

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **March 29, 2012**
Time: **6:00 P.M.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

*Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 PM.
Use Northeast parking lot via Lierman Ave.
and enter building through Northeast
door.*

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes
5. Continued Public Hearings

*Note: The full ZBA packet is now available
on-line at: www.co.champaign.il.us.*

Note: MEETING TIME AT 6:00 P.M.

***Case 698-S-11 Petitioner: S.J. Broadcasting, LLC, with owners Steven J. Khachaturian, Jon E. Khachaturian and the estate of Clinton C. Atkins**

Request: Authorize a radio transmission tower that is 346 feet in height and transmitter building as a Special Use with waivers (variance) of standard conditions in the AG-1 Zoning District, subject to the required variance in related Case 706-V-12.

Location: A 5 acre tract in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 36 of Tolono Township and commonly known as a vacant parcel on the west side of CR 1200E and located approximately one-half mile south of the intersection of CR 1200E and CR 700N, Tolono.

***Case 706-V-12 Petitioner: S.J. Broadcasting, LLC, with owners Steven J. Khachaturian, Jon E. Khachaturian and the estate of Clinton C. Atkins**

Request: Authorize the following in the AG-1 District:

A. Authorize the use of a 5 acre lot on best prime farmland in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-1 District for the construction and use of a radio transmission tower and transmitter building in related Special Use Permit Case 698-S-11 (included as the original variance); and

B. Waiver (variance) of standard conditions for a front yard setback of 70 feet from CR 1200E in lieu of the required 100 feet and a rear yard setback of 40 feet in lieu of the required 50 feet.

Location: A 5 acre tract in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 36 of Tolono Township and commonly known as a vacant parcel on the west side of CR 1200E and located approximately one-half mile south of the intersection of CR 1200E and CR 700N, Tolono.

Case 701-AT-11 Petitioner: Zoning Administrator

Request: Part A. Revise paragraph 6.1.4 D. 1 to require that documentation of design compliance with applicable industry standards be submitted prior to receiving a Zoning Compliance Certificate for either a WIND FARM or for any single WIND FARM TOWER.

Part B. Revise paragraph 6.1.4 F. as follows:

1. Revise subparagraph 6.1.4 F.1. to require that agreements between the Applicant and the County Engineer shall not be forwarded to the County Board before the special use permit is forwarded and that all other agreements shall be executed prior to the close of the public hearing before the BOARD.

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
MARCH 29, 2012

Case 701-AT-11 cont:

2. Delete subparagraph 6.1.4 F. 1.u.
 3. Add new subparagraph 6.1.4 F. 3. to require at the time of decommissioning a Roadway Use and Repair Agreement with the appropriate highway authority.
- Part C.** Revise paragraph 6.1.4 J. to require the Applicant to submit a copy of the Agency Action Report or the Detailed Action Report, if applicable that is submitted to the Endangered Species Program of the IDNR as well as the response from IDNR.
- Part D.** Add new subparagraph 6.1.4 E. 7. to require that a permanent soil erosion and sedimentation plan be submitted for all WIND FARM TOWER sites and access roads.
- Part E.** Revise subparagraph 6.1.4 S. 1. (c)(3) to authorize flexibility in the locations of WIND TOWERS from what is indicated on the site plan provided that the final locations comply with any required waivers or special conditions of approval and the applicant conducts a noise study to verify compliance with the maximum allowable noise limit if the location of WIND TOWERS differ on the site plan submitted with the zoning use permit application from the site plan submitted with the special use permit application.
- Part F** Strike the requirement for “reclamation agreement” for NON-ADAPTABLE STRUCTURES and WIND FARMS and replace with a requirement of “site reclamation plan” and add certain other related requirements as follows:
1. Section 3 revise the definition of “NON-ADAPTABLE STRUCTURE” to include a WIND TURBINE TOWER and a WIND FARM TOWER as currently defined in Section 3.
 2. Make the following revisions to paragraph 6.1.1A.:
 - a. Strike references to “reclamation agreement” and replace with “site reclamation plan”
 - b. Revise subparagraphs 6.1.1 A. 1. through 5 as follows:
 - (1) Require a site reclamation plan for NON-ADAPTABLE STRUCTURES
 - (2) Require the site reclamation plan to be binding upon all successors of title to the land and require reclamation work be performed and that a letter of credit be provided for financial assurance.
 - (3) Limit consideration of salvage value to be as limited by Paragraph 6.1.4P.
 - c. Revise subparagraph 6.1.1 A.6 to strike “120 days” and replace with “180 days” and insert “or applicant” after “landowner”.
 - d. Revise paragraph 6.1.1A. to add other related requirements
 3. Revise paragraph 6.1.4P as follows:
 - a. Revise paragraph 6.1.4P to strike references to “reclamation agreement” and replace with “site reclamation plan.”
 - b. Delete subparagraphs 6.1.4P.3.(d), (e), and (f) and add new subparagraphs to require the following:
 - (1) At the time of decommissioning a Roadway Use and Repair Agreement.
 - (2) The depth of removal of foundation concrete below ground shall be a minimum of 54 inches and require that replacement soil shall meet specified minimum standards of soil quality; depth; compaction; and drainage.
 - c. Revise subparagraph 6.1.4 P.4. (a) to require an irrevocable letter of credit and an escrow account as financial assurance to be provided for the site reclamation plan.
 - d. Insert new subparagraph 6.1.4 P.4.(b) to require the following:
 - (1) Authorize salvage value to be deducted from decommissioning costs, subject to meeting specified standards.
 - (2) Add requirements for determining estimated net salvage value based on the average salvage price of the past five years and including any deconstruction costs.
 - (3) Add a limit of 70% for the amount of estimated salvage value that may be deducted from estimated decommissioning costs.
 - (4) Require the site reclamation plan to provide for legal transfer of the STRUCTURE to the demolisher should the reclamation work be performed.

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
MARCH 29, 2012**

Case 701-AT-11 cont:

- (5) Limit the maximum allowable credit for the salvage value of any WIND FARM TOWER to no more than the estimated decommissioning cost of removal of the above ground portions of that WIND FARM TOWER.
- e. Renumber existing subparagraph 6.1.4 P.4. (b)(5) to become new subparagraph 6.1.4 P.4. (d) and revise to require regular adjustment to the amount of financial assurance to ensure that it reflects current information by requiring an Illinois Professional Engineer to provide an updated report of estimates of decommissioning costs and salvage values.
- f. Revise paragraph 6.1.4P to add other related requirements.

***Note:** The description of the Request has been simplified from the legal advertisement. See the legal advertisement included with the memorandum.

***Case 702-V-11** Petitioner: Roger Burk
Request: Authorize the following in the I-1 Light Industry Zoning District:
Part A. Variance for a proposed warehouse storage facility with a setback of 54 feet from the centerline of Paul Avenue a local street, in lieu of the minimum required 58 feet; and
Part B. Variance for a side yard of 5 feet in lieu of the minimum required side yard of 10 feet; and
Part C. Variance for a rear yard of 5 feet in lieu of the minimum required rear yard of 20 feet;
Part D. Variance from the visibility triangle requirements for a corner lot; and
Part E. Variance from the minimum required number of parking spaces for industrial uses; and
Part F. Variance from the loading berth requirements in lieu of the required 1 loading berth; and
Part G. Variance from a minimum separation from a side property line for parking spaces of 1 foot in lieu of the minimum required 5 feet.
Location: Lots 299 and 300 of Wilber Heights Subdivision in the Southwest Quarter of Section 31 of Somer Township and commonly known as the buildings at 101 Paul Avenue, Champaign.

6. New Public Hearings

Case 699-AM-11 Petitioner: L.A. Gourmet Catering, LLC, with owners Annie Murray, Lauren Murray and landowner John Murray
Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2, Agriculture Zoning District in order to operate the proposed Special Use in related zoning case 700-S-11.
Location: A 10 acre tract in the Southwest Quarter of the Northwest Quarter of Section 14 of Hensley Township and commonly known as the home at 2150 CR 1000E, Champaign.

***Case 700-S-11** Petitioner: L.A. Gourmet Catering, LLC, with owners Annie Murray, Lauren Murray and landowner John Murray
Request: Authorize the construction and use of an Event Center as a "Private Indoor Recreational Development" as a Special Use on land that is proposed to be rezoned to the AG-2, Agriculture Zoning District from the current AG-1, Agriculture District in related Case 699-AM-11.
Location: A 10 acre tract in the Southwest Quarter of the Northwest Quarter of Section 14 of Hensley Township and commonly known as the home at 2150 CR 1000E, Champaign.

7. Staff Report

8. Other Business

A. Review of ZBA Docket

9. Audience Participation with respect to matters other than cases pending before the Board

10. Adjournment

*** Administrative Hearing. Cross Examination allowed.**

CASE NO. 698-S-11 & 706-V-12

PRELIMINARY MEMORANDUM

March 23, 2012

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Petitioners: S.J. Broadcasting, LLC and Steven J. Khachaturian

Request: CASE: 698-S-11

Authorize a radio transmission tower that is 346 feet in height and transmitter building as a Special Use with waivers (variance) of standard conditions in the AG-1 Zoning District subject to the required variance in related Case 706-V-12 on the subject property described below.

CASE: 706-V-12

Authorize the following in the AG-1 District:

- A. Authorize the use of a 5 acre lot on best prime farmland in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-1 District for the construction and use of a radio transmission tower and transmitter building in related Special Use Permit Case 698-S-11 (included as the original variance);
- B. Waiver (variance) of standard conditions for a front yard setback of 70 feet from CR 1200E in lieu of the required 100 feet and a rear yard setback of 40 feet in lieu of the required 50 feet on the subject property described below.

Location: A 5 acre tract in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 36 of Tolono Township and commonly known as a vacant parcel on the west side of CR 1200E and located approximately one-half mile south of the intersection of CR 1200E and CR 700N, Tolono.

Site Area: 5 acres

Time Schedule for Development: March 2012

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

STATUS

These cases were continued from the March 15, 2012, public hearing. These cases will be eligible for Final Action at the March 29, 2012, public hearing.

The petitioner has proposed to have a new entrance to the subject property installed after construction of the tower is completed. The Tolono Township Road Commissioner has agreed to build a temporary entrance during construction and then install a new culvert upon completion of construction.

CASE NO. 701-AT-11

SUPPLEMENTAL MEMORANDUM
MARCH 23, 2012

Champaign
County
Department of

PLANNING &
ZONING

Petitioner: **Zoning Administrator**

Prepared by: **John Hall, Zoning Administrator**
Andy Kass, Associate Planner

Request: Amend the Champaign County Zoning Ordinance as follows:

Part A. Revise paragraph 6.1.4 D.1. to require that documentation of design compliance with applicable industry standards be submitted prior to receiving a Zoning Compliance Certificate for either a WIND FARM or for any single WIND FARM TOWER.

Part B. Revise paragraph 6.1.4 F. as follows:

1. Revise subparagraph 6.1.4F.1. to require that agreements between the Applicant and the County Engineer shall not be forwarded to the County Board before the special use permit is forwarded and that all other agreements shall be executed prior to the close of the public hearing before the BOARD.
2. Delete subparagraph 6.1.4 F.1. u.
3. Add new subparagraph 6.1.4 F. 3. to require at the time of decommissioning a Roadway Use and repair Agreement with the appropriate highway authority.

Part C. Revise paragraph 6.1.4 J. to require the Applicant to submit a copy of the Agency Action Report or the Detailed Action Report, if applicable that is submitted to the Endangered Species Program of the IDNR as well as the response from IDNR.

Part D. Add new subparagraph 6.1.4 E.7. to require that a permanent soil erosion and sedimentation plan be submitted for all WIND FARM TOWER sites and access roads.

Part E. Revise subparagraph 6.1.4 S.1.(c)(3) to authorize flexibility in the locations of WIND TOWERS from what is indicated on the site plan provided that the final locations comply with any required waivers or special conditions of approval and the applicant conducts a noise study to verify compliance with the maximum allowable noise limit if the location of WIND TOWERS differ on the site plan submitted with the zoning use permit application from the site plan submitted with the special use permit application.

Part F. Strike the requirement for "reclamation agreement" for NON-ADAPTABLE STRUCTURES and WIND FARMS and replace with a requirement of "site reclamation plan" and add certain other related requirements as follows:

1. In Section 3 revise the definition of "NON-ADAPTABLE STRUCTURE" to include a WIND TURBINE TOWER and a WIND FARM TOWER as currently defined in Section 3.
2. Make the following revisions to paragraph 6.1.1A.:
 - a. Strike references to "reclamation agreement" and replace with "site reclamation plan"
 - b. Revise subparagraphs 6.1.1 A. 1. through 5 as follows:
 - (1) Require a site reclamation plan for NON-ADAPTABLE STRUCTURES.
 - (2) Require the site reclamation plan to be binding upon all successors of title to the land and require reclamation work be performed and that a letter of credit be provided for financial assurance.
 - (3) Limit consideration of salvage value to be as limited by paragraph 6.1.4P.
 - c. Revise subparagraph 6.1.1A.6. to strike "120 days" and replace with "180 days" and insert "or applicant" after "landowner".
 - d. Revise paragraph 6.1.1A. to add other related requirements.
3. Revise paragraph 6.1.4P. as follows:

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

(217) 384-3708

- a. **Revise paragraph 6.1.4P. to strike references to “reclamation agreement” and replace with “site reclamation plan”.**
- b. **Delete subparagraphs 6.1.4P.3. (d), (e), and (f) and add new subparagraphs to require the following:**
 - (1) **At the time of decommissioning a Roadway Use and Repair Agreement.**
 - (2) **The depth of removal of foundation concrete below ground shall be a minimum of 54 inches and require that replacement soil shall meet specified minimum standards of soil quality; depth; compaction; and drainage.**
- c. **Revise subparagraph 6.1.4 P.4. (a) to require an irrevocable letter of credit and an escrow account as financial assurance to be provided for the site reclamation plan.**
- d. **Insert new subparagraph 6.1.4 P.4.(b) to require the following:**
 - (1) **Authorize salvage value to be deducted from decommissioning costs, subject to meeting specified standards.**
 - (2) **Add requirements for determining estimated net salvage value based on the average salvage price of the past five years and including any deconstruction costs.**
 - (3) **Add a limit of 70% for the amount of estimated salvage value that may be deducted from estimated decommissioning costs.**
 - (4) **Require the site reclamation plan to provide for legal transfer of the STRUCTURE to the demolisher should the reclamation work be performed.**
 - (5) **Limit the maximum allowable credit for the salvage value of any WIND FARM TOWER to no more than the estimated decommissioning cost of removal of the above ground portions of that WIND FARM TOWER.**
- e. **Renumber existing subparagraph 6.1.4 P.4. (b)(5) to become new subparagraph 6.1.4 P.4. (d) and revise to require regular adjustment to the amount of financial assurance to ensure that it reflects current information by requiring an Illinois Professional Engineer to provide an updated report of estimates of decommissioning costs and salvage values.**
- f. **Revise paragraph 6.1.4P. to add other related requirements.**

*** NOTE: The description of the Request has been simplified from the legal advertisement. See the legal advertisement on pages 14 – 17 on the Finding of Fact and Final Determination.**

STATUS

This case was continued from the February 16, 2012, ZBA hearing. “Part E” of the proposed amendment has been revised to reflect suggested changes from the Board at the February 16, 2012, public hearing. The revised “Part E” has been re-advertised and is included below in strikeout format and in clean format.

“PART E” REVISIONS

- (3) The separation of all WIND FARM structures from adjacent NON-PARTICIPATING DWELLINGS OR PRINCIPAL BUILDINGS or uses shall be as shown or dimensioned on the approved site plan ~~and that dimension shall establish the effective minimum separation that shall be required for any Zoning Use for the SPECIAL USE Permit unless the Board authorizes a lesser separation in a special condition of approval or waiver, if required that is also consistent with any required and duly authorized waivers of paragraph 6.1.4C. Authorization of a lesser separation than indicated on the approved site plan for the SPECIAL USE Permit shall require an updated noise study meeting the requirements of paragraph 6.1.4 I. Different locations for WIND FARM structures may be provided in the site plan for the provided that the final locations of WIND FARM TOWERS comply with any authorized waivers or special conditions of approval of the WIND FARM County Board SPECIAL USE Permit to be submitted with the Zoning Use Permit application.~~ WIND FARM structures include WIND FARM TOWERS, substations, third party transmission lines, maintenance and management facilities, or other significant structures.
- (3) The separation of all WIND FARM structures from adjacent NON-PARTICIPATING DWELLINGS OR PRINCIPAL BUILDINGS or uses shall be as shown or dimensioned on the approved site plan for the SPECIAL USE Permit unless the Board authorizes a lesser separation in a special condition of approval or any required and duly authorized waiver of paragraph 6.1.4C. Authorization of a lesser separation than indicated on the approved site plan for the SPECIAL USE Permit shall require an updated noise study meeting the requirements of paragraph 6.1.4 I. to be submitted with the Zoning Use Permit application. WIND FARM structures include WIND FARM TOWERS, substations, third party transmission lines, maintenance and management facilities, or other significant structures.

