the west side of Leverett Road at the Interstate 57 interchange on Leverett Road.
3. Regarding the petition:
  - A. On the Petition, when asked what error in the present Ordinance is to be corrected by the proposed change, the Petitioners indicated the following:

**No error**
  - B. On the Petition, when asked what other circumstances justify the amendment the Petitioner indicated the following:

**Current zoning would allow our business to perform our services with the exception of sales new and used trucks.**

*GENERALLY REGARDING ZONING AND LAND USE IN THE IMMEDIATE VICINITY*

4. The subject property was zoned B-3 Highway Business in Case 688-AM-79 on January 16, 1990, and is currently farmland.
5. Land use and zoning in the vicinity and adjacent to the subject property are as follows:
  - A. The parcel north of the subject property is zoned AG-2 Agriculture. The use is a truck terminal (Special Use Permit 108-S-75) and an accessory dwelling.
  - B. The land east of the subject property is zoned AG-2 Agriculture and is farmland.
  - C. The parcel south of the subject property is zoned B-3 Highway Business and is vacant.
  - D. The parcel west of the subject property (across the I-57 right of way) was also zoned B-3 Highway Business in Case 688-AM-79 on January 16, 1990, and is currently used as a tree nursery.
6. Previous zoning cases in the vicinity have been the following:
  - A. Case 108-S-75 was a Special Use Permit for a Truck Terminal in the AG-2 District that was approved by the ZBA on August 14, 1975. This is the property that borders the north side of the subject property.
  - B. Case 151-AM-76 was a request to rezone the 7.276 acre tract west of Leverett Road and south of CH 21 from AG-2 to B-3 and was approved by the County Board on March 13, 1976.
  - C. Case 360-AM-79 was a request to rezone a 10 acre tract south of CH20 (Hensley Road) and east of the I-57 ramp from AG-2 & B-3 to B-3 and was approved by the County Board in Ordinance 118 on February 19, 1980. This property is now the location of the Tire Central Distribution facility.
  - D. Case 636-AM-88 was a request to rezone the 33.95 acre tract located between Leverett Road and the I-57 ramp from combined AG-2 & B-3 to B-3 and was approved by the County Board in Ordinance 315 on April 19, 1988. This property remains vacant.
  - E. Case 688-AM-89 was a request to rezone a total of 34.45 acres that consisted of two tracts (the subject property and the tract to the west) from combined AG-2 & B-3 to B-3 and was approved by the County Board in Ordinance 353 on January 16, 1990. A tree nursery was established on the tract to the west in Zoning Use Permit Application 112-05-02 that was approved on June 2, 2005.

**Item 6 (continued)**

- F. Case 294-AM-01 was a request to rezone a 21 acre tract south of CH20 (Hensley Road) and west of the I-57 ramp from B-3 to I-1 Light Industry and was approved by the County Board in Ordinance 628 on June 10, 2001. This property is now the location of the Proviant manufacturing facility.

**GENERALLY REGARDING WHETHER THE SUBJECT PROPERTY IS WITHIN EITHER A MUNICIPAL ETJ AREA OR A TOWNSHIP WITH PLAN COMMISSION**

- 7. The subject property is not located within the One-and-One-Half Mile Extraterritorial Jurisdiction of any village or municipality with a comprehensive plan.
- 8. Hensley Township has a plan commission and thus also has protest rights in map amendment cases. The township plan commission has received notice of this proposed map amendment.

**GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS**

- 9. Regarding the existing and proposed zoning districts:
  - A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
    - (1) The B-3 Highway Business Zoning DISTRICT is intended to provide areas for commercial establishments which primarily serve the needs of motorists and are intended for application only adjacent to major thoroughfares in the COUNTY.
    - (2) The B-4 General Business Zoning DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to urbanized areas of the COUNTY.
  - B. Regarding the general locations of the existing and proposed zoning districts:
    - (1) The B-3 Highway Business Zoning District originally contained most of the strip commercial areas along state and federal highways in the County zoning jurisdiction and includes almost all land adjacent to interstate interchanges in the County zoning jurisdiction. There has been a trend in recent years to change B-3 zoned areas to B-4 because the B-3 District contains much fewer authorized uses than the B-4 and this limited purpose zoning district no longer seems to be justified today. It is expected that one outcome of the Comprehensive Zoning Review will be to delete the B-3 District and replace it with the B-4 District.