ATTACHMENTS

- A Finding of Fact and Final Determination

REVISED

701-AT-11

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

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

Date: March 29, 2012

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

- Part A. Revise paragraph 6.1.4 D.1. to require that documentation of design compliance with applicable industry standards be submitted prior to receiving a Zoning Compliance Certificate for either a WIND FARM or for any single WIND FARM TOWER.
- Part B. Revise paragraph 6.1.4 F. as follows:
1. Revise subparagraph 6.1.4F.1. to require that agreements between the Applicant and the County Engineer shall not be forwarded to the County Board before the special use permit is forwarded and that all other agreements shall be executed prior to the close of the public hearing before the BOARD.
 2. Delete subparagraph 6.1.4 F.1. u.
 3. Add new subparagraph 6.1.4 F. 3. to require at the time of decommissioning a Roadway Use and repair Agreement with the appropriate highway authority.
- Part C. Revise paragraph 6.1.4 J. to require the Applicant to submit a copy of the Agency Action Report or the Detailed Action Report, if applicable that is submitted to the Endangered Species Program of the IDNR as well as the response from IDNR.
- Part D. Add new subparagraph 6.1.4 E.7. to require that a permanent soil erosion and sedimentation plan be submitted for all WIND FARM TOWER sites and access roads.
- Part E. Revise subparagraph 6.1.4 S.1.(c)(3) to authorize flexibility in the locations of WIND TOWERS from what is indicated on the site plan provided that the final locations comply with any required waivers or special conditions of approval and the applicant conducts a noise study to verify compliance with the maximum allowable noise limit if the location of WIND TOWERS differ on the site plan submitted with the zoning use permit application from the site plan submitted with the special use permit application.
- Part F. Strike the requirement for “reclamation agreement” for NON-ADAPTABLE STRUCTURES and WIND FARMS and replace with a requirement of “site reclamation plan” and add certain other related requirements as follows:
1. In Section 3 revise the definition of “NON-ADAPTABLE STRUCTURE” to include a WIND TURBINE TOWER and a WIND FARM TOWER as currently defined in Section 3.
 2. Make the following revisions to paragraph 6.1.1A.:

- a. Strike references to “reclamation agreement” and replace with “site reclamation plan”
- b. Revise subparagraphs 6.1.1 A. 1. through 5 as follows:
 - (1) Require a site reclamation plan for NON-ADAPTABLE STRUCTURES.
 - (2) Require the site reclamation plan to be binding upon all successors of title to the land and require reclamation work be performed and that a letter of credit be provided for financial assurance.
 - (3) Limit consideration of salvage value to be as limited by paragraph 6.1.4P.
- c. Revise subparagraph 6.1.1A.6. to strike “120 days” and replace with “180 days” and insert “or applicant” after “landowner”.
- d. Revise paragraph 6.1.1A. to add other related requirements.
- 3. Revise paragraph 6.1.4P. as follows:
 - a. Revise paragraph 6.1.4P. to strike references to “reclamation agreement” and replace with “site reclamation plan”.
 - b. Delete subparagraphs 6.1.4P.3. (d), (e), and (f) and add new subparagraphs to require the following:
 - (1) At the time of decommissioning a Roadway Use and Repair Agreement.
 - (2) The depth of removal of foundation concrete below ground shall be a minimum of 54 inches and require that replacement soil shall meet specified minimum standards of soil quality; depth; compaction; and drainage.
 - c. Revise subparagraph 6.1.4 P.4. (a) to require an irrevocable letter of credit and an escrow account as financial assurance to be provided for the site reclamation plan.
 - d. Insert new subparagraph 6.1.4 P.4.(b) to require the following:
 - (1) Authorize salvage value to be deducted from decommissioning costs, subject to meeting specified standards.
 - (2) Add requirements for determining estimated net salvage value based on the average salvage price of the past five years and including any deconstructions costs.
 - (3) Add a limit of 70% for the amount of estimated salvage value that may be deducted from estimated decommissioning costs.
 - (4) Require the site reclamation plan to provide for legal transfer of the STRUCTURE to the demolisher should the reclamation work be performed.
 - (5) Limit the maximum allowable credit for the salvage value of any WIND FARM TOWER to no more than the estimated decommissioning cost of removal of the above ground portions of that WIND FARM TOWER.
 - e. Renumber existing subparagraph 6.1.4 P.4. (b)(5) to become new subparagraph 6.1.4 P.4. (d) and revise to require regular adjustment to the amount of financial assurance to ensure that it reflects current information by requiring an Illinois Professional Engineer to provide an updated report of estimates of decommissioning costs and salvage values.
 - f. Revise paragraph 6.1.4P. to add other related requirements.

*** NOTE: The description of the Request has been simplified from the legal advertisement. See the legal advertisement on pages 14 - 17.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 2, 2012, February 16, 2012, and March 29, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to improve the regulations set forth for wind farms in the *Champaign County Zoning Ordinance*.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
 - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

REGARDING LRMP GOALS

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

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

The proposed amendment is not directly related to Goal 1 and should **NOT BE RELEVANT** to Goal 1.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

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

Goal 2 has two objectives and three policies. The proposed amendment is not directly related to Goal 2 but should **HELP ACHIEVE** Goal 2 because it should **HELP ACHIEVE** objective 2.1 that states that Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region, for the following reasons:

- A. The proposed amendment should **HELP ACHIEVE** objective 2.1 by the text amendment process whereby municipalities and townships with planning commissions are notified of any proposed text amendment and have the right to provide comments or even protest any text amendment.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

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

Goal 3 has three objectives and no policies. The proposed amendment is not directly related to Goal 3 and should **NOT BE RELEVANT** to Goal 3.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

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

Goal 4 has 9 objectives and 22 policies. The proposed amendment is directly related to Goal 4 and should **HELP ACHIEVE** Goal 4 because wind farms provide added income to farmers and landowners through rent payments of land by the wind farm.

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

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

The proposed amendment should *NOT BE RELEVANT* to Goal 5 because Goal 5 relates to urban land use and a wind farm is not an urban land use.

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

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

The proposed amendment should *NOT BE RELEVANT* to Goal 6 in general because the proposed amendment does not change anything in regards to specific policies supporting Goal 6 although the proposed amendment should result in a more thorough overall consideration of public safety in some land resource management decisions related to wind farm development.

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

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

The proposed amendment should *NOT BE RELEVANT* to Goal 7 in general.

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

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

The proposed amendment *IS NECESSARY TO ACHIEVE* Goal 8 because the proposed amendment *IS NECESSARY TO ACHIEVE* objective 8.4 that states, **Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation** because Part D of the proposed amendment will require a permanent soil erosion and sedimentation plan to be submitted for all WIND FARM TOWER sites and access roads and site remediation requirements in the event of decommissioning. Soil erosion and sedimentation plans will prevent the loss of important soils on wind farm sites and the buildup of sediment in waterways. In the event of decommissioning, site remediation requirements will ensure that the site of a WIND FARM TOWER will be able to be put to productive use after decommissioning.

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

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

The proposed amendment *IS NECESSARY TO ACHIEVE* Goal 9 because the amendment is directly related to the development and use of wind farms which are a renewable energy source.

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

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

Goal 10 is **NOT RELEVANT** to the proposed amendment because the proposed amendment only affects the development of WIND FARMS or WIND FARM TOWERS.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment appears to **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general because Part F of the proposed amendment will improve the decommissioning requirements for wind farms and other non-adaptable structures and thereby reduce the chance that such uses will blight the landscape and affect neighboring property values. Compared to the financial assurance provided for the California Ridge Wind Farm, future wind farm financial assurance will increase under the proposed amendment. California Ridge had to provide a letter of credit for \$1.9 million for decommissioning. Under the proposed amendment, which limits the amount of salvage value that can be considered in financial assurance California Ridge would have had to provide a letter of credit of \$4.9 million for decommissioning.

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

The proposed amendment is not directly related to this purpose although some of the changes in Part B of the proposed amendment may help lessen the impact that decommissioning may have on streets.

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

The proposed amendment is not directly related to this purpose although the changes proposed in Part D should further this purpose in general because of the proposed

requirement of erosion and sedimentation control plan to be submitted for all WIND FARM TOWER sites and access roads.

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

The proposed amendment is directly related to this purpose because Part A of the proposed amendment will promote public safety and general welfare by requiring design compliance, Part B of the proposed amendment will protect the general welfare of the County by ensuring that the road agreement process occurs at the correct time, Parts C and D of the proposed amendment will promote the general welfare of the County by ensuring adequate documentation of wildlife and natural resources, Part E of the proposed amendment will promote the general safety, health, welfare, and comfort of the County by ensuring that changes in turbine site distances are acceptable, and Part F of the proposed amendment will promote the general welfare of the County by protecting the County from paying for decommissioning itself.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of buildings and structures hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses.

The proposed amendment is not directly related to this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into

districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is not directly related to this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which buildings, structures, or uses therein shall conform.

The proposed amendment is directly related to this purpose because the proposed amendments are improvements to the Champaign County Zoning Ordinance regarding wind farm requirements which were identified during the public hearing process for the California Ridge Wind Farm (Case: 696-S-11).

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit uses, buildings, or structures incompatible with the character of such districts.

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is directly related to this purpose because the changes proposed are the minimum standards for wind energy development in Champaign County. Part A of the proposed amendment will contribute to safety of development by requiring design compliance certificates to be submitted prior to receiving a Zoning Compliance Certificate. Part B of the proposed amendment will contribute to efficiency of development by requiring a road use a repair agreement to be made with appropriate highway authorities at the time of decommissioning.

REGARDING OTHER RELEVANT EVIDENCE

17. The proposed text amendment **WILL** improve the text of the Zoning Ordinance because it **WILL** provide:
1. Clarification on what net estimated salvage value is in order to ensure that all demolition and/or recycling costs are considered when determining estimated net salvage value.
 2. A limit on the amount of estimated net salvage value that can be applied towards estimated decommissioning costs. This limit will add a factor of safety for the County that should minimize the possibility that estimated decommissioning costs ever exceed what the estimated net salvage value is net salvage value and financial assurance.
 3. Change from the requirement for a reclamation agreement to a requirement for a site reclamation plan. Changing from the agreement to the plan is preferable because the plan is a more streamlined and efficient process than the agreement and there is no ambiguity with a plan.
-

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on, **February 2, 2012, February 16, 2012, and March 29, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** LRMP goals 8 and 9 (see items 13 and 14 on page 6).
 - B. The proposed Zoning Ordinance text amendment will also ***HELP ACHIEVE*** LRMP goals 2 and 4 (see items 7 and 9 on page 5).
 - C. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the achievement of the other LRMP goals 1, 3, 5, 6, 7, and 10.
2. The proposed text amendment {***WILL / WILL NOT***} improve the Zoning Ordinance because it will:
 - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance (see item 16 on pages 7-10).

DOCUMENTS OF RECORD

1. Application dated November 17, 2011, and as amended thereafter.
 2. Preliminary Memorandum with attachments:
 - A Case Description of the Legal Advertisement for Case 701-AT-11
 - B Memo to the Champaign County Board Committee of the Whole dated January 4, 2012, with attachments.
 3. Supplemental memorandum dated February 2, 2012, with attachments:
 - A Case Description from the Legal Advertisement for Case 701-AT-11
 - B Resolution No. 7966 (partial) Granting A Special Use Permit Zoning Case 696-S-11 California Ridge Wind Farm
 - C Excerpts from the Illinois Administrative Code regarding IDNR Agency Action Report (included separately)
 - D Proposed Standards for Soil Backfill for Excavated Foundation
 - E *Citizen's Guide to Farmland Reclamation*. IDNR Office of Mines and Minerals. (included separately)
 - F Reclamation Agreement Case 696-S-11 (California Ridge Wind Farm) Received November 2, 2011 (Includes Base Decommissioning Cost Estimate dated October 6, 2011) (included separately)
 - G Proposed Paragraph 6.1.1A.
 - H Revised Proposed Amendment
 4. Supplemental Memorandum dated February 10, 2012, with attachment:
 - A Finding of Fact and Final Determination
 5. *Champaign County Land Resource Management Plan* Goals and Policies
 6. Supplemental Memorandum dated February 16, 2012
 7. Supplemental Memorandum dated March 23, 2012 with attachment:
 - A Finding of Fact and Final Determination
-

FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 701-AT-11** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

LEGAL ADVERTISEMENT

CASE: 701-AT-11

Amend the Champaign County Zoning Ordinance as follows:

Part A. Revise paragraph 6.1.4 D.1. to require that documentation of design compliance with applicable industry standards be submitted prior to receiving a Zoning Compliance Certificate for either a WIND FARM or for any single WIND FARM TOWER.

Part B. Revise paragraph 6.1.4 F. as follows:

1. Revise subparagraph 6.1.4F.1. to require that agreements between the Applicant and the County Engineer shall not be forwarded to the County Board before the special use permit is forwarded and that all other agreements shall be executed prior to the close of the public hearing before the BOARD.
2. Delete subparagraph 6.1.4 F.1. u.
3. Add new subparagraph 6.1.4 F. 3. to require at the time of decommissioning a Roadway Use and repair Agreement with the appropriate highway authority.

Part C. Revise paragraph 6.1.4 J. to require the Applicant to submit a copy of the Agency Action Report or the Detailed Action Report, if applicable that is submitted to the Endangered Species Program of the IDNR as well as the response from IDNR.

Part D. Add new subparagraph 6.1.4 E.7. to require that a permanent soil erosion and sedimentation plan be submitted for all WIND FARM TOWER sites and access roads.

Part E. ~~Revise subparagraph 6.1.4 S.1.(c)(3) to authorize flexibility in the locations of WIND TOWERS from what is indicated on the site plan provided that the final locations comply with any required waivers or special conditions of approval.~~

Revise subparagraph 6.1.4 S.1.(c)(3) to authorize flexibility in the locations of WIND TOWERS from what is indicated on the site plan provided that the final locations comply with any required waivers or special conditions of approval and the applicant conducts a noise study to verify compliance with the maximum allowable noise limit if the location of WIND TOWERS differ on the site plan submitted with the zoning use permit application from the site plan submitted with the special use permit application.

Part F. Strike the requirement for “reclamation agreement” for NON-ADAPTABLE STRUCTURES and WIND FARMS and replace with a requirement of “site reclamation plan” and add certain other related requirements as follows:

1. In Section 3 revise the definition of “NON-ADAPTABLE STRUCTURE” to include a WIND TURBINE TOWER and a WIND FARM TOWER as currently defined in Section 3.
2. Make the following revisions to paragraph 6.1.1A.:

- a. Revise existing paragraph 6.1.1A. to strike references to “reclamation agreement” and replace with “site reclamation plan”; and replace references to 6.1.1C. with references to 6.1.1A.
 - b. Revise subparagraphs 6.1.1 A. 1. through 5 as follows:
 - (1) Require a site reclamation plan for NON-ADAPTABLE STRUCTURES.
 - (2) Replace “developer” with “applicant”.
 - (3) Require the site reclamation plan to be binding upon all successors of title to the land and require reclamation work be performed and that a letter of credit be provided for financial assurance.
 - (4) Limit consideration of salvage value to be as limited by paragraph 6.1.4P.
 - (5) Require the site reclamation plan to provide for any environmental remediation require by State or Federal law.
 - c. Add new subparagraph 6.1.1A.7.e. that specifies that abandonment includes when a court of law or arbiter or mediator or any State or Federal agency charged with enforcing the law has made a finding that a non-adaptable structure or supporting structures or any related erosion controls constitutes a public nuisance or violates the law or when such State or Federal agency imposes an administrative sanction related to use of the structure or denying the a permit necessary for lawful operation.
 - d. Revise subparagraph 6.1.1A.6. to strike “120 days” and replace with “180 days” and insert “or applicant” after “landowner”.
 - e. Revise subparagraph 6.1.1 A. 11.b. to require payment of all administrative and ancillary costs associated with drawing upon the financial assurance and performing reclamation work.
 - f. Revise paragraph 6.1.1 A. 12. to require a new site reclamation plan be submitted upon transfer of any property subject to a letter of credit.
 - g. Add new subparagraphs 6.1.1 A. 13. & 14. to require:
 - (1) The applicant to provide evidence of any new, additional, or substitute financial assurance to the Zoning Administrator.
 - (2) In the event that a site reclamation plan is deemed invalid by a court of competent jurisdiction the SPECIAL USE permit shall be deemed void.
3. Revise paragraph 6.1.4P. as follows:
- a. Revise paragraph 6.1.4P. to strike references to “reclamation agreement” and replace with “site reclamation plan”.
 - b. Delete subparagraphs 6.1.4P.3. (d), (e), and (f) and add new subparagraphs to require the following:
 - (1) At the time of decommissioning a Roadway Use and Repair Agreement.
 - (2) Evidence of any new, additional, or substitute financing or security agreement.
 - (3) The work in the site reclamation plan shall be done before abandoning the WIND FARM or prior to ceasing production of electricity from the

REVISED DRAFT

- WIND FARM, after it has begun, other than in the ordinary course of business.
- (4) Payment of any associated costs that Champaign County may incur in the event that decommissioning is actually required.
 - (5) The depth of removal of foundation concrete below ground shall be a minimum of 54 inches and require that replacement soil shall meet specified minimum standards of soil quality; depth; compaction; and drainage.
 - (6) The WIND FARM SPECIAL USE Permit shall be void if the site reclamation plan is deemed invalid by a court of competent jurisdiction.
 - (7) The obligation to complete the site reclamation plan and to pay all associated costs shall be independent of the obligation to provide financial assurance.
 - (8) The liability to complete the site reclamation plan or any breach of the site reclamation plan requirement shall not be capped by the amount of the financial assurance.
 - (9) Permission from the Zoning Administrator before removing equipment or property credited to salvage value without concurrent replacement of something of equal or greater value.
- c. Revise subparagraph 6.1.4 P.4. (a) to require an irrevocable letter of credit and an escrow account as financial assurance to be provided for the site reclamation plan and make the last sentence new subparagraph 6.1.4P.4.(c).
- d. Insert new subparagraph 6.1.4 P.4.(b) to require the following:
- (1) Authorize salvage value to be deducted from decommissioning costs, subject to meeting specified standards of either maintaining the WIND FARM TOWERS free and clear of liens and encumbrances or deducting the amount of any liens or encumbrances from the salvage value credit or requiring any and all financing or financial security agreements subject to the covenant required by paragraph 6.1.1A.2; and require proof of compliance as required by the Zoning Administrator
 - (2) Add requirements for determining estimated net salvage value based on the average salvage price of the past five years and including any costs of dismantling or demolishing, transportation, or other similar costs that will serve to reduce the net salvage value.
 - (3) Add a limit of 70% for the amount of estimated salvage value that may be deducted from estimated decommissioning costs.
 - (4) Require the site reclamation plan to provide for legal transfer of the STRUCTURE to the demolisher should the reclamation work be performed.
 - (5) Limit the maximum allowable credit for the salvage value of any WIND FARM TOWER to no more than the estimated decommissioning cost of removal of the above ground portions of that WIND FARM TOWER.

- e. Renumber existing paragraph 6.1.4 P.4.(b) to become new paragraph 6.1.4 P.4.(e) and revise to require equal annual installments of cash deposits in an escrow account.
- f. Renumber existing subparagraph 6.1.4 P.4. (b)(5) to become new subparagraph 6.1.4 P.4. (d) and revise to require regular adjustment to the amount of financial assurance to ensure that it reflects current information including any changes due to inflation or change in net salvage value by requiring an Illinois Professional Engineer to provide an updated report of estimates of decommissioning costs and salvage values once every three years for the first 12 years and at least every year thereafter and provide copies of the report to the Zoning Administrator; and require an anticipated life span of 25 years for a WIND FARM for purposes of financial assurance.
- g. Add new subparagraph 6.1.4 P.4.(f) to protect against a downward adjustment of salvage value and an upward adjustment of decommissioning costs and require adjustment of the financial assurance accordingly.
- h. Revise subparagraph 6.1.4 P.5.(a) to strike references to “wind turbine” and replace with “WIND FARM TOWER” and insert the phrase “after it starts producing electricity.”
- i. Add the following to subparagraph 6.1.4P.5.:
 - (1) A delay in construction after construction begins, of more than 6 months.
 - (2) The appearance of a state of disrepair or imminent collapse or an imminent threat to public health and safety.
 - (3) Any WIND FARM TURBINE derelict for 6 months.
 - (4) Violation of the Special Use Permit for more than 90 days.
 - (5) Failure to maintain financial assurance as required or compromising the County’s interest.
 - (6) Any material misstatement fact or misleading omission of fact by the Applicant.
 - (7) Failure to receive design certification as required.
- j. Add new subparagraph 6.1.4P.6. to authorize the Zoning Administrator to deem a WIND FARM abandoned or some, but not all WIND FARM TURBINES and to draw upon the financial assurance to perform reclamation work for those deemed abandoned and require recalculation of decommissioning costs upon completion.
- k. Renumber existing subparagraph 6.1.4P.6. and revise to include the phrase “Site Reclamation Plan” and strike the phrase “Site Reclamation Agreement including.”