**Item 9 (continued)**

- (2) There is no easy generalization to describe where the B-4 General Business Zoning District was originally established except to say that with a few large exceptions it does not occur very often outside of the fringe of urbanized areas. There has been a trend in recent years to change B-3 zoned areas to B-4 and this may occur as part of the amendments in later phases of the Comprehensive Zoning Review.
- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 47 different types of uses authorized by right in the B-3 District and there are 115 different types of uses authorized by right in the B-4 District.
  - (2) There are 11 different types of uses authorized by Special Use Permit in both the B-3 District and the B-4 District. The Special Uses differ between the two districts.
  - (3) Automobile, truck, trailer, and boat sales (either indoor or open lot) are not authorized in the B-3 District and are authorized by right in the B-4 District. Both major and minor automobile (& truck) repair are authorized by right in both the B-3 and B-4 Districts.

**REGARDING CHAMPAIGN COUNTY LAND USE GOALS AND POLICIES**

10. The Land Use Goals and Policies were adopted on November 29, 1977, and were the only guidance for County Map Amendments until the Land Use Regulatory Policies- Rural Districts were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). The relationship of the Land Use Goals and Policies to the Land Use Regulatory Policies is as follows:
  - A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
  - B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.

**GENERALLY REGARDING POLICIES FOR COMMERCIAL LAND USE**

11. There are seven commercial land use policies in the Land Use Goals and Policies. In addition, there are two utilities policies (7.3 and 7.3a) that are relevant.

12. Policy 3.1 of the Land Use Goals and Policies states that the County Board will encourage only those new commercial developments which are found to be needed to serve the demands of the residents of Champaign County and its trade area.

The proposed map amendment **CONFORMS** to Policy 3.1 based on the following:

- A. The existing use is a use that was previously established near the City of Urbana so the current proprietor has an established clientele.

13. Policy 3.2 of the Land Use Goals and Policies states that the County Board will establish, by amendment to the Zoning Ordinance or other means, a process for reviewing petitions for new commercial land to include a determination of the need for new commercial development based on market demand.

There is no required process for reviewing petitions for determining the need for new commercial development based on market demand.

14. Policy 3.3 of the of the Land Use Goals and Policies states that the Environment and Land Use Committee will examine the Zoning Ordinance to institute more flexible commercial development controls such as planned unit development and transfer of development rights in order to provide a wider variety of commercial development techniques and better compatibility with non-commercial uses.

This policy does not appear to be relevant to relevant to any specific map amendment.

15. Policy 3.4 of the Land Use Goals and Policies states that the County Board will not encourage major new commercial development except in those areas where sewer, water, adequate fire protection and other utilities are readily available. The following additional policies relate to adequacy of sewer and water utilities:

- Policy 7.3 states that the County Board will encourage development only in areas where both sewer and water systems are available. In areas without public sewer and water systems, development may occur only if it is determined that individual septic systems can be installed and maintained in a manner which will not cause contamination of aquifers and groundwater and will not cause health hazards. Requests for development should demonstrate that wastewater disposal systems, water supply, fire and police protection are adequate to meet the needs of the proposed development.
- Policy 7.3A states that new subdivisions and zoning changes should meet these (7.3 above) standards and will be considered where they are not in conflict with the goals and policies of this Plan.

Policy 3.4 is **NOT RELEVANT** to the proposed map amendment as follows:

**Item 15 (continued)**

- A. The subject property is already zoned B-3 Highway Business and so this map amendment would not result in new development.
  
- B. Regarding the availability of a connected public water supply system:
  - (1) The subject property is not currently serviced by a connected public water supply system. There is no evidence regarding the presence of an existing waterwell on the subject property.
  
  - (2) The County Health Ordinance requires connection to a public water system when the subject property is located within 200 feet of a public water system and when such connection is practical and when such connection is authorized. The subject property is not located within 200 feet of a public water system.
  
  - (3) Any significant new construction and commercial use on the property will be required to have County Health Department approval for potable water.
  
- C. Regarding the availability of a connected public sanitary sewer system:
  - (1) The subject property is not currently serviced by a connected public sanitary sewer system. It is not clear if there is an existing onsite wastewater treatment and disposal system and if so if it is adequate for the suggested commercial use or for other uses that are authorized in the proposed zoning district.
  