PROPOSED AMENDMENT

Note: Changes are underlined and in strikeout.

Part A. Revise paragraph 6.1.4 D.1. to read as follows:

- (a) WIND FARM TOWERS, turbines, and all related construction shall conform to applicable industry standards, including those of the American National Standards Institute (“ANSI”). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (“UL”), Det Norske Veritas (“DNV”), Germanischer Lloyd Wind Energy (“GL”), or equivalent third party. Documentation of compliance must be submitted prior to receiving a Zoning Compliance Certificate for either the WIND FARM or for any single WIND FARM TOWER.

Part B.

1. Revise paragraph 6.1.4F.1. to read as follows:

1. The Applicant shall enter into a Roadway Upgrade and Maintenance agreement approved by the County Engineer; or Township Highway Commissioner; or municipality where relevant. Agreements with the County Engineer shall not be forwarded to the County Board before the wind farm special use permit is forwarded. All other agreements shall be executed prior to the close of the public hearing before the BOARD. The signed and executed Roadway Upgrade and Maintenance agreements must provide for the following minimum conditions:

2. Delete paragraph 6.1.4F.1.u. and renumber succeeding paragraphs as required.

3. Add new subparagraph 6.1.4F.3. as follows:

3. At such time as decommissioning takes place the Applicant or its successors in interest shall enter into a Roadway Use and Repair Agreement with the appropriate highway authority.

Part C. Revise paragraph 6.1.4J. to read as follows:

- J. Standard Conditions for Endangered Species Consultation
The Applicant shall apply for consultation with the Endangered Species Program of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report or, if applicable, a copy of the Detailed Action Report submitted to the Endangered Species Program of the Illinois Department of Natural Resources and a copy of the response from the Illinois Department of Natural Resources.

Part D. Add new paragraph 6.1.4E.7. as follows:

7. Permanent Erosion and Sedimentation Control Plan
 - (a) Prior to the approval of any Zoning Use Permit, the Applicant shall provide a permanent soil erosion and sedimentation plan for all WIND FARM TOWER sites and access roads that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.
 - (b) As-built documentation of all permanent soil erosion and sedimentation improvements for all WIND FARM TOWER sites and access roads prepared by an Illinois Licensed Professional Engineer shall be submitted and accepted by the Zoning Administrator prior to approval of any Zoning Compliance Certificate.

Part E. Revise paragraph 6.1.4S.1.(c)(3) to read as follows:

- (3) The separation of all WIND FARM structures from adjacent NON-PARTICIPATING DWELLINGS OR PRINCIPAL BUILDINGS or uses shall be as shown or dimensioned on the approved site plan and that dimension shall establish the effective minimum separation that shall be required for any Zoning Use for the SPECIAL USE Permit unless the Board authorizes a lesser separation in a special condition of approval or waiver, if required that is also consistent with any required and duly authorized waivers of paragraph 6.1.4C. Authorization of a lesser separation than indicated on the approved site plan for the SPECIAL USE Permit shall require an updated noise study meeting the requirements of paragraph 6.1.4 I. Different locations for WIND FARM structures may be provided in the site plan for the provided that the final locations of WIND FARM TOWERS comply with any authorized waivers or special conditions of approval of the WIND FARM County Board SPECIAL USE Permit to be submitted with the Zoning Use Permit application. WIND FARM structures include WIND FARM TOWERS, substations, third party transmission lines, maintenance and management facilities, or other significant structures.

Part F.

1. In Section 3 revise the definition of “non-adaptable structure” to read as follows:

NON-ADAPTABLE STRUCTURE: Any STRUCTURE or physical alteration to the land which requires a SPECIAL USE Permit, and which is likely to become economically

unfeasible to remove or put to an alternate USE allowable in the DISTRICT (by right or by SPECIAL USE). This term shall include, but not be limited to, a WIND TURBINE TOWER and a WIND FARM TOWER.

2. **Make the following revisions to paragraph 6.1.1A.:**
 - a. **Revise paragraph 6.1.1A. to strike references to “reclamation agreement” and replace with “site reclamation plan” and replace references to 6.1.1C. with references to 6.1.1A. and;**
 - b. **Revise paragraphs 6.1.1A.1. through 5 to read as follows:**
 - A. **Site Reclamation Plan for NON-ADAPTABLE STRUCTURES**
 1. In the course of BOARD review of a SPECIAL USE request, the BOARD may find that a proposed STRUCTURE is a NON-ADAPTABLE STRUCTURE. Any WIND FARM shall be a NON-ADAPTABLE STRUCTURE. The Applicant for the SPECIAL USE request for a NON-ADAPTABLE STRUCTURE shall submit a site reclamation plan to the BOARD for the subject site.
 2. The site reclamation plan shall be binding upon all successors of title to the land. Prior to the issuance of a SPECIAL USE Permit for such NON-ADAPTABLE STRUCTURES, the landowner or applicant shall also record a covenant incorporating the provisions of the site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a letter of credit be provided for financial assurance.
 3. Separate cost estimates for Section 6.1.1A.4.a., 6.1.1A.4.b., and 6.1.1A.4.c. shall be provided by an Illinois Licensed Professional Engineer.
 - a. Cost estimates provided shall be subject to approval of the BOARD.
 - b. Except as provided in Section 6.1.4P., the salvage value of the components of the NON-ADAPTABLE STRUCTURE shall not be credited to the cost estimates.
 4. The site reclamation plan shall provide for:
 - a. removal of above-ground portion of any STRUCTURE on the subject site; site grading; and, interim soil erosion control;
 - b. below-ground restoration, including final grading and surface treatment;
 - c. any environmental remediation required by State or Federal law;
 - d. provision and maintenance of a letter of credit, as set forth in Section 6.1.1A.5.

5. No Zoning Use Permit for such SPECIAL USE will be issued until the applicant provides the COUNTY with an irrevocable letter of credit to be drawn upon a federally insured financial institution within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit. The irrevocable letter of credit shall be in the amount of one hundred fifty percent (150%) of an independent engineer's cost estimate to complete the work described in Section 6.1.1A.4.a., Section 6.1.1A.4.b., and Section 6.1.1A.4.c., except a different amount may be required as a standard condition in Section 6.1.4P. This letter of credit, or a successor letter of credit pursuant to Section 6.1.1A.6. or 6.1.1A.12. shall remain in effect and shall be made available to the COUNTY for an indefinite term or for a different term that may be required as a standard condition in paragraph 6.1.4P.

2c. Add new subparagraph 6.1.1A.7.e. to read as follows:

- e. A court of law, an arbitrator, mediator, or any state or Federal agency charged with enforcing State or Federal law has made a finding that either said NON-ADAPTABLE STRUCTURE or the structures supporting said NON-ADAPTABLE STRUCTURE and/or any related site grading and soil erosion controls or lack of same, constitutes a public nuisance or otherwise violates State or Federal law, or any State or Federal agency charged with enforcing State or Federal law has made a final determination either imposing an administrative sanction on any person associated with the NON-ADAPTABLE STRUCTURE relating to its use or denying the NON-ADAPTABLE STRUCTURE a permit necessary for its lawful operation.

2d. Revise subparagraph 6.1.1A.6. as follows:

6. One hundred eighty (180) days prior to the expiration date of an irrevocable letter of credit submitted pursuant to this Section, the Zoning Administrator shall notify the landowner or applicant in writing and request information about the landowner's or applicant's intent to renew the letter of credit, or remove the NON-ADAPTABLE STRUCTURE. The landowner or applicant shall have thirty (30) days to respond in writing to this request. If the landowner's or applicant's intention is to remove the NON-ADAPTABLE STRUCTURE, the landowner or applicant will have a total of ninety (90) days from the date of response to remove it in accordance with Section 6.1.1A.4.a. At the end of ninety (90) days, the Zoning Administrator shall have a period of sixty (60) days to either:

- a. confirm that the bank has renewed the letter of credit; or
- b. inspect the subject property for compliance with Section 6.1.1A.4.a.;
- c. draw on the letter of credit and commence the bid process to have a contractor remove the NON-ADAPTABLE STRUCTURE pursuant to Section 6.1.1A.4.a.

2e. Revise paragraph 6.1.1A.11.b. to read as follows:

- b. pay all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work, which shall include, but not be limited to, attorney's fees; construction management and other professional service fees; and the costs of preparing request for proposal and bidding documents required to comply with state law or Champaign County purchasing policies; and

2f. Revise paragraph 6.1.1A.12. to read as follows:

- 12. Upon transfer of any property subject to a letter of credit pursuant to this Section, the new owner or applicant of record shall submit a new irrevocable letter of credit of same or greater value to the Zoning Administrator, prior to legal transfer of title, and shall submit a new site reclamation plan, pursuant to Section 6.1.1A.4.a., and, for WIND FARMS, Section 6.1.4P. Once the new owner or applicant of record has done so, the letter of credit posted by the previous owner or applicant shall be released, and the previous owner shall be released from any further obligations under the site reclamation plan.

2g. Add new subparagraphs 6.1.1A.13. & 14. to read as follows:

- 13. The Applicant shall provide evidence of any new, additional, or substitute financial assurance to the Zoning Administrator throughout the operating lifetime of the NON-ADAPTABLE STRUCTURE.
- 14. Should the site reclamation plan, or any part of it, be deemed invalid by a court of competent jurisdiction, the associated SPECIAL USE permit shall be deemed void.

3. Revise 6.1.4P. as follows:

- a. Revise paragraph 6.1.4P. to strike references to “reclamation agreement” and replace with “site reclamation plan”.**
- b. Delete paragraphs 6.1.4P.3.(d), (e), and (f) and add new paragraphs 6.1.4P.3.(d) through (m) as follows:**
 - (d) A stipulation that at such time as decommissioning takes place the applicant or it’s successors in interest are required to enter into a Roadway Use and Repair Agreement with the relevant highway authority.
 - (e) A stipulation that the Applicant shall provide evidence of any new, additional, or substitute financing or security agreement to the Zoning Administrator throughout the operating lifetime of the project.
 - (f) A stipulation that the Applicant shall be obliged to perform the work in the site reclamation plan before abandoning the WIND FARM or prior to ceasing production of electricity from the WIND FARM, after it has begun, other than in the ordinary course of business. This obligation shall be independent of the obligation to pay financial assurance, and shall not be limited by the amount of financial assurance. The obligation to perform the reclamation work shall constitute a covenant running with the land
 - (g) The site reclamation plan shall provide for payment of any associated costs that Champaign County may incur in the event that decommissioning is actually required. Associated costs include all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work and shall include but not be limited to attorney’s fees; construction management and other professional service fees; and the costs of preparing request for proposals and bidding documents required to comply with state law or Champaign County purchasing policies.
 - (h) The depth of removal of foundation concrete below ground shall be a minimum of 54 inches. The depth of removal of foundation concrete shall be certified in writing by an Illinois Licensed Professional Engineer and the certification shall be submitted to the Zoning Administrator.
 - (i) The hole resulting from the removal of foundation concrete during decommissioning shall be backfilled as follows:
 - i.* The excavation resulting from the removal of foundation concrete shall only be backfilled with subsoil and topsoil in similar depths and similar types as existed at the time of the original WIND FARM construction except that a lesser quality topsoil or a combination of a

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lesser quality topsoil and a subsoil that is similar to the native subsoil may be used at depths corresponding to the native subsoil but not less than 12 inches below grade.

- ii.* The native soils excavated at the time of the original WIND FARM construction may be used to backfill the concrete foundation excavations at the time of decommissioning provided that the soils are adequately stored throughout the operating lifetime of the WIND FARM. The methods for storing the excavated native soils during the operating lifetime of the WIND FARM shall be included in the site reclamation plan.
- iii.* If the excavated native soils are not stored for use for backfilling the concrete foundation excavations, a qualified soil scientist or Illinois Licensed Professional Engineer shall certify that the actual soils used to backfill the concrete foundation excavations are of equal or greater quality than the native soils or that, in the case of subsoil, the backfill soil meets the requirements of this paragraph. The certification shall be submitted to the Zoning Administrator.
- iv.* An Illinois Licensed Professional Engineer shall certify in writing that the concrete foundation excavations have been backfilled with soil to such a depth and with a minimum of compaction that is consistent with the restoration of productive agricultural use such that the depth of soil is expected to be no less than 54 inches within one year after backfilling.
- (j) A stipulation that should the site reclamation plan be deemed invalid by a court of competent jurisdiction the WIND FARM SPECIAL USE Permit shall be deemed void.
- (k) A stipulation that the Applicant's obligation to complete the site reclamation plan and to pay all associated costs shall be independent of the Applicant's obligation to provide financial assurance.
- (l) A stipulation that the liability of the Applicant's failure to complete the site reclamation plan or any breach of the site reclamation plan requirement shall not be capped by the amount of the financial assurance.
- (m) If the Applicant desires to remove equipment or property credited to the estimated salvage value without the concurrent replacement of the property with property of equal or greater salvage value or if the Applicant installs equipment or property increasing the cost of decommissioning after the

WIND FARM begins to produce electricity, at any point, the Applicant shall first obtain the consent of the Zoning Administrator. If the Applicant's lien holders remove equipment or property credited to the salvage value the Applicant shall promptly notify the Zoning Administrator. In either of these events the total financial assurance shall be adjusted to reflect any change in total salvage value and total decommissioning costs resulting from any such removal or installation.

3c. Revise paragraph 6.1.4P.4.(a) and insert new paragraph 6.1.4P.4.(b) and renumber existing paragraphs as required as follows:

3d. Insert new paragraph 6.1.4P.4.(b) as follows:

4. To comply with paragraph 6.1.1A.5., the Applicant shall provide financial assurance in the form of an irrevocable letter of credit and an escrow account as follows:
 - (a) At the time of Special Use Permit approval the amount of financial assurance to be provided for the site reclamation plan shall be 210% of the decommissioning cost as determined in the independent engineer's cost estimate to complete the decommissioning work described in Sections 6.1.1A.4.a. and 6.1.1A.4.b. and 6.1.1A.4.c.
 - (b) Net salvage value may be deducted from decommissioning costs as follows:
 - (1) One of the following standards shall be met:
 - i.* The Applicant shall maintain the WIND FARM TOWERS free and clear of liens and encumbrances, including financing liens and shall provide proof of the same prior to issuance of the SPECIAL USE Permit; or
 - ii.* The Applicant shall deduct from the salvage value credit the amount of any lien or encumbrance on each WIND FARM TOWER; or
 - iii.* Any and all financing and/or financial security agreements entered into by the Applicant shall expressly provide that the agreements are subject to the covenant required by Section 6.1.1.A.2 that the reclamation work be done.
 - (2) The Applicant shall provide proof of compliance with paragraph 6.1.4P.4.(b)(1) prior to issuance of any Zoning Use Permit and upon every renewal of the financial assurance and at any other time upon the request of the Zoning Administrator.

- (3) The Applicant shall provide in the site reclamation plan for legal transfer of the STRUCTURE to the demolisher to pay the costs of reclamation work, should the reclamation work be performed.
 - (4) The net estimated salvage value that is deducted from the estimated decommissioning costs shall be the salvage value that results after all related costs for demolition and any required preparation for transportation for reuse or recycling or for simple disposal and other similar costs including but not limited to the decommissioning of the tower, the hub assembly, the bed plate, the nacelle, the turbine, the blades, the tower cabling and internal wiring, the transformers, the foundation, and access roads.
 - (5) Estimated salvage value shall be based on the average salvage price of the past five years as published in a reputable source for salvage values and shall reflect sound engineering judgment as to anticipated changes in salvage prices prior to the next update of estimated net salvage value.
 - (6) The deduction from the estimated decommissioning costs for net estimated salvage value shall be capped at 70% of the total net estimated salvage value even though the total actual salvage value shall be available in the event that decommissioning is actually required.
 - (7) The credit for net estimated salvage value attributable to any WIND FARM TOWER may not exceed the estimated cost of removal of the above-ground portion of that WIND FARM TOWER on the subject site.
- (c) The GOVERNING BODY has the right to require multiple letters of credit based on the regulations governing federal insurance for deposits.

3e. Renumber existing paragraph 6.1.4P.4.(b) to become new paragraph 6.1.4P.4.(e) and revise the first part of the existing paragraph as follows:

- (e) The applicant or WIND FARM owner shall gradually pay down the value of the irrevocable letter of credit by placing cash deposits in an escrow account in equal annual installments over the first 13 years of the WIND FARM operation as follows:

3f. Renumber existing paragraph 6.1.4P.4.(b)(5) to become new paragraph 6.1.4P.4.(d) and revise as follows:

- (d) The Applicant shall adjust the amount of the financial assurance to ensure that it reflects current and accurate information as follows:
 - (1) At least once every three years for the first 12 years of the financial assurance and at least once every ~~{1 or 2} years~~ year thereafter the Applicant shall use an independent Illinois Licensed Professional Engineer to provide updated estimates of decommissioning costs and salvage value, by including any changes due to inflation and/or change in salvage price. The Applicant shall, upon receipt, provide a copy of the adjusted Professional Engineer's report to the Zoning Administrator.
 - (2) At all times the total combined value of the irrevocable letter of credit and the escrow account shall equal or exceed the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation since the WIND FARM was approved; and an amount for any future years left in the anticipated 25 year life span of the WIND FARM at an assumed minimum rate of inflation of 3% per year.

3g. Add new paragraph 6.1.4P.4.(f) as follows:

- (f) Should the salvage value of components be adjusted downward or the decommissioning costs adjusted upward pursuant to paragraph 6.1.4P.4.(d), the amount to be placed in the escrow account pursuant to this paragraph 6.1.4P.4. shall be increased to reflect the adjustment, as if the adjusted estimate were the initial estimate.

3h. Revise paragraph 6.1.4P.5.(a) to read as follows:

- (a) In the event that any WIND FARM TOWER or component thereof ceases to be functional for more than six consecutive months after it starts producing electricity and the Owner is not diligently repairing such WIND FARM TOWER or component.

3i. Add the following to paragraph 6.1.4P.5.:

- (c) There is a delay in the construction of any WIND FARM TOWER of more than 6 months after construction on that WIND FARM TOWER begins.
-

- (d) Any WIND FARM TURBINE appears in a state of disrepair or imminent collapse and/or creates an imminent threat to the health or safety of the public or any person.
- (e) Any WIND FARM TURBINE is otherwise derelict for a period of 6 months.
- (f) The WIND FARM is in violation of the terms of the WIND FARM SPECIAL USE permit for a period exceeding ninety (90) days.
- (g) The Applicant has failed to maintain financial assurance in the form and amount required by the special use permit or compromised the COUNTY's interest in the site reclamation plan.
- (h) The COUNTY discovers any material misstatement of fact or misleading omission of fact made by the Applicant in the course of the special use permit zoning case.
- (i) The Applicant has either failed to receive a copy of the certification of design compliance required by paragraph 6.1.4D.1.(a) or failed to submit it to the County within 12 consecutive months of receiving a Zoning Use Permit regardless of the efforts of the Applicant to obtain such certification.

3j. Add new paragraph 6.1.4P.6. as follows:

6. The Zoning Administrator may, but is not required to, deem the WIND FARM abandoned, or the standards set forth in Section 6.1.4P.5 met, with respect to some, but not all, of the WIND FARM TURBINES in the WIND FARM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to those WIND FARM TURBINES only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining WIND FARM TURBINES in the WIND FARM.

3k. Renumber existing paragraph 6.1.4P.6. and revise as follows:

7. The Site Reclamation Plan shall be included as a condition of approval by the BOARD and the signed and executed irrevocable letter of credit and evidence of the escrow account must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.

CASE NO. 702-V-11

SUPPLEMENTAL MEMORANDUM

MARCH 23, 2012

Champaign
County
Department of

**PLANNING &
ZONING**

Petitioner: Roger Burk

Request: Authorize the following in the I-1 Light Industry Zoning District:

- Part A Variance for a proposed warehouse storage facility with a setback of 54 feet from the centerline of Paul Avenue a local street, in lieu of the minimum required 58 feet **(Not Required)**;
- Part B. Variance for a side yard of 5 feet in lieu of the minimum required side yard of 10 feet;
- Part C. Variance for a rear yard of 5 feet in lieu of the minimum required rear yard of 20 feet;
- Part D. Variance from the visibility triangle requirements for a corner lot;
- Part E. Variance from the minimum required number of parking spaces for industrial uses;
- Part F. Variance from the loading berth requirements in lieu of the required 1 loading berth;
- Part G. Variance from a minimum separation from a side property line for parking spaces of 1 foot in lieu of the minimum required 5 feet.

Location: Lots 299 and 300 of Wilber Heights Subdivision in the Southwest Quarter of Section 31 of Somer Township and commonly known as the buildings at 101 Paul Avenue, Champaign.

Site Area: 5,750 square feet

Time Schedule for Development: Unknown

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

STATUS

This case was continued from the March 15, 2012, public hearing. A revised summary of evidence is attached.

ATTACHEMENT

A Summary of Evidence, Finding of Fact, and Final Determination

REVISED

702-V-11

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

Final Determination: **{ GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED }**

Date: **March 29, 2012**

Petitioner: **Roger Burk**

Request: Authorize the following in the I-1 Light Industry District:

- Part A. Variance for a proposed warehouse storage facility with a setback of 54 feet from the centerline of Paul Avenue a local street, in lieu of the minimum required 58 feet (**Not Required**);
 - Part B. Variance for a side yard of 5 feet in lieu of the minimum required side yard of 10 feet;
 - Part C. Variance for a rear yard of 5 feet in lieu of the minimum required rear yard of 20 feet;
 - Part D. Variance from the visibility triangle requirements for a corner lot;
 - Part E. Variance from the minimum required number of parking spaces for industrial uses;
 - Part F. Variance from the loading berth requirements in lieu of the required 1 loading berth;
 - Part G. Variance from a minimum separation from a side property line for parking spaces of 1 foot in lieu of the minimum required 5 feet, on the following property:
 - Lots 299 and 300 of Wilber Heights Subdivision in the Southwest Quarter of Section 31 of Somer Township and commonly known as the buildings at 101 Paul Avenue, Champaign.
-

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on March 15, 2012, and March 29, 2012, the Zoning Board of Appeals of Champaign County finds that:

1. The Petitioner owns the subject property. The petitioner will purchase the property contingent upon approval of the requested variance.
2. The subject property consists of lots 299 and 300 of Wilber Heights Subdivision.
3. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and adjacent to it:
 - A. Land to the north of the subject property is zoned I-1 Light Industry and is in residential use.
 - B. Land on the east side of the subject property is zoned I-1 Light Industry and is in residential use.
 - C. Land on the south side of the subject property is zoned I-1 Light Industry and is in residential use.
 - D. Land on the west side of the subject property is within the city limits of the City of Champaign and is being used as a shopping center.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. The subject property is 5,750 square feet in area and consists of two nonconforming lots of record.
 - B. The Site Plan of the proposed development was received on March 2, 2012, and includes the following:
 - (1) Location of the proposed 1,728 square feet (72' × 24') warehouse storage building.
 - (2) Location and dimensions of the ADA accessible parking space (16' × 16') and pad (5' × 5').
 - (3) The proposed warehouse storage facility is indicated as having the following setbacks and yards:
 - (a) A 75½ feet setback from the centerline of Market Street;

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- (b) A 54 feet setback from the centerline of Paul Avenue;
 - (c) A front yard of 38 feet along Market Street;
 - (d) Side yards of 21 feet along Paul Avenue and 5 feet along the property line opposite from the Paul Avenue frontage; and
 - (e) A rear yard of 5 feet along the property line opposite the Market Street frontage.
- (4) Indication that plumbing will be stubbed in.
 - (5) Location of five 9' × 8' overhead doors and one 10' × 9' overhead door.
 - (6) A 21' × 4' ADA accessible path to the accessible storage unit.

C. The requested variance is as follows:

- ~~(1)~~ Variance for a proposed warehouse storage facility with a setback of 54 feet from the centerline of Paul Avenue a local street, in lieu of the minimum required 58 feet;
- ~~(2)~~(1) Variance for a side yard of 5 feet in lieu of the minimum required side yard of 10 feet;
- ~~(3)~~(2) Variance for a rear yard of 5 feet in lieu of the minimum required rear yard of 20 feet;
- ~~(4)~~(3) Variance from the visibility triangle requirements for a corner lot;
- ~~(5)~~(4) Variance from the minimum required number of parking spaces for industrial uses;
- ~~(6)~~(5) Variance from the loading berth requirements in lieu of the required 1 loading berth;
- ~~(7)~~(6) Variance from a minimum separation from a side property line for parking spaces of 1 foot in lieu of the minimum required 5 feet.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

- 6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):

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- (1) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE or the main or principal USE, either detached from or attached to the MAIN OR PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE.
- (2) "AREA, LOT" is the total area within the LOT LINES.
- (3) "BUILDING RESTRICTION LINE" is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.
- (4) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (5) "LOT LINES" are the lines bounding a LOT.
- (6) "LOT LINE, FRONT" is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (7) "LOT WIDTH, AVERAGE" is the LOT AREA divided by the LOT DEPTH or, alternatively, the diameter of the largest circle that will fit entirely within the LOT LINES.
- (8) "NONCONFORMING LOT, STRUCTURE, or USE" is a LOT, SIGN, STRUCTURE, or USE which does not conform to the regulations and standards of the DISTRICT in which it is located.
- (9) "RIGHT-OF-WAY" is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (10) "SETBACK LINE" is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (11) "STREET" is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:

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- (a) MAJOR STREET: Federal or State highways
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (12) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
- (13) "YARD" is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (14) "YARD, FRONT" is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
- (15) "YARD, REAR" is a YARD A YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- (16) "YARD, SIDE" is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- B. Minimum setbacks from the centerline of a street and minimum front yards in the I-1 Light Industry Zoning District are established in Section 5.3 and Subsection 4.3.2 of the *Zoning Ordinance* as follows:
- (1) The minimum setback from a collector street is listed in Section 5.3 and Subsection 4.3.2 as 75 feet with a front yard of 30 feet.
 - (2) Section 5.3 is the Schedule of Area, Height, and Placement Regulations by District and indicates that the setback from a COLLECTOR STREET is 75 feet and footnote 3 further specifies the following:
 - (a) In no case shall the FRONT YARD be less than 30 feet from a COLLECTOR STREET.
 - (b) Footnote 3 provides that where 25% or more of the lots within a block abutting streets other than federal or state highways, were occupied by main

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or principal structures prior to the effective date of the ordinance (10/1/73), the average of the setback lines of such structures shall be the minimum setback lines of the remaining vacant lots within such block except where the public health, safety, comfort, morals, or welfare are endangered.

- (3) The minimum setback from a minor street is listed in Section 5.3 and Subsection 4.3.2 as 55 feet.
- C. Minimum side and rear yards in the I-1 Light Industry Zoning District are established in Section 5.3 of the *Zoning Ordinance* as follows:
- (1) The minimum side yard is listed in Section 5.3 as 10 feet.
 - (2) The minimum rear yard is listed in Section 5.3 and as 20 feet.
- D. Minimum setbacks for a corner lot from the visibility triangle are established in Subsection 4.3.2 and Subsection 4.3.3 of the *Zoning Ordinance* as follows:
- (1) The minimum visibility triangle for a corner lot is listed in Subsection 4.3.3 as 50 feet from the nearest point of intersection.
- E. Minimum parking space requirements for Industrial USES are established in Section 7.4.1D.1 of the *Zoning Ordinance* as follows:
- (1) One space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.
 - (2) All such spaces shall be surfaced with an all-weather dustless material.
 - (3) The required number of spaces for the proposed use is 5 parking spaces plus 1 ADA accessible parking space. The Petitioner has indicated only the ADA accessible parking space on the site plan.
- F. Minimum loading berth requirements for Industrial USES are the same as the schedule for commercial establishments established in Section 7.4.2C.5. as follows:
- (1) 1 – 9,999 Square Feet (Thousands) requires 1, 12' × 40' loading berth.
- G. Minimum separation for parking spaces from side lot lines are established in Section 7.4.1A.3.(b). as follows:
- (1) No such space shall be located less than five feet from any side or REAR LOT LINE.

- H. The Department of Planning and Zoning measures yards and setbacks to the nearest wall line of a building or structure and the nearest wall line is interpreted to include overhanging balconies, projecting window and fireplace bulkheads, and similar irregularities in the building footprint. A roof overhang is only considered if it overhangs a property line.
- I. Subsection 8.1.2 requires the following:
- Once two or more contiguous LOTS or combination of LOTS and portions of LOTS which individually do not meet any dimensional, geometric, LOT ACCESS or other standards are brought into common ownership the LOTS involved shall be used separately or conveyed to another owner which does not meet all of the dimensional, geometric, LOT ACCESS and other standards established by this ordinance unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9.
- J. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2.
- K. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.
-

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. The Petitioner has testified on the application that, **“This is a smaller lot 50’ × 115’ that has one side facing a collector street (Market) and one side facing a minor street (Paul).”**
 - B. The subject property is 5,750 square feet in area and consists of two nonconforming lots of record.
 - C. Without the proposed variance, a building on the subject property could be no larger than 57’ × 15’ 32.5’ × 63.5’ or approximately 2,069 square feet in area. This is the size of building that would not require variance from side and rear yard requirements, street setback requirements, or separation from a side lot line for parking spaces. Variance from the number of parking spaces could still be needed depending on how many units would be available for rent. Variance from visibility triangle requirements may also still be needed depending on where the parking would be located.
 - D. The visibility triangle requirements require that 1,250 square feet of a corner lot not be encroached upon by development to keep the corner of two intersecting streets free from sight obstruction. The subject property is 5,750 square feet in area. Strictly applying this requirement significantly reduces the available area of the lot for development. Additionally, the small size of the lots makes it difficult to accommodate all of the required parking spaces and the required loading berth.
 - E. Regarding the front and side yards that existed on this block in 1973 based on interpretation of the Spring 1972 aerial photography:
 - (1) Along Market Street there are 11 nonconforming lots of record that comprised three zoning lots and the front yards of the principal buildings averaged 31.33 feet and the setbacks averaged 61.33 feet.
 - (2) Along Paul Street there are 2 nonconforming lots of record that comprised two zoning lots and the front yards of the principal buildings averaged 7.5 feet and the setbacks averaged 40.5 feet. Therefore the minimum required front or side yard on Paul Avenue is 7.5 feet.

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

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. The Petitioner has testified on the application that, **“With this being a corner, a 8’ × 75’ strip is all that is left to build on the way the ordinances are now. All buildings are being torn down. Storage for vehicles requires a loner unit than is now allowed. Adjacent land to the east may be available but would not change the variances being sought.”**
 - B. Without the proposed variance, a building on the subject property could be no larger than 57’ × 15’ 32.5’ × 63.5’ or approximately 2,069 square feet in area. This is the size of building that would not require variance from side and rear yard requirements, street setback requirements, or separation from a side lot line for parking spaces. Variance from the number of parking spaces could still be needed depending on how many units would be available for rent. Variance from visibility triangle requirements may also still be needed depending on where the parking would be located.
 - C. The visibility triangle requirements require that 1,250 square feet of a corner lot not be encroached upon by development to keep the corner of two intersecting streets free from sight obstruction. The subject property is 5,750 square feet in area. Strictly applying this requirement significantly reduces the available area of the lots for development. Additionally, the small size of the lots makes it difficult to accommodate all of the required parking spaces and the required loading berth.
 - D. All of the surrounding land is also part of the Wilber Heights Subdivision and all adjacent lots are also nonconforming lots of record that cannot be made smaller so there is no land available for purchase to make these lots larger.

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

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application that, **“I was made aware of the zoning regulations thru the process of purchasing the property. As a result, purchase of lot is hinged on variances asked for. This lot predates zoning and is legally nonconforming. Buildings would be demolished.”**
 - B. The existing lots will be sold to the Petitioner in their original configuration, which existed prior to the adoption of County zoning on October 10, 1973.

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

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application that, **“My intent is to use this lot in a conforming manner to store vehicles and equipment inside a building that meets I-1 Zoning. The building will be taller than the house that is there but not higher than the second building. Should have minimal affect on traffic, noise, or water runoff in the neighborhood.”**
 - B. The Zoning Ordinance does not clearly state the considerations that underlay the side and rear yard requirements. In general, the side yard is presumably intended to ensure the following:
 - (1) Adequate light and air: The subject property is in use as a transfer facility for a dry-cleaning business, which should not require much light or air, and is surrounded on two sides by another industrial business with similar needs. The property to the east contains ~~a single family dwelling~~ an abandoned mobile home; ~~however, the main building and is located~~ approximately 53 feet from the east property line. A shed also exists on the property to the east and would approximately be 5 feet from the proposed warehouse storage facility.
 - (2) Separation of structures to prevent conflagration: Structures in the rural zoning districts are generally located farther from fire protection stations than structures in the urban districts and the level of fire protection service is generally somewhat lower given the slower response time. The subject property is within the Eastern Prairie Fire Protection District and the station is approximately ~~1,000~~ 2,500 feet to the east of the subject property. The main building is separated by 10 feet from the nearest structure on the property to the south.
 - (3) Aesthetics may also play a part in minimum yard requirements.
 - C. Corner lot visibility triangles are required for public safety.
 - (1) There is a stop sight at the intersection of Paul Avenue and Market Street.
 - (2) The encroachment of the parking space will be minimal.
 - ~~D. The Zoning Ordinance does not clearly state the considerations that underlay the setback and front yard requirements. In general, the setback is presumably intended to ensure the following:~~

REVISED

- ~~(1) Right of way acquisition. Paul Avenue is a minor street although the Highway Commissioner maintains the road it is very unlikely that any additional right of way will ever be needed.~~
- ~~(2) Off street parking. Regarding off street parking:
 - ~~(a) The Zoning Ordinance requires a minimum of two parking spaces for an Industrial USE and one additional for each three employees. The Zoning Ordinance also requires a parking space to be a minimum of 9 feet wide and 20 feet long.~~~~

~~The 21 feet front yard is long enough to accommodate a required parking space without projecting into the right of way but it the spaces will be one foot from the side property line.~~
- ~~(c) The street pavement is a minimum of 20 feet wide and is more or less centered in the 58 feet wide right of way. Thus, the street pavement is approximately 23 feet from the subject property and there is approximately 45 feet inches between the subject garage and the edge of the street pavement.~~
- ~~(3) Aesthetics. Aesthetic benefit may be a consideration for any given front yard and setback but can be very subjective. In this instance, the subject property retains a great deal of open space.~~
- ~~(4) Adequate light and air. The structure in question is an accessory structure which does not noticeably affect the amount of light and air available on the large lots in this neighborhood.~~

E. The requested variance is as follows:

- ~~(1) A 54 feet setback from centerline of Paul Avenue is 93% of the 58 feet required for a variance of 7%.~~
- ~~(2) (1) A 5 feet side yard is 50% of the 10 feet required for a variance of 50%.~~
- ~~(3) (2) A 5 feet rear yard is 25% of the 20 feet required for a variance of 75%.~~
- ~~(4) (3) Variance from the visibility triangle requirements of 24½ square feet encroachment into the visibility triangle is 98% of the required 1,250 square feet for a 2% variance.~~
- ~~(5) (4) The Petitioner has not indicated the variance sought for parking spaces, but there is not enough room to accommodate all of the required spaces. Under the current site~~

plan in addition to the ADA accessible parking space 3 additional spaces could be accommodated. This would be 67% of the required 6 total parking spaces for a variance of 33%.

- (6) (5) Variance from loading berth requirements of no loading berth is 100% of the 1 loading berth required for a 100% variance.
 - (7) (6) Minimum separation of 1 foot for parking spaces from a side property line is 20% of the required 5 feet for an 80% variance.
- F. The Zoning Ordinance does not clearly state the considerations that underlay the side yard requirement that is relevant to Part B. In general, the side yard is presumably intended to ensure the following:
- (1) Adequate light and air: The proposed construction does not greatly decrease the current distance between neighboring structures.
 - (2) Separation of structures to prevent conflagration: Structures in the rural zoning districts are generally located farther from fire protection stations than structures in the urban districts and the level of fire protection service is generally somewhat lower given the slower response time.
 - (3) Aesthetics may also play a part in the minimum side and rear yard requirements.
- G. The requested variance is not prohibited by the *Zoning Ordinance*.