  - (2) The County Health Ordinance requires any new commercial use that generates more than 1,500 gallons per day of wastewater to connect to any public sewer system that is located within 1,000 feet. There is no collector sewer located within 1,000 feet of the subject property.
  
  - (3) Any new construction and commercial use on the property would be required to have County Health Department approval for onsite wastewater treatment and disposal.
  
  - (4) Soil investigation results have been submitted and are attached to the Preliminary Memorandum. The results indicate that the soils on the subject property are in soil group 6D for purposes of septic system design which is a typical soil group for septic systems in Champaign County.
  
  - (5) Policy 3.4 does not appear to be relevant to the proposed map amendment because the proposed development is not new development. The proposed map amendment conforms to policies 7.3 and 7.3A in regards to sewer availability because the soil investigation results indicate that a septic system could be installed at this location.

Item 15 (continued)

- D. Regarding the adequacy of fire protection at this location for the proposed map amendment:
  - (1) Policy 3.4 does not appear to be relevant to the proposed map amendment because the proposed development is not new development.
  - (2) The subject property is located within the response area of the Thomasboro fire Protection District. The subject property is located within approximately 6.0 road miles from the station via US Route 45 and township roads. The Fire District chief has been notified of this request but no comments have been received.
- E. There is no evidence to suggest that demand for other utilities by a commercial use on this small parcel would cause any problem or costs for the public at large.

- 16. Policy 3.5 of the Land Use Goals and Policies states that the County Board will not encourage major new commercial developments except in those areas which can be adequately served by public mass transit.

This policy is **NOT RELEVANT** to the proposed map amendment as follows:

- A. The Mass Transit District does not provide service in the vicinity of the subject property.
- B. The subject property is already zoned B-3 Highway Business and so this map amendment would not result in new development.

- 17. Policy 3.6 of the Land Use Goals and Policies states that the County Board will strongly discourage proposals for new commercial development not making adequate provisions for drainage and other site considerations.

The proposed map amendment **CONFORMS** to Policy 3.6 based on the available information:

- A. Any construction will have to meet the requirements of the *Zoning Ordinance*, the *Subdivision Regulations* (if relevant), and the *Stormwater Management Policy*.
- B. The subject property drains to a drainage ditch along the south edge of the property.
- C. The subject property is located in the Beaver Lake Drainage District. The drainage district was notified of the proposed map amendment but no comments have been received.
- D. Pursuant to Federal Emergency Management Agency Panel Number 170894- 0115B, the subject property is not located within the Special Flood Hazard Area.

18. Policy 3.7 of the Land Use Goals and Policies states that the County Board will strongly discourage proposals for new commercial development along arterial streets and highways if the proposals contribute to the establishment or maintenance of a strip commercial pattern. As an alternative, concentrated or nodal patterns of development may be considered when there is adequate provision for safe, controlled access to the arterial streets and highways.

The proposed map amendment **CONFORMS** to Policy 3.7 based on the following:

- A. The following considerations are relevant to whether or not the proposed map amendment contributes to the establishment or maintenance of a strip commercial pattern:
- (1) The proposed map amendment is for the entire subject lot and so the proposed map amendment provides for the full development of an existing land parcel.
- B. Regarding traffic and street access:
- (1) There is no traffic impact analysis provided for this case.
  - (2) The Hensley Township Highway Commissioner has received notice of the proposed map amendment but no comments have been received.
  - (3) The Summary Memorandum for Case 688-AM-89 (a previous map amendment for this same property) discussed access to Leverett Road and did not require any special condition for approval.

**REGARDING GOALS FOR COMMERCIAL LAND USE IN THE LAND USE GOALS AND POLICIES**

19. There are four goals for commercial land use in the Land Use Goals and Policies. Two of the commercial land use goals are not relevant to the proposed map amendment for the following reasons:
- A. The first commercial land use goal is so generally stated that it is difficult to evaluate the degree of achievement by the proposed map amendment.
- B. The fourth commercial land use goal is not relevant to any specific map amendment.
20. The second commercial land use goal of the Land Use Goals and Policies is as follows:
- Location of commercial uses
- i. with ready accessibility to sewer, water and other utilities as well as adequate streets and highways and
  - ii. adequate public transit will also be considered.