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

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioner has testified on the application that, **“Fire protection is about 4 blocks away and fire hydrant is on adjacent lot to the east. I have not contacted the Fire District yet. The visibility triangles will not be effects. The land is fairly level and should not changes or affect drainage or direction of runoff. There is a chance a fence will be erected to secure the building and its contents because of past crime. But it will not impede vision and will meet all criteria for such. There may be some noise and perhaps smoke/fumes but not near as much as an auto repair shop. The minor traffic expected will not be more than a residence and very sporadic and will turn off of minor street onto property.”**
 - B. The requested variance should have not have an impact on public health, safety, or welfare. The proposed use is an industrial use on an industrial neighborhood. The proposed use meets the minimum setback from a collector street and the use of the property will not be intense.

- C. The Township Road Commissioner has received notice of this variance but no comments have been received.
- D. The Fire Protection District has received notice of this variance. Mike Kobel, Chief of the Eastern Prairie Fire Protection District, in a conversation with Andy Kass, Associate Planner, on March 7, 2012, did not indicate that he had any concerns about the proposed use.
- E. The nearest building to the proposed building is a home to the south which is located approximately 10 feet from the mutual property line.
- F. The proposed warehouse storage facility will replace the structures currently occupying the subject property. The current structures on the property have been the subject of complaints to the Department of Planning and Zoning in recent years. Some of the complaints include a state of disrepair and abandonment of the home and that someone was living inside of the warehouse building without water or toilet facilities.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 12. Regarding proposed special conditions for approval:
 - A. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed warehouse storage facility until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.**

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

That the proposed structure is safe and built to current standards.

- B. **Regarding State of Illinois accessibility requirements:**
 - (1) **The Zoning Administrator shall not approve a Zoning Use Permit for the proposed ~~Special Use Permit~~ warehouse storage facility without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the new building will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act, unless the petitioner can provide documentation certifying that the proposed warehouse storage facility would not have exceeded \$50,000 in construction cost by hiring a contractor to construct the building and perform all other necessary work. ;**

- (2) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed ~~Special Use Permit~~ warehouse storage facility until the Zoning Administrator has verified that the ~~Special Use~~ warehouse storage facility as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**

The special conditions stated above are required to ensure the following:

That the proposed Special Use meets applicable state codes for handicap accessibility.

DOCUMENTS OF RECORD

1. Variance Application received on November 18, 2011, with attachments:
 - A Responses to Variance Criteria
 - B Site Plan
 2. Revised site plan submitted March 2, 2012
 3. Preliminary Memorandum dated March 9, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan
 - C Annotated Site Plan
 - D Summary of Evidence, Finding of Fact, and Final Determination
-

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 702-V-11 held on **March 15, 2012, and March 29, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: _____

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because: _____

3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because: _____

4. The requested variance **{SUBJECT TO THE PROPOSED CONDITION}** **{IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because: _____

5. The requested variance **{SUBJECT TO THE PROPOSED CONDITION}** **{WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____

6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because: _____

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

FINAL DETERMINATION

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

The Variance requested in Case 702-V-11 is hereby *{GRANTED / GRANTED WITH CONDITIONS/DENIED}* to the petitioner **Roger Burk** to authorize:

- Part A. Variance for a proposed warehouse storage facility with a setback of 54 feet from the centerline of Paul Avenue a local street, in lieu of the minimum required 58 feet;
- Part B. Variance for a side yard of 5 feet in lieu of the minimum required side yard of 10 feet;
- Part C. Variance for a rear yard of 5 feet in lieu of the minimum required rear yard of 20 feet;
- Part D. Variance from the visibility triangle requirements for a corner lot;
- Part E. Variance from the minimum required number of parking spaces for industrial uses;
- Part F. Variance from the loading berth requirements in lieu of the required 1 loading berth;
- Part G. Variance from a minimum separation from a side property line for parking spaces of 1 foot in lieu of the minimum required 5 feet.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date

CASE NO. 699-AM-11

PRELIMINARY MEMORANDUM

MARCH 23, 2012

Petitioners: L.A. Gourmet Catering, LLC

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Site Area: **10 acres**

Time Schedule for Development:

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use in related zoning case 700-S-11.**

Location: **A 10 acre tract in the Southwest Quarter of the Northwest Quarter of Section 14 of Hensley Township and commonly known as the home at 2150 CR 1000E, Champaign.**

BACKGROUND

L.A. Gourmet Catering, LLC requests to rezone property at 2150 CR 1000E, Champaign, from its current AG-1 Agriculture zoning designation to the AG-2 Agriculture zoning designation in order to operate a proposed Event Center in related Case 700-S-11 as a Special Use. The subject property currently has an existing home and outbuilding located on it and most of the remainder is in agricultural production.

The Petitioners have stated that the subject property will give them flexibility and atmosphere which they could not obtain in a city setting. The Petitioners feel that the subject property is a perfect location because it will meet the needs of clients and preserve the natural landscape.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential	AG-1 Agriculture
	Agriculture	
North	Agriculture	AG-1 Agriculture
	Residential	
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture
	Residential	

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning included separately)
- B Draft Finding of Fact, and Final Determination

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699-AM-11

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

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

Date: **March 29, 2012**

Petitioners: **L.A. Gourmet, LLC**

Request: **Amend the Zoning Map to change the zoning district designation from AG-1 Agriculture to AG-2 Agriculture.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 29, 2012**, the Zoning Board of Appeals of Champaign County finds that:

- *1. The petitioner L.A. Gourmet, LLC is owned by Lauren and Annie Murray, 2607 CR 1000E, Champaign. The petitioner's father, John Murray owns the subject property.

(Note: asterisk indicates items of evidence that are identical to evidence in Case 700-S-11)

- *2. Regarding the subject property where the special use is proposed to be located:
 - A. The subject property is a 10 acre tract in the Southwest Quarter of the Northwest Quarter of Section 14 of Hensley Township and commonly known as the home at 2150 CR 1000E, Champaign. Part of the subject property has an existing home on it and part of the subject property is used for agricultural production and consists of best prime farmland.
- *3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning and is 2 miles from the City of Champaign.
- 4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated:

“Current ordinance has property desired listed as agriculture use only. We would like to use as business/agricultural area.”

- 5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following:

“There is 330 feet frontage between property and road. Property located on main road (Mattis/Dewey-Fisher RD). There would be no full time employees at facility.”

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned AG-1 Agriculture and is in use as a residential property with some of the subject property used for row-crop agricultural production.
 - B. Land on the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in use as follows:
 - (1) Land on the north is in agriculture production except for one single-family dwelling.
 - (2) Land on the south is in agricultural production and there is one single-family dwelling to the south.

- (3) Land east of the subject property is in agricultural production.
- (4) Land west of the subject property is in agricultural production.

7. There have been no zoning cases in the vicinity of the subject property.

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-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
- (2) The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

B. Regarding the general locations of the existing and proposed zoning districts:

- (1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.
- (2) The AG-2 is generally located in areas close to urban areas.

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 10 types of uses authorized by right in the AG-1 District and there are 13 types of uses authorized by right in the AG-2 District:
 - (a) The following 11 uses are authorized in the AG-1 District:
 - Single family dwelling;
 - Subdivisions of three lots or less;
 - Agriculture;
 - Roadside Stand operated by Farm Operator;
 - Minor Rural Specialty Business;
 - Plant Nursery;
 - Township Highway Maintenance Garage;
 - Christmas Tree Sales Lot;
 - Off-premises sign within 660 feet of interstate highway;
 - Off-premises sign along federal highway except interstate highways; and

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- Temporary Uses
- (b) The following 13 uses are authorized in the AG-2 District:
- Single family dwelling;
 - Subdivisions of three lots or less;
 - Agriculture;
 - Roadside Stand operated by Farm Operator;
 - Minor Rural Specialty Business;
 - Plant Nursery;
 - Township Highway Maintenance Garage;
 - Country club or golf course;
 - Commercial Breeding Facility;
 - Christmas Tree Sales Lot;
 - Off-premises sign within 660 feet of interstate highway;
 - Off-premises sign along federal highway except interstate highways; and
 - Temporary Uses
- (2) There are 42 types of uses authorized by Special Use Permit (SUP) in the AG-1 District and 76 types of uses authorized by SUP in the AG-2 District:
- (a) The following 42 uses may be authorized by SUP in the AG-1 District:
- Hotel with no more than 15 lodging units;
 - Residential PLANNED UNIT DEVELOPMENT;
 - SUBDIVISION totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS (County Board SUP);
 - Major RURAL SPECIALTY BUSINESS;
 - Artificial lake of 1 or more acres;
 - Mineral extraction, Quarrying, topsoil removal, and allied activities;
 - Elementary School, Junior High School, or High School;
 - Church, Temple or church related Temporary Uses on church Property;
 - Municipal or Government Building;
 - Township Highway Maintenance Garage;
 - Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Penal or correctional institution;
 - Police station or fire station;
 - Library, museum or gallery;
 - Public park or recreational facility;
 - Sewage disposal plant or lagoon;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
 - Radio or Television Station;

- Electrical Substation;
- Telephone Exchange;
- RESIDENTIAL AIRPORTS;
- RESTRICTED LANDING AREAS;
- HELIPORT-RESTRICTED LANDING AREAS;
- Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
- Livestock Sales Facility and Stockyards;
- Slaughter Houses;
- Grain Storage Elevator and Bins;
- Riding Stable;
- Commercial Fishing Lake;
- Cemetery or Crematory;
- Pet Cemetery;
- Kennel;
- Veterinary Hospital;
- Off-premises sign farther than 660 feet from an interstate highway;
- Contractors Facilities with no outdoor operations or storage;
- Contractors Facilities with outdoor operations and/or storage;
- Small Scale Metal Fabricating Shop;
- Gas Turbine Peaker;
- BIG WIND TURBINE TOWER (1-3 turbines);
- WIND FARM (County Board SUP)
- Sawmills Planing Mills, and related activities; and
- Pre-Existing Industrial Uses (existing prior to October 10, 1973)

(b) The following 76 uses may be authorized by SUP in the AG-2 District:

- DWELLING, TWO-FAMILY;
- Home for the aged;
- NURSING HOME;
- Hotel with no more than 15 lodging units;
- TRAVEL TRAILER Camp;
- Residential PLANNED UNIT DEVELOPMENT;
- SUBDIVISION totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS (County Board SUP);
- Major RURAL SPECIALTY BUSINESS;
- Artificial lake of 1 or more acres;
- Commercial greenhouse;
- Greenhouse (not exceeding 1,000 square feet)
- Garden Shop;
- Mineral extraction, Quarrying; topsoil removal, and allied activities;

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- Elementary School, Junior High School, or High School;
- Church, Temple or church related Temporary Uses on church Property;
- Municipal or Government Building;
- Township Highway Maintenance Garage;
- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
- Penal or correctional institution;
- Police station or fire station;
- Library, museum or gallery;
- Public park or recreational facility;
- Sewage disposal plant or lagoon;
- Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
- Water Treatment Plant;
- Radio or Television Station;
- Electrical Substation;
- Telephone Exchange;
- Public Fairgrounds;
- MOTOR BUS station
- Truck Terminal;
- Railroad Yards and Freight Terminals;
- AIRPORT;
- RESIDENTIAL AIRPORTS;
- RESTRICTED LANDING AREAS;
- HELIPORT/HELISTOPS;
- HELIPORT-RESTRICTED LANDING AREAS;
- Mortuary or Funeral Home;
- Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
- Roadside Produce Sales Stand;
- Feed and Grain (sales only);
- Livestock Sales Facility and Stockyards;
- Slaughter Houses;
- Grain Storage Elevator and Bins;
- Artist Studio;
- *RESIDENTIAL RECOVERY CENTER;*
- Antique Sales and Service;
- Amusement Park;
- Resort or Organized Camp;
- Bait Sales;
- Country Club Clubhouse;

- Lodge or private club;
- Outdoor commercial recreational enterprise (except amusement park);
- Private Indoor Recreational Development;
- Public Camp or picnic area;
- Riding Stable;
- Seasonal hunting or fishing lodge;
- Stadium or coliseum;
- THEATER, OUTDOOR;
- Commercial Fishing Lake;
- Aviation sales, service or storage;
- Cemetery or Crematory;
- Pet Cemetery;
- Kennel;
- Veterinary Hospital; and
- Self-Storage Warehouses, not providing heat and utilities to individual units;
- Off-premises sign farther than 660 feet from an interstate highway;
- LANDSCAPE WASTE PROCESSING FACILITIES;
- Contractors Facilities with no outdoor operations or storage;
- Contractors Facilities with outdoor operations and/or storage;
- Small Scale Metal Fabricating Shop;
- Gas Turbine Peaker;
- BIG WIND TURBINE TOWER (1-3 turbines);
- Wood Fabricating Shop and Related Activities;
- Sawmills Planing Mills, and related activities; and
- Pre-Existing Industrial Uses (existing prior to October 10, 1973)

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

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

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

REGARDING LRMP GOALS & POLICIES

10. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

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

The proposed amendment is *NOT RELEVANT* to Goal 1.

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

11. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

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

Goal 2 has two objectives and three policies. The proposed amendment is *NOT RELEVANT* to Goal 2.

12. LRMP Goal 3 is entitled “Prosperity” and states as follows:

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

Goal 3 has three objectives and no policies. The proposed amendment is *RELEVANT* to Goal 3 because Objective 3.1 entitled “Business Climate” states:

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

The Petitioner’s are a local business and are proposing a venue not available in Champaign County. The proposed Event Center would add to a growing list of businesses and services available in rural Champaign County.

13. LRMP Goal 4 is entitled “Agriculture” and states as follows:

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

Goal 4 has 9 objectives and 22 policies. The proposed amendment is **RELEVANT** to Goal 4 because Objective 4.2 entitled “Development Conflicts with Agricultural Operations” and its policies state:

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

A. Policy 4.2.1 states as follows:

The county may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.

The proposed Event Center will provide an atmosphere that is not available in an urban setting. In addition, the Petitioners cater events for agricultural businesses and organizations.

B. Policy 4.2.2 states as follows:

The County may authorize *discretionary review* development in a rural if the proposed development:

- a. is a type that does not negatively affect agricultural activities; or**
- b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
- c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.**

The proposed Event Center will not negatively affect agricultural activities. The proposed building will be sited on land that is not in crop production and the remainder of the development will take a minimal amount of land out of crop production. A Special Condition of Approval in related Case 700-S-11 has been proposed to mitigate any impact this development may have on agricultural drainage.

C. Policy 4.2.3 states as follows:

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

The Petitioner's understand that this is a rural area where agricultural activities take place.

D. Policy 4.2.4 states as follows:

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.

There will be adequate space between the proposed use and adjacent agriculture uses.

14. LRMP Goal 5 is entitled "Urban Land Use" and states as follows:

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

The proposed amendment is *NOT RELEVANT* to Goal 5 because it is not relevant to urban development.

15. LRMP Goal 6 is entitled "Public Health and Safety" and states as follows:

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

The proposed amendment should *HELP ACHIEVE* Goal 6 for the following reasons:

A. Policy 6.1.2 states as follows:

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

The Petitioner's have received a permit for a wastewater system from the Champaign County Health Department. The design of the system should not create nuisance conditions and should not endanger public health.

B. Objective 6.3 entitled “Development Standards” states as follows:

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

A special condition of approval has been proposed in related Case 700-S-11 to ensure that the proposed Event Center will comply with applicable building codes.

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

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

The proposed amendment is *RELEVANT* to Goal 7 for the following reason:

A. The proposed development on the subject property is a discretionary development and Policy 7.1.1 states:

The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.

The proposed Event Center will accommodate up to 400 people and the site plan show 84 parking spaces. At capacity this use could cause a significant increase in traffic on CR 1000E/County Highway 1. Although this increase may be significant at times events at maximum capacity will not take place every day on the subject property, therefore the increase in traffic will likely be sporadic.

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

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

The proposed amendment is *NOT RELEVANT* Goal 8 because it will not be harmful to natural resources.

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

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

The proposed amendment is *NOT RELEVANT* to Goal 9 because the proposed amendment does not address energy efficiency or the use of renewable energy sources.

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

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

Goal 10 is *NOT RELEVANT* to the proposed amendment.

GENERALLY REGARDING THE LaSalle Factors

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

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

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

Table 1: Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Residential	AG-1 Agriculture
	----- Agriculture	
North	Agriculture	AG-1 Agriculture
	----- Residential	
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture

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.
- (3) In regards to the value of the subject property it also is not clear if the requested map amendment would have any effect.

- C. **LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**
There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, and welfare.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.**
The gain to the public of the proposed rezoning is positive because the proposed amendment would allow the Petitioner's to provide a venue that is not available in Champaign County. Currently, the hardship imposed on the Petitioner's is minimal. The Petitioner's understand they could not operate a Private Indoor Recreation Development as a Special Use under its current zoning.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
The subject property is suitable for the zoned purposes. Currently, a portion of the property is used for agricultural production and will continue to be used for agricultural production if the proposed rezoning is approved.
- 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.**
The AG-1 District was planned in 1973 and thus was intended to protect areas of the County where soil and topographic conditions are best adapted to the pursuit of agricultural uses. Currently, the subject property is not vacant. A single-family home exists on the property with another portion being used a farmland. 1973 and 2008 aerial photos were compared and it appears that the land cover in 1973 exists today on the subject property aside from the home which was constructed on the property in the mid 1980s. In addition, the single family homes to the north and south appear in the 1973 aerial photography.
- G. **Sinclair factor: The need and demand for the use.**
The proposed use, if rezoned is an Event Center for the Petitioner's catering business. The need and demand for the use is to provide a rural event center in Champaign County.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
The proposed use generally conforms to goals and policies of the Champaign County Land Resource Management Plan. The Petitioner's will be taking minimal, if any agricultural land out of production.

REGARDING SPECIAL CONDITIONS OF APPROVAL

No Special Conditions of Approval are proposed at this time.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 29, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment *{WILL/ WILL NOT}* **HELP ACHIEVE** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance map amendment *{WILL / WILL NOT}* **HELP ACHIEVE** the following LRMP goals:
 -
 - B. The proposed Zoning Ordinance map amendment *{WILL / WILL NOT IMPEDE}* the achievement of the other LRMP goals.
2. The proposed Zoning Ordinance map amendment *{IS / IS NOT}* consistent with the *LaSalle* and *Sinclair* factors.

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment signed by Lauren and Anne Murray received on November 10, 2011, with attachments:
 - A Letter of Intent
 - B Sketches of location, existing use, and proposed use

2. Preliminary Memorandum for Case 699-AM-11 with attachments:
 - A Case Maps (Location, Land Use, Zoning)

FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 699-AM-11** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

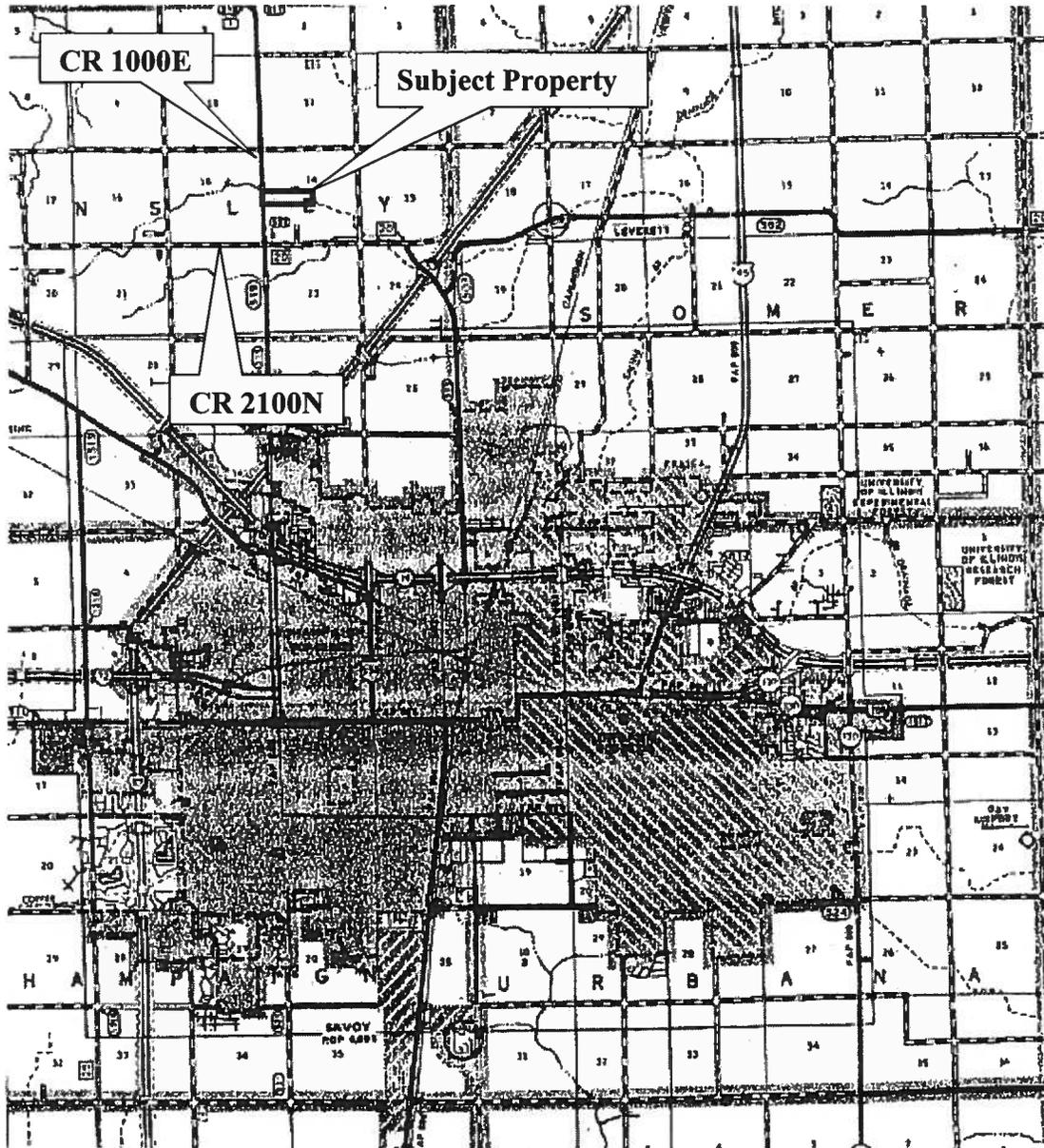
Secretary to the Zoning Board of Appeals

Date

ATTACHMENT A. LOCATION MAP

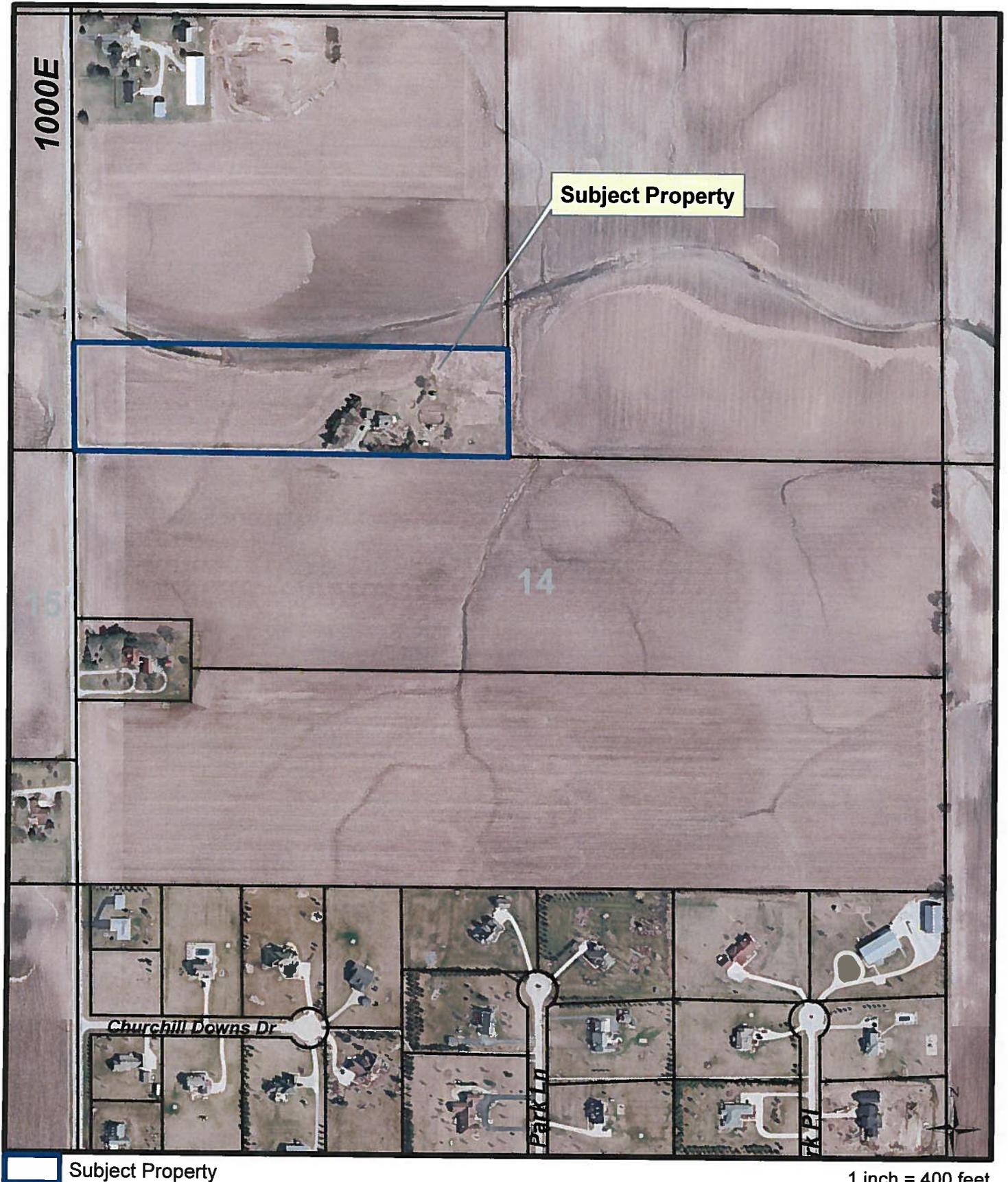
Case 699-AM-11 & 700-S-11

March 23, 2012



University of Kentucky
Department of
**PLANNING &
ZONING**

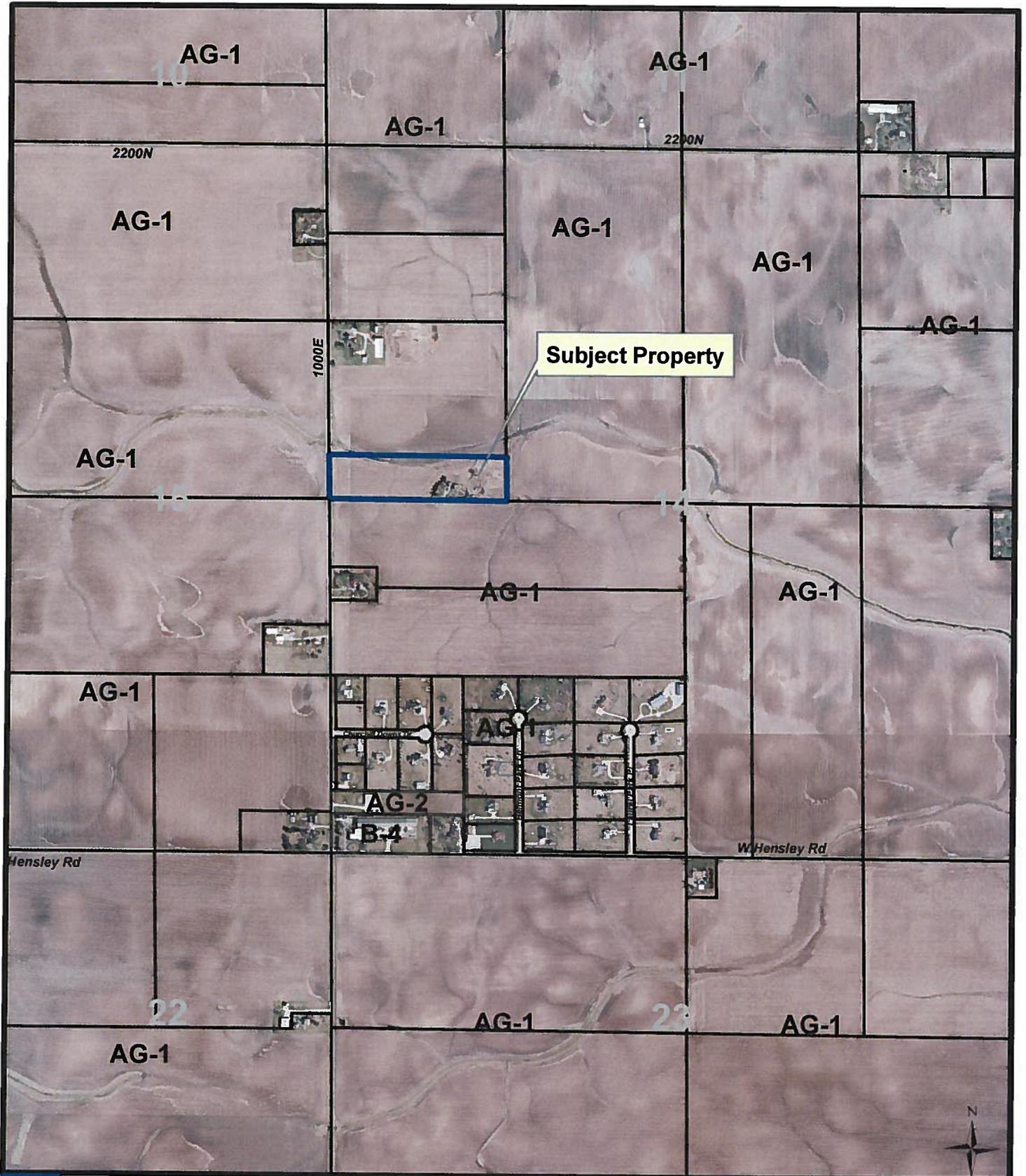
Attachment A: Land Use Map
Case 699-AM-11 & 700-S-11
March 23, 2012



Subject Property

1 inch = 400 feet

Attachment A: Zoning Map
Case 699-AM-11 & 700-S-11
March 23, 2012



 Subject Property

1 inch = 1,000 feet

CASE NO. 700-S-11

PRELIMINARY MEMORANDUM

MARCH 23, 2012

Petitioners: L.A. Gourmet Catering, LLC

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Site Area: 10 acres

Time Schedule for Development:

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: **The construction and use of an Event Center as a "Private Indoor Recreational Development" as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related zoning case 699-AM-11**

Location: **A 10 acre tract in the Southwest Quarter of the Northwest Quarter of Section 14 of Hensley Township and commonly known as the home at 2150 CR 1000E, Champaign.**

BACKGROUND

L.A. Gourmet Catering, LLC requests a Special Use Permit for an Event Center in rural Champaign County. The proposed Event Center is to be approximately 11,300 square feet. There is an existing home on the property which will be used as the home of one of the owners of L.A. Gourmet. The proposed event center will accommodate up to 400 guests for banquets, receptions, and retreats. The request and approval of this Special Use is contingent upon approval of Case 699-AM-11 in which L.A. Gourmet Catering, LLC has petitioned to rezone the subject property from its current AG-1 Agriculture designation to an AG-2 Agriculture designation.

EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning and is located 2 miles from the City of Champaign.

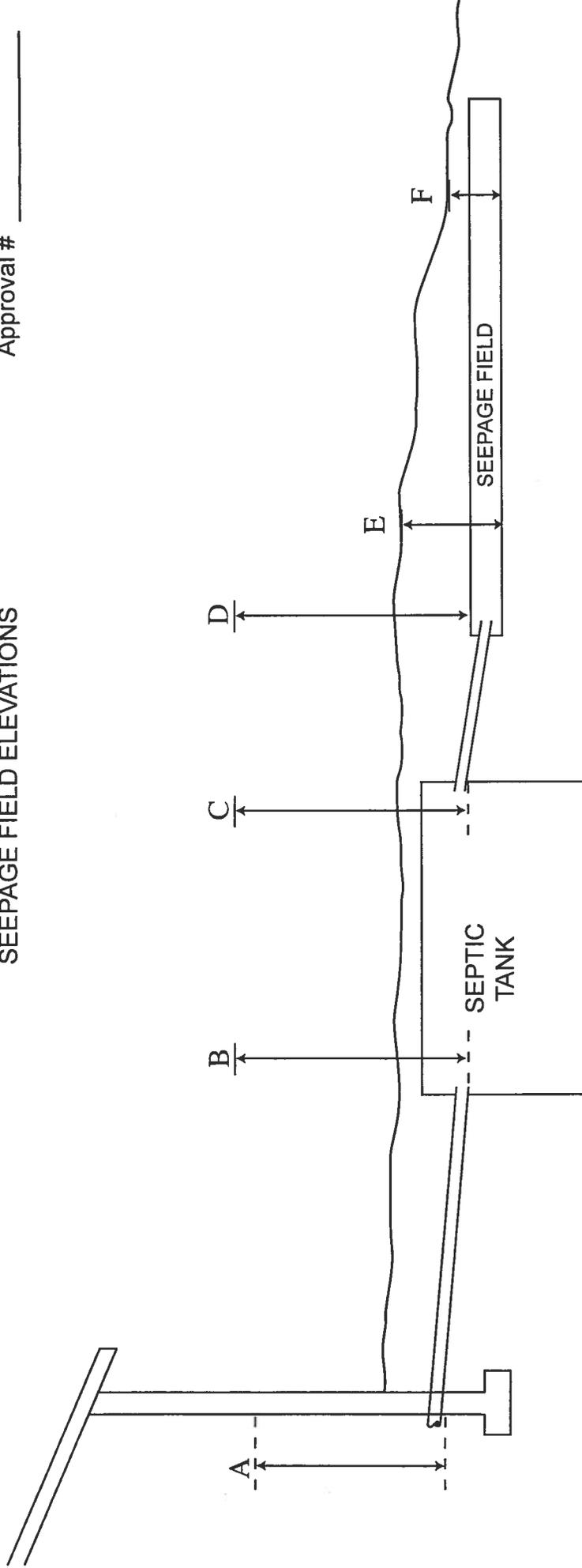
EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential	AG-1 Agriculture
	Agriculture	
North	Agriculture	AG-1 Agriculture
	Residential	
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture
	Residential	

SEEPAGE FIELD ELEVATIONS

Approval # _____



RECEIVED

FEB 19 2014

CHAMPAIGN COUNTY DEPARTMENT

A to B: Distance 100' Fall 12"

C to D: Difference between invert of outlet and top of gravel or gravelless pipe. pump discharge

E Trench bottom maximum depth to existing grade. 36"

F Trench bottom minimum depth to existing grade. 18"

RECEIVED

FEB 09 2012

CHAMPAIGN CO. P & Z DEPARTMENT

eat well. entertain often. impress always



Annie Murray
Lauren Murray

2607 County Rd 1000E
Champaign, IL 61822
Office 217-643-7205
Fax 217-643-3701
lagourmetcatering@gmail.com
www.lagourmetcatering.com

LA Gourmet Catering, LLC., purchased land located at 2150 N County Road 1000E, Champaign. LA Gourmet is owned by sisters, Lauren and Annie Murray, of rural Champaign. The sisters established an upscale catering business, after graduating from the University of Illinois' College of ACES in Food Science and Human Nutrition with a concentration in Hospitality Management, six years ago.

We have been very successful providing services for the entire Champaign County community including the University of Illinois, Carle Clinic, Champaign County Farm Bureau and Premier Coop. We have also had the pleasure of serving many companies in Rantoul, Mahomet and surrounding areas.

We have spent the past five years establishing LA Gourmet Catering as the elite catering company of Champaign County. We have grown the business twenty five-fifty percent each year. We have been lucky enough to be a part of over a thousand events. However, we have also had to turn down countless events because there was not a local venue available that we could provide catering for the event. Some of our patrons have been forced to use venues in Charleston, Bloomington-Normal, Monticello and as far away as Chicago in order for us to cater the event. This year alone we were forced to move eighteen events outside Champaign County.

We have been looking for a building to serve our needs for the past two years. We presently cater at local venues including the Refinery, Alice Campbell Alumni Center and City View; however, there is unmet demand for a more "local" space. Clients' are looking for a space that embraces the Midwest and we have the perfect location that allows us to meet clients' needs, as well as preserve the natural landscape.

This property gives us the flexibility and atmosphere we could not obtain in a city setting. We plan to build a 9000sq foot event center to accommodate four hundred people in a natural environment not available today. Our goal is to maintain or enhance the natural landscape and still provide a totally unique experience. The stone, cedar and glass façade of the building will be spectacular when guests arrive, yet it will be hidden by hundreds of trees to ensure a secluded setting.