Based on the review of the five relevant specific policies, the proposed map amendment **ACHIEVES** this goal as follows:

- A. The proposed map amendment conforms to the following policies:

**Item 20. A. (continued)**

- (1) Policy 3.4 does not apply as the proposed development is not major commercial development. The proposed map amendment conforms to policies 7.3 and 7.3A in regards to sewer availability because the soil investigation results indicate that a septic system could be installed at this location.
- (2) Policy 3.5 regarding adequacy of public mass transit is not relevant to the proposed map amendment because this property has already been zoned B-3 and is not new development.
- (3) Policy 3.7 regarding the establishment or maintenance of a strip commercial pattern. The existing building was at this location prior to the adoption of the Zoning Ordinance on October 10, 1973, and has apparently been in use for several different business uses since that time but is the only use of this type in the vicinity and so the proposed amendment will neither establish nor maintain a strip pattern.

21. The third commercial land use goal of the Land Use Goals and Policies is as follows:

Commercial areas

- i. designed to promote compatibility with non-commercial uses and
- ii. at the same time provide ease of access.

Based on the review of the relevant specific policies and other evidence, the proposed map amendment **DOES** achieve this goal as follows:

- A. In regards to compatibility with non-commercial uses, the proposed map amendment **IS COMPATIBLE** with surrounding non-commercial uses based on the following:
  - (1) The nearest dwelling is accessory to a truck terminal that was authorized in Case 108-S-75.
- B. In regards to ease of access, the subject property appears to have adequate access because it has very quick access to Leverett Road.
- C. Testimony at the July 28, 2005, ZBA meeting was as follows:
  - (1) Wayne Busboom of the Beaver Lake Drainage District testified that there is a minimum 40 feet wide drainage district easement along the ditch on the south side of the property and a 60 feet wide easement would be better for maintenance. access
  - (2) Lee Eichorst who resides at 309 East Leverett Road, Champaign, testified that he lives and farms nearby and is not opposed to the map amendment but he would prefer a hard surface be used on the parking area so as to minimize dust.

**Item 21. C. (continued)**

- (3) The petitioner Richard Schugel testified that his business is selling new trucks and dust will be minimized by concrete drives and a concrete apron and a hard surface parking lot. Mr. Schugel also testified that the proposed approximately 20,000 square feet building will be located about 160 feet south of the north property line and only about 4 to 5 acres of the property will be developed and there are no plans at this time to develop the remainder and it will be farmland for the time being.

**REGARDING GENERAL LAND USE POLICIES IN THE LAND USE GOALS AND POLICIES**

22. There are two general land use policies in the Land Use Goals and Policies. The second general land use policy is not relevant to any specific map amendment.
23. The first general land use policy in the Land Use Goals and Policies is the following:

The County Board, the Environmental and Land Use Committee and the Zoning Board of Appeals will follow the policies of

- i. encouraging new development in and near urban and village centers to preserve agricultural land and open space;
- ii. optimizing the use of water, sewer, and public transportation facilities; and reducing the need for extending road improvements and other public services.

Based on the review of the relevant specific policies, the proposed map amendment **CONFORMS** to this policy as follows:

- A. Conforms in regards to encouraging new development in and near urban and village centers to preserve agricultural land and open space because of the existing building has existed since before the adoption of zoning.
- B. In regards to the second part of this policy:
  - (1) Conforms to the policy in regards to optimizing the use of public transportation facilities (see the second commercial land use goal); and
  - (2) Conforms to the policy in regards to reducing the need for extending road improvements (see the second commercial land use goal) and other public services, because the Carroll Fire Protection District has received notice of this proposed map amendment but no comments have been received.
  - (3) Based on the available information, the proposed map amendment **CONFORMS** to this policy regarding optimizing the use of water and sewer because no public infrastructure is required. See Policies 3.4, 7.3, and 7.3A in regards to overall adequacy of utilities (see items 15).

**REGARDING GENERAL LAND USE GOALS OF THE LAND USE GOALS AND POLICIES**

24. There are five general goals for land uses in general in the Land Use Goals and Policies. Three of the general land use goals are not relevant to the proposed map amendment for the following reasons:
- A. The first and fourth general goals are not relevant to any specific map amendment.
  - B. The second general goal is so generally stated that it is difficult to evaluate the degree of achievement by the proposed map amendment.

25. The third general land use goal is as follows:

Land uses appropriately located in terms of

- i. utilities,
- ii. public facilities,
- iii. site characteristics and
- iv. public services.

The proposed map amendment relates to this goal as follows:

- A. **ACHIEVED** in regards to utilities considering the degree of conformance with the first general policy (item 23), the degree of achievement of the second commercial land use goal (item 2o), and the degree of conformance with commercial land use policy 3.4 (item 15).
  - B. **ACHIEVED** in regards to public facilities to the extent that no public facilities are required to accommodate the proposed development.
  - C. **ACHIEVED** in regards to site characteristics because based on the available information, the proposed map amendment **WILL CONFORM** to Policy 3.6 because the petitioner has not requested any variances and the property must be brought into compliance if the map amendment is approved.
  - D. **ACHIEVED** in regards to public services because no comments have been received from the agencies providing services.
26. The fourth general land use goal is as follows:

Arrangement of land use patterns designed to promote mutual compatibility.

Based on the review of the relevant specific policies and other evidence and the third commercial goal in regards to compatibility with non-commercial land uses (item 21), the proposed map amendment **DOES** achieve this goal because the proposed map amendment **IS COMPATIBLE** with surrounding non-commercial uses.

**DOCUMENTS OF RECORD**

1. Petition with attachments:
  - A Plat of survey for subject property
  
2. Preliminary Memorandum with attachments:
  - A Zoning Case Maps (Location, Land Use, & Zoning)
  - B Plat of survey of subject property
  - C Table of Authorized Principal Uses
  - D Soil investigation report dated 6/27/05
  - E Finding of Fact and Final Determination for Case 688-AM-89
  - F Summary Memorandum for Case 688-AM-89
  - G Preliminary Memorandum for Case 688-AM-89
  - H Summary Comparison of Commercial Land Use Goals & Policies With General Land Use Goals & Policies
  - I Draft Finding of Fact

**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 Map Amendment requested in Case 504-AM-05 should **BE ENACTED** by the County Board.

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

SIGNED:

\_\_\_\_\_  
Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

\_\_\_\_\_  
Secretary to the Zoning Board of Appeals

\_\_\_\_\_  
Date



## CHAMPAIGN COUNTY ADMINISTRATIVE SERVICES

1776 EAST WASHINGTON  
URBANA, IL 61802  
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ADMINISTRATIVE SUPPORT  
DATA PROCESSING  
MICROGRAPHICS  
PURCHASING  
PHYSICAL PLANT  
SALARY ADMINISTRATION

### RECOMMENDATION

**TO:** Ralph Langenhneim, Chair and MEMBERS OF THE ENVIRONMENT and LAND USE COMMITTEE

**FROM:** Deb Busey, County Administrator of Finance & HR Management  
John Dimit, Executive Director – Champaign County Regional Planning Commission

**DATE:** September 28, 2004, re-issued August 1, 2005

**RE:** PLANNING & ZONING DEPARTMENT

Pursuant to a request from your committee, we would like to present our joint recommendation regarding the issue of the placement of the Planning and Zoning Department.

#### **ISSUES and HISTORY:**

The Champaign County Regional Planning Commission was created in 1968 and charged with serving as the County's planning arm. CCRPC staff immediately began that work, including the writing of the County Zoning Ordinance in 1973. At that time, a separate County Zoning Department was founded, responsible for enforcement of the Zoning Ordinance. In 1990, the zoning Department was merged into the CCRPC to form the County Planning and Zoning Department as it is recognized today. This function has now been carried out by the CCRFPC through a contractual agreement or Memorandum of Understanding Agreement for the past 14 years. A recommendation was presented at the FY2005 Legislative Budget Hearings that this practice end, and that the Planning and Zoning Department be designated as a stand-alone County department. The recommendation presumed that this change would generate cost savings to the General Corporate fund, while placing the Planning and zoning function under the direct supervision of the County Board. Additional information presented by the Regional Planning Commission indicated that the true cost savings were less significant than originally indicated when all of the County's overhead costs are taken into consideration.

The Planning and Zoning Staff is currently involved in the early stages of the Comprehensive Zoning Ordinance Revision, the first comprehensive revision in over thirty years. This activity places an additional strain on the resources of the department, and the department is currently receiving additional support from the Regional Planning Commission as this project moves forward, according to the terms of

the Memorandum of Understanding. It is currently anticipated that Phase I of this project will be completed by late winter/early spring of 2005.