We cater multiple events for Pioneer Hibred, Ehler Brothers Fertilizer, Champaign County Farm Bureau and others that are looking for this type of surrounding in the country, We also hold events for Carle, Horizon Hobbies, Kraft and the University of Illinois that are constantly looking for a "retreat type" venue.

In conclusion, we are asking for permission from *Planning and Zoning* to proceed. We are excited to start a new business that does not currently exist in the area. We want to do utilize this location because of it has close proximity to town but maintains a country retreat feel. We intend for the space to fit into the agricultural surroundings, yet with our present clientele list we will provide an unprecedented luxury to all, whether a business, a bride or a multi-national corporation.

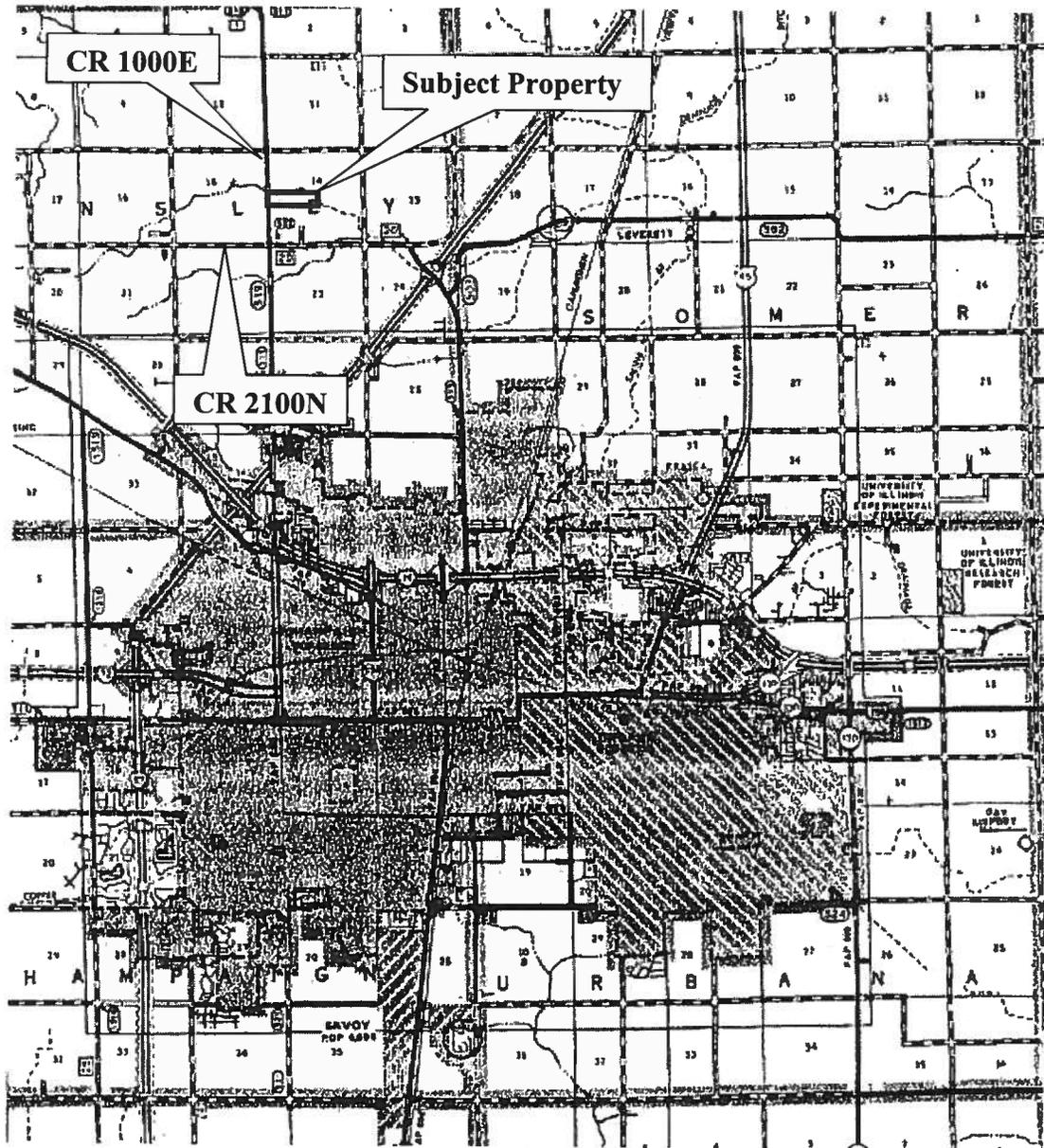
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning attached separately)
- B Site Plan (Proposed Development) received March 2, 2012 (attached separately)
- C Building plans and drawings received February 9, 2012 (attached separately)
- D Stormwater Drainage Plan (attached separately)
- E Septic System Plan
- F Letter of Intent received February 9, 2012
- G Draft Summary of Evidence, Finding of Fact, and Final Determination (attached separately)

ATTACHMENT A. LOCATION MAP

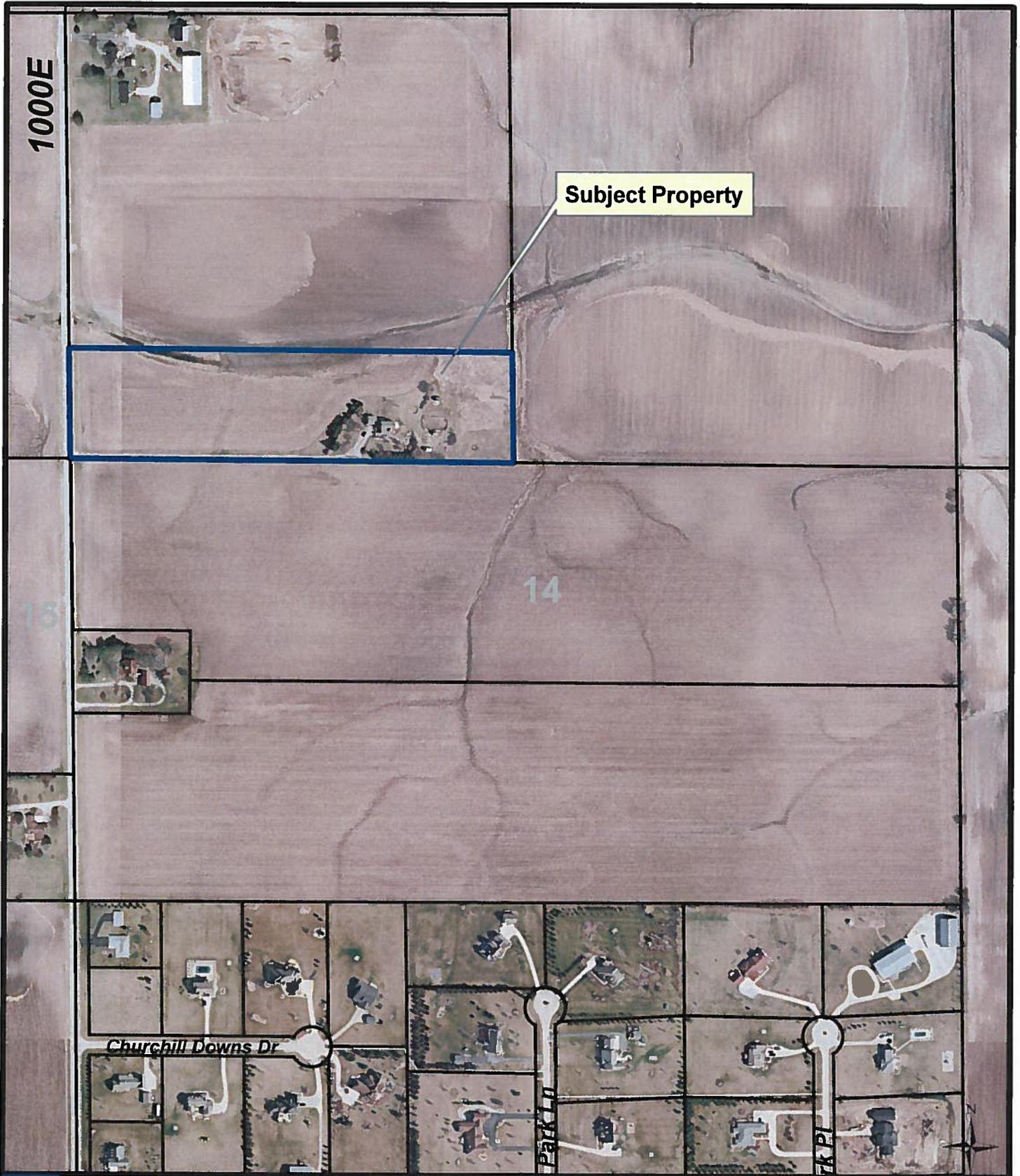
Case 699-AM-11 & 700-S-11

March 23, 2012



Champaign
County
Department of
**PLANNING &
ZONING**

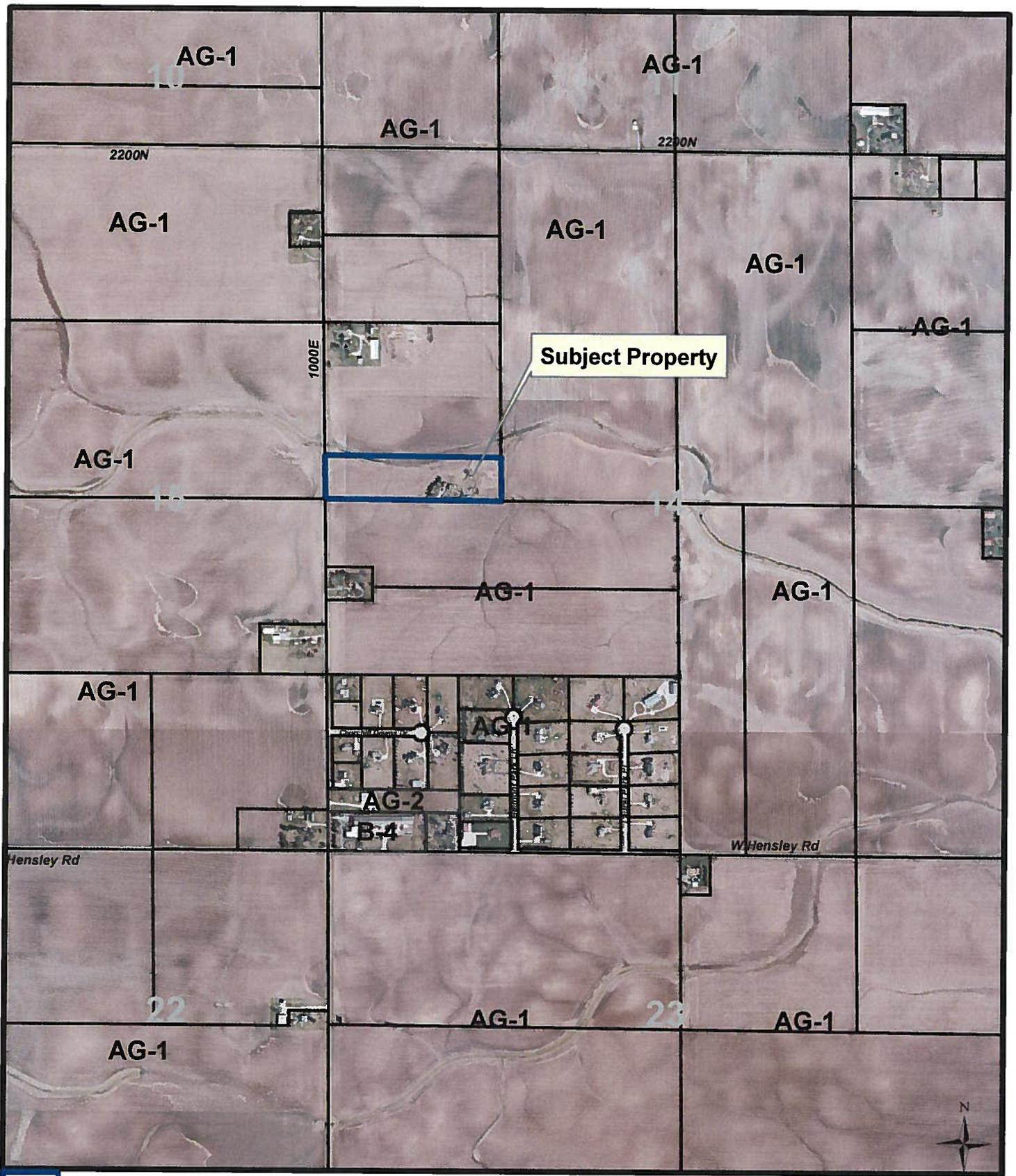
Attachment A: Land Use Map
Case 699-AM-11 & 700-S-11
March 23, 2012



 Subject Property

1 inch = 400 feet

Attachment A: Zoning Map
Case 699-AM-11 & 700-S-11
March 23, 2012



 Subject Property

1 inch = 1,000 feet

DRAFT

700-S-11

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

Final Determination: ***{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}***

Date: March 29, 2012

Petitioners: L.A. Gourmet Catering, LLC

Request: Authorize the following on land in the AG-2 Agriculture Zoning District:

The construction and use of an Event Center as a “Private Indoor Recreational Development” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related zoning case 699-AM-11

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Case 700-S-11 Finding of Fact.....	25-26
Case 700-S-11 Final Determination	27

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 29, 2012**, the Zoning Board of Appeals of Champaign County finds that:

- *1. The petitioner L.A. Gourmet, LLC is owned by Lauren and Annie Murray, 2607 CR 1000E, Champaign. The petitioner's father, John Murray owns the subject property.

(Note: asterisk indicates items of evidence that are identical to evidence in Case 699-AM-11)

- *2. Regarding the subject property where the special use is proposed to be located:
 - A. The subject property is a 10 acre tract in the Southwest Quarter of the Northwest Quarter of Section 14 of Hensley Township and commonly known as the home at 2150 CR 1000E, Champaign. Part of the subject property has an existing home on it and part of the subject property is used for agricultural production and consists of best prime farmland.
- *3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning and is 2 miles from the City of Champaign.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned AG-1 Agriculture and is in use as a residential property with some of the subject property used for row-crop agricultural production.
 - B. Land on the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in use as follows:
 - (1) Land on the north is in agriculture production except for one single-family dwelling.
 - (2) Land on the south is in agricultural production and there is one single-family dwelling to the south.
 - (3) Land east of the subject property is in agricultural production.
 - (4) Land west of the subject property is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- 5. Regarding site plan and operations of the proposed Event Center:
 - A. The site plan received March 2, 2012, shows the entirety of the subject property and includes the following:
 - (1) The existing 2,500 square feet home authorized in Zoning Use Permit 178-85-01 and attached garage authorized in Zoning Use Permit 345-87-01.

- (2) A proposed event center which is approximately 11,300 square feet in area including approximately 8,256 square feet in meeting space. (*Note square footage of the building is an approximation based on scale measurements, exact building dimensions have yet to be provided by the petitioner).
 - (3) Parking areas to accommodate up to 84 parking spaces.
 - (4) A 24' × 50' loading berth.
 - (5) The proposed location of the septic field in the southeast corner.
 - (6) Screening along the north property line.
 - (7) Various landscaping features including detention ponds, rock retaining walls, and trees.
- B. Information regarding the operations of L.A. Gourmet Catering has been provided by the petitioners and is summarized as follows:
- (1) Lauren and Anne Murray own L.A. Gourmet Catering, LLC.
 - (2) The business was established six years ago.
 - (3) The existing catering business has provided service to over 1,000 events.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a Private Indoor Recreational Development as a Special Use in the AG-2 Agriculture Zoning District in the *Zoning Ordinance*:
 - A. Section 5.2 authorizes RESIDENTIAL RECOVERY CENTER as a Special Use in the AG-2, R-3, and R-4 Zoning District.
 - B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
 - (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - (a) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.

- (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- (2) Subsection 6.1.3 does not establish standard conditions for Private Indoor Recreational Developments.
- C. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) "ACCESSORY STRUCTURE" is a STRUCTURE on the same LOT with the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE, either DETACHED from or ATTACHED to the MAIN OR PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE or the main or principal USE.
 - (3) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (5) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
 - (6) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;

- (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare;
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- E. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - (a) that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - (b) that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - (a) Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - (b) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - (c) The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a

party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner has testified on the application, **“This atmosphere cannot be obtained in town or even on the edge of town. We have searched in Champaign-Urbana for two years for a facility that would suit our clients’ needs. After five years in the catering business and doing extensive market research we see a need for this type of business plan. The outdoor atmosphere and the feel of seclusion on this property would take ten to twenty years to develop on bare ground. Horizon Hobby, Pioneer, Carle, and the U of I are going out of state to hold retreats and conference that we could host in our county. Similar business from outside the area would be attracted to the area.”**
 - B. The subject property is zoned AG-1 Agriculture, but the Petitioners have filed an application to rezone the property from its AG-1 designation to an AG-2 designation in related Case 699-AM-11.
 - C. The subject property has frontage on and is accessed from a county highway which will provide good access to the property and is capable of handling the increase in traffic the proposed use will cause.
 - D. The subject property is located 2 miles from the City of Champaign

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
 - A. The Petitioner has testified on the application, **“We are working with an architect that will ensure all regulations are included in the plans.”**
 - B. Regarding surface drainage:
 - (1) A Drainage Review of New Event Retreat & Parking Lot Expansion by Bryan K. Bradshaw dated February 9, 2012, can be summarized as follows:
 - (a) The surface flow of the property is generally to the north towards and agricultural waterway which flows easterly outletting at the Saline Branch Drainage Ditch.

- (b) The proposed event center and associated parking would create approximately 1.2 acres of impervious area within the development 3 acre watershed area.
 - (c) Low impact design practices will be utilized such as bioswales and infiltration strips.
 - (d) A two-tier detention pond is proposed for the site located south, north, and east of the proposed event center.
- (2) Berns, Clancy, and Associates, an engineering firm is reviewing the proposed drainage plan for feasibility and evaluating drainage calculations.
- C. The subject property is accessed from CR 1000E/County Highway 1 on the west side of the property. Regarding the general traffic conditions on CR 1000E/County Highway 1 at this location and the level of existing traffic and the likely increase from the proposed Special Use:
 - (1) The Illinois Department of Transportation (IDOT) measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The AADT of CR 1000E/County Highway 1 is indicated as 3,850 AADT.
 - (2) CR 1000E/County Highway 1 is a Collector Street as indicated in the Champaign County Zoning Ordinance.
 - (3) Pavement width in front of the subject property is approximately 30 feet.
 - (4) The County Engineer has been notified of this case.
 - (5) Regarding the proposed special uses and the anticipated traffic impacts:
 - (a) The proposed Event Center includes parking spaces for 84 vehicles which is a significant increase in traffic on CR 1000E/County Highway 1.
 - (b) The proposed Event Center will accommodate up to 400 people.
 - (c) At capacity this use could cause a significant increase in traffic on CR 1000E/County Highway 1. Although this increase may be significant at times events at maximum capacity will not take place every day on the subject property, therefore the increase in traffic will likely be sporadic.
- D. Regarding fire protection of the subject property, the subject property is within the protection area of the Thomasboro Fire Protection District and is located approximately 8

road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.