The Regional Planning Commission is currently working with the County and local municipalities to develop an administrative hearing program to serve as a point of resolution for several local ordinance violations. For the Planning and Zoning Department, this could provide a more expedient method for dealing with the resolution of zoning and nuisance violations which currently are required to be handled in the Circuit Court.

**RECOMMENDATION:**

Taking into consideration the issues and historical information listed above, we have developed the following joint recommendation regarding the assignment of planning responsibility for Champaign County, and the transition of the Zoning and Enforcement functions to a stand-alone County department.

- Effective December 1, 2005, the County Board shall directly fund the equivalent of 1 full time Planner position at the Regional Planning Commission, to provide direct responsibility for the County's planning needs, including but not limited to: (1) plan and policy development; (2) representing the County in intergovernmental planning programs; (3) policy analysis; (4) land use development ordinance drafting, and other such planning tasks. Attached is an illustrative list of past and prospective examples of the type of work that would be carried out under this scenario.
- Working with the RPC and municipalities, the County shall begin working with an administrative hearing officer program late in the FY2005 budget year. This change in program will impact the manner in which enforcement cases are managed and processed by the County's Planning and Zoning Department.
- A transition of the Planning and Zoning Department to become the County's Zoning and Enforcement Department shall begin at the conclusion of Phase I of the current Comprehensive Zoning Ordinance Revision. Staffing shall include 1 less Planner position than the current staffing for that department, and the addition of at least 1 full-time secretary assigned directly to the Department. (There is not currently a secretary included in the Planning and Zoning staff.) The transition to a stand-alone Zoning and Enforcement Department, including the move to a different location within the Brookens Administrative Center, is targeted to be complete by November 30, 2005, so that the department is budgeted and designated as stand-alone in the FY2006 Budget.
- The Zoning and Enforcement Department could also be charged with managing ordinance violation enforcement issues, beyond zoning violations, on behalf of the County Board. At this time, certain nuisance violations are frequently overlooked because there is not a designated entity for the management of those issues.

This recommendation accomplishes the goals of establishing direct accountability of the Zoning and Enforcement functions of County government with the County Board, while maintaining the County's long term planning initiatives with the County's Regional Planning Commission. In this way, land use or other relevant policy analysis and planning for the County continues to be well integrated into the regional context. This is especially important since the County's jurisdiction is so closely intertwined with municipalities and townships.

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Past Examples

**Plan & Policy Making**

Solid Waste Plan  
U.S. Rt. 150 Corridor Plan  
County Fire Protection Plan  
Land Use Goals and Policies  
Land Use Regulatory Policies (Phase I of CZR)  
Economic Development Policy

**Represent County in Intergovernmental Planning Programs**

Greenways & Trails Plan  
Corridor Plans (U.S. Rt. 150)  
LRTP  
U of I Campus Master Plan

**Policy Analysis**

Tree Cutting and Utility Issues  
Confined Animal Feeding Operation Siting  
Railroad Abandonments & Mergers  
Phase II NPDES Permitting  
Illinois Groundwater Protection Act  
Mahomet Aquifer Consortium  
Enterprise Zone Amendments

**Ordinance Drafting**

Zoning ( $\pm$  500 amendments + CZR)  
Subdivision  
Nuisance Ordinance  
County Health Ordinance

**Other**

Enterprise Zone Administration  
Traffic Impact Analyses

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Illustrative Projects

County Comprehensive (Land Use) Plan  
Hazard Mitigation Plan (Jointly with ESDA)  
Land Use Regulatory Policies (Remainder of CZR )  
Solid Waste Plan Update  
Economic Development Policy Update

G& T Plan Update  
Corridor Plans (Ill. Rt. 130, U.S. Rt. 45 & Others)  
LRTP  
Municipal Comprehensive Plans - ETJ  
Other Specific Purpose & Agency Plans

Phase II NPDES Permit Implementation  
LESA System Update (long overdue)  
Wastewater Facility Planning Area Revisions  
Economic Development Policy Implementation  
Enterprise Zone Amendments

CZR Completion (after Phase 1)  
Comprehensive Subdivision Ordinance Update  
Special Flood Hazard Area Ordinance Revision  
Stormwater Management Policy Update & Erosion  
and Sedimentation Ordinance for Phase II  
NPDES Permit Implementation

Enterprise Zone Administration  
Traffic Impact Analyses