- E. The subject property is not located within a Special Flood Hazard Area.
- F. Regarding outdoor lighting on the subject property, new outdoor lighting has been proposed to light up the proposed event center, landscape features, and trees planted along the access to the property. All proposed lighting will minimize glare onto roads and neighboring properties.
- G. Regarding wastewater treatment and disposal on the subject property:
 - (1) The Petitioner's have applied for and received a private sewage disposal permit, No 12-008-19 from the Champaign County Public Health Department.
 - (2) The proposed site plan received March 2, 2012, indicates that the proposed septic field is to be located in the southeast corner of the subject property.
 - (3) A soil characterization report evaluating the soils for use in a septic system for the proposed Event Center was prepared by Roger Windhorn received February 13, 2012, and can be summarized as follows:
 - (a) Three holes within the proposed seepage filter field were examined to a depth of 60 inches. Hole 1 was on the south, Hole 2, on the east, and Hole 3 on the north.
 - (b) All three holes have layers in the upper or middle part of the subsoil that have a moderately slow permeability rate due to clay content greater than 35% or weak soil structure.
 - (c) The soils on the subject property consist of a Loess parent material, 1 percent slopes.
 - (d) The natural soils on the subject property have a seasonal high water table, typically in early spring or late fall. The field tile lines in the surrounding farm fields have reduced the depth and length of seasonal water table effect on this site.
 - (e) Mr. Windhorn suggests that all construction traffic stay off of the proposed septic site to minimize soil compaction.
 - (f) A special condition is proposed to ensure that the site of the septic system does not become compacted.

- (3) The soil characterization report is consistent with the pamphlet *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*, that is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet contains worksheets for 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). Drummer silty loam, (soil map unit 152A) soil is rated as having “low” suitability for subsurface soil absorption wastewater systems (septic tank leach fields) and requiring corrective measures generally of subsurface drainage or fill.
 - (4) A description of the proposed septic system to serve the proposed Event Center was written by Jeff Jackson and received on February 9, 2012 and can be summarized as follows:
 - (a) The septic system would be designed to serve the Event Center and would be sized for 2,000 gallons of water per day.
 - (b) The septic system proposed by Mr. Jackson consists of 2 - 1,500 gallon septic tanks that would discharge into a 4,500 square feet seepage bed.
 - (c) A curtain drain will surround the seepage bed and a pump chamber will discharge to a detention pond.
 - (d) A special condition has been proposed to ensure that the septic system is designed and installed as what was approved by the Champaign county Health Department.
- I. Regarding parking for the proposed Event Center, the proposed parking complies with the minimum requirements of the Zoning Ordinance.
- (1) Paragraph 7.4.1 C.3.b.i. requires that places of public assembly including assembly halls, exhibition halls, convention halls, and other enclosed STRUCTURES shall provide one parking space for each five seats provided for patrons use or at least one parking space for each 200 square feet of floor area, whichever requires the greater number of parking spaces.
 - (a) There is a proposed maximum of 400 people in the Event Center by dividing 400 by 5 seats it equals 80 parking spaces which is the greater number compared to 56 which is a result of dividing 11,300 square feet by 200 square feet.
 - (b) The site plan received on March 2, 2012, indicates 84 proposed parking spaces. 80 regular spaces and 4 handicap accessible spaces.
- J. Regarding food sanitation and public health considerations related to the proposed Special Use:

- (1) The Event Center Floor Plan received February 9, 2012, indicates a kitchen in the proposed Event Center.
 - (2) A special condition is proposed to ensure ongoing compliance with Health Code.
- K. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - (e) Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required. There is no information regarding the cost of the pole

barn that is used to house the farm dinners in inclement weather, so it is unclear if that will trigger the requirements of the IEBA.

- (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- O. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **The applicant did not indicate a response to this question.**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) Regarding the proposed special use:
 - (2) A Private Indoor Recreational Development is authorized by Special Use Permit in the AG-2 Agriculture, R-3 Residential, and R-4 Residential Zoning District and by right in the B-2, B-3, and B-4 Zoning District.

- (3) Regarding parking on the subject property for the proposed Event Center:
- (a) Paragraph 7.4.1 C.3.b.i. requires that places of public assembly including assembly halls, exhibition halls, convention halls, and other enclosed STRUCTURES shall provide one parking space for each five seats provided for patrons use or at least one parking space for each 200 square feet of floor area, whichever requires the greater number of parking spaces.
 - (b) There is a proposed maximum of 400 people in the Event Center by dividing 400 by 5 seats it equals 80 parking spaces which is the greater number compared to 56 which is a result of dividing 11,300 square feet by 200 square feet.
 - (c) The site plan received on March 2, 2012, indicates 84 proposed parking spaces. 80 regular spaces and 4 handicap accessible spaces.
 - (d) Paragraph 7.4.1 C.4.a. requires SCREENS for parking for commercial ESTABLISHMENTS including a church or school or dormitory.

Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a Type B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.

Paragraph 4.3.3 H. identifies a Type A SCREEN as a decorative opaque fence, shrubs or other vegetative material or a landscaped berm planted and maintained with a minimum HEIGHT of four feet as measured from the highest adjacent grade and a Type B SCREEN as an opaque fence or wall with a minimum HEIGHT of four feet as measured from the highest adjacent grade.

The proposed parking on the north side of the subject property is within 100 feet of the building restriction line of a property containing a dwelling. Screening is required and shown on the site plan for any of the proposed new parking spaces located on the north side of the subject property.

- C. Regarding compliance with the *Stormwater Management Policy*:
- (1) Paragraph 4.3A.2. of the Stormwater Management Policy exempts the first 10,000 square feet of impervious area relative to what existed on 2/20/03.

- (2) The proposed site plan received on March 2, 2012, indicates three types of increases in impervious area as follows (A special condition has been proposed to ensure compliance with the stormwater management ordinance):
 - (a) The proposed Event Center will be impervious area and is indicated with an overall building footprint of approximately 11,300 square feet.
 - (b) The site plan indicates an addition of 84 parking spaces but the increase in the parking of area is not dimensioned. The Zoning Ordinance requires parking spaces to be a minimum of 9 feet wide by 20 feet long. Using a scale approximately 25,317 square feet of parking area is proposed on the subject property.
 - (c) Sidewalks and detention basins are also proposed on the subject property, but are not dimension on the site plan.
 - (d) In a letter from Bryan Bradshaw received February 9, 2012 Mr. Bradshaw indicates that the total increase in impervious surface will be approximately 1.2 acres.
- D. Regarding the Special Flood Hazard Areas Ordinance, no part of the subject property is located in the Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and no subdivision is proposed or required.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District:
 - (1) Private Indoor Recreational Development is permitted by Special Use Permit in the AG-2 Agriculture Zoning District
 - (2) The proposed use will not hinder agricultural production and agricultural production will still occur onsite.
 - (3) The proposed building is clustered with the existing home.
- G. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. A Private Indoor Recreational Development is authorized by Special Use Permit in the AG-2 Agriculture, R-3 Residential, and R-4 Residential Zoning District and by right in the B-2, B-3, and B-4 Zoning District.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.14 of the Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):

The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

The subject property is 2 miles from the City of Champaign.
 - (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
 - (1) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
 - (a) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
 - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:

- (a) The existing home on the subject property has been used as a single-family home since the mid 1980s. The special use permit for the Event Center should have no affect on property value.
 - (b) It is not clear whether or not the proposed Event Center will have any impact on the value of nearby properties.
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS:
- (a) The proposed Event Center requires 84 new parking spaces and that is a significant increase to traffic on CR 1000E/ County Highway 1.
- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
- (a) The proposed Event Center is not less than 10,000 square feet increase in impervious area and the Champaign County Stormwater Management Policy does require stormwater detention for an increase of more than 10,000 square feet.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- (a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - (b) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the

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

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

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.
- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The subject property is located in the AG-2 Agriculture District and is, by definition, a rural use. The proposed use will be taking a minimal amount of land out of agricultural production. The subject property is 2 miles from the subject property.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features other than best prime farmland and there are no natural features other than best prime farmland in the vicinity of the subject property.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The subject property is located in the AG-2 Agriculture District and is, by definition, a rural use.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

The subject property is located in the AG-2 Agriculture District and is, by definition, a rural use.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application, **“Currently, it is a vacant house. It will be occupied and the new building will be among beautiful landscape to conform to the property.”**
 - B. The existing home and attached garage are not nonconforming uses. The home was authorized by Zoning Use Permit No. 178-85-01 and the attached garage was authorized by Zoning Use Permit 345-87-01.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
- A. **A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

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

That the drainage improvements conform to the requirements of the Stormwater Management Policy.

- B. **Regarding State of Illinois accessibility requirements:**
 - (1) **The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use Permit without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the proposed Event Center will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act;**
 - (2) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in**

fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.

The special conditions stated above are required to ensure the following:

That the proposed Special Use meets applicable state codes for handicap accessibility.

- C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed Event Center until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.**

The special conditions stated above are required to ensure the following:

That the proposed structure is safe and built to current standards.

- D. All onsite foodservice shall be in compliance at all times with the Champaign County Health Ordinance.**

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

That foodservice for the proposed Residential Recovery Center is consistent with County requirements and the testimony in the public hearing and that compliance is enforceable.

- E. The proposed parking area for the proposed Event Center shall comply with the Champaign County Zoning Ordinance requirements for screening from adjacent residences and Residential Districts.**

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

That all parts of the proposed Residential Recovery Center are consistent with the Ordinance and that compliance is enforceable.

- F. All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.**

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

That the proposed Special Use is in on-going compliance with all applicable County requirements.

G. The following condition will ensure that the recommendation of Roger Windhorn (soil surveyor) regarding compaction of the septic site and that the septic system is built as was approved by the Champaign County Health Department are a requirement for a Zoning Use Permit:

- (1) The area proposed for the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property as recommended by the Roger Windhorn.**
- (2) The Zoning Administrator shall verify that the area proposed for the septic system is identified, marked off, and protected from compaction prior to approval of the Zoning Use Permit for the Event Center.**
- (3) The Zoning Use Permit Application for the construction and establishment of the proposed SPECIAL USE shall include the following:**
 - (a) A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.**
 - (b) The site plan for the Zoning Use Permit Application shall indicate the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.**
- (4) A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to issuance of a Zoning Compliance Certificate for the proposed SPECIAL USE.**

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

The area of the proposed septic system does not become compacted in order to prevent a reduction in permeability of the soil and that the septic system is in compliance with the Champaign County Health Department.

H. Regarding compliance with the Champaign County Stormwater Management Policy:

- (1) Paragraph 7.2 B. of the Champaign County Stormwater Management Policy requires that if no easement exists for existing agricultural drainage tile an easement shall be granted for access and maintenance. The following condition**

will require that an easement be granted if there is no easement for existing agricultural drainage tile on the property:

The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation that the petitioner has filed with the Recorder of Deeds a tile access and maintenance easement with a width of 40 feet for any underground tile in the developed portion of the property

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

The Special Use Permit is in compliance with the Stormwater Management Policy.

- (2) **Paragraph 7.2 C. of the Champaign County Stormwater Management Policy requires that all agricultural drainage tile located underneath areas that will be developed shall be replaced with non-perforated conduit to prevent root blockage provided that drainage district tile may remain with the approval of the drainage district. Trees are proposed as a screen near the agricultural drainage tile on the north edge of the property. The following conditions will require documentation of investigations to identify if tile are present and additional safeguards for any tiles encountered during construction on the subject property:**
- (a) **The Zoning Administrator shall not authorize any Zoning Use Permit on the subject property until the following has occurred:**
- 1. Subsurface investigations intended to identify underground drain tile are conducted at least 50 feet on either side of the suspected centerline of tiles indicated on the approved site plan and in a manner and to a depth below ground as recommended by the Champaign County soil and Water Conservation District.**
 - 2. Written notice identifying the proposed date for subsurface investigation has been to the Zoning Administrator at least one week prior to the investigation.**
 - 3. If any underground drain tiles are encountered during the subsurface investigation the course of each tile across the subject property shall be established by additional investigation in consultation with the Champaign County soil and Water Conservation District.**

4. **Documentation and certification of all subsurface investigations by an Illinois Professional Engineer shall be provided to the Zoning Administrator.**
 5. **When full and complete excavation of tile clearly indicates that the tile does not serve any upstream areas other than the subject property and certifications to that effect are made in writing by an Illinois Professional Engineer and the excavations are inspected by the Zoning Administrator, such tile may be removed and capped at the point at which the tile enters the developed area.**
 6. **Any proposed construction on the subject property shall either be located so as to avoid any identified underground drain tile or the identified underground drain tile shall be relocated to avoid the proposed construction.**
 7. **Any relocation of underground drain tile shall meet the requirements of the Champaign County Stormwater Management Policy and shall be certified by an Illinois Professional Engineer. Relocated tile shall be non-perforated conduit to prevent root blockage provided that the petitioner may install new underground drainage tile to serve the subject property so long as cleanout manholes are provided at the point of connection to the existing underground drain tile.**
 8. **As-built drawings shall be provided of any relocated underground drain tile and shall be approved by the Zoning Administrator prior to approval of a Zoning Use Permit Application on the subject property. Any relocated drain tile must be inspected by the Zoning Administrator prior to backfilling.**
- (b) **If any underground drain tile is encountered during construction the applicant must do the following:**
1. **Construction shall cease until the course of each tile across the subject property is established by additional investigation and construction shall not recommence until authorized by the Zoning Administrator except that construction that does not implicate the tile may continue.**
 2. **The Zoning Administrator shall be notified within 48 hours or the next business day.**

3. **Any tile that is encountered during construction must be relocated or rerouted in conformance with the Champaign County Stormwater Management Policy unless the proposed construction is modified to avoid the tile. Any modification of the construction to avoid the tile shall be indicated on a revised site plan approved by the Zoning Administrator. Relocated tile shall be non-perforated conduit to prevent root blockage. Conformance of any tile relocation with the Stormwater Management Policy shall be certified by an Illinois Professional Engineer.**
4. **As-built drawings shall be provided of any relocated underground drain tile and shall be approved by the Zoning Administrator prior to approval of a Zoning Use Permit Application on the subject property. Any relocated drain tile must be inspected by the Zoning Administrator prior to backfilling.**

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

Possible field tiles on the subject property are identified prior to development and adequately protected and that any possible tiles that are discovered during construction are adequately protected.

- I. **The site plan includes a vegetative screen (including evergreen trees) along the north side of the developed area. The following condition will ensure that the evergreen trees provide at least 50% of the required screen within two years of planting:**

The evergreen trees in the screening along the north property line shall be at least 2 feet 8 inches tall at the time of planting and within two years of issuance of a Zoning Compliance Certificate shall provide at least 50% of the required screen or additional plantings shall be required.

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

Adequate screening is provided to the parking areas and as a buffer for the adjacent property.

- J. **The subject property fronts a County Highway. The driveway entrance and exit should be constructed of an all weather surface at a width, elevation, geometry, and materials (including culvert) as approved by the Champaign County Engineer so as to maintain safe entrance and exit conditions. The County Engineer should approve the proposed driveway before it is constructed and also approve the driveway as**

constructed. The Zoning Ordinance does not require County Engineer approval of driveway access to a county highway. The following conditions will ensure that the driveway access to County Highway 1 is approved by the Champaign County Engineer:

- (1) The petitioner shall provide the County Engineer with engineering drawings of the proposed driveway entrance.**
- (2) The Zoning Administrator shall not approve a Zoning Use Permit for the temple building without documentation of the County Engineer's approval of the proposed driveway entrance.**
- (3) The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the County Engineer's approval of the constructed driveway entrance including any necessary as-built engineering drawings.**

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

All parking related to the Special Use Permit can safely enter and exit the subject property safely with adequate visibility and regardless of weather conditions.

DOCUMENTS OF RECORD

1. Special Use Permit Application received on November 10, 2011, with attachments:
 - A Letter of Intent
 - B Sketches of location, existing use, and proposed use
2. Site Plan, Building Plan, and Exterior Drawings received on February 9, 2012
3. Letter of Intent received February 9, 2012
4. Septic System Permit and Application received February 9, 2012
5. On-site Soil Evaluation for Septic Filter Field received February 13, 2012
6. Revised Site Plan received February 13, 2012
7. Revised Site Plan received March 2, 2012
8. Preliminary Memorandum dated March 23, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan (Proposed Development) received March 2, 2012
 - C Building plans and drawings received February 9, 2012
 - D Stormwater Drainage Plan
 - E Septic System Plan
 - F Letter of Intent received February 9, 2012
 - G Draft Summary of Evidence, Finding of Fact, and Final Determination

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 700-S-11 held on **March 29, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN {IS / IS NOT}}* necessary for the public convenience at this location because: _____

2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*:

 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:

 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}*:

 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:

 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*:

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

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

- 3a. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to ***{CONFORM / NOT CONFORM}*** to all relevant County ordinances and codes.
 - b. The Special Use ***{WILL / WILL NOT}*** be compatible with adjacent uses.
 - c. Public safety will be ***{ADEQUATE / INADEQUATE}***.
4. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit ***{IS/ IS NOT}*** necessary for the public convenience at this location.
 - c. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}*** is so designed, located, and proposed to be operated so that it ***{WILL / WILL NOT}*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use ***{IS/ IS NOT}*** an existing nonconforming use and the requested Special Use Permit ***{WILL/ WILL NOT}*** make the existing use more compatible with its surroundings ***{because: *}***
6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW}***

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

FINAL DETERMINATION

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

The Special Use requested in Case 700-S-11 is hereby { *GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED* } to the applicants to **L.A. Gourmet Catering, LLC** owned by **Anne and Lauren Murray** authorize **The construction and use of an Event Center as a “Private Indoor Recreational Development” as a Special Use subject to the approval of related rezoning Case 699-AM-11 { SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }**

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date



Phoenix Consulting Engineers, LTD.

Rising to Serve

February 1, 2012

Mr. John Hall
Champaign County
Department of Planning & Zoning
1776 E. Washington St.
Urbana, IL 61802

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CHAMPAIGN CO. P & Z DEPARTMENT

RE: Drainage Review of New Event Retreat & Parking Lot
2150 County Road 1000 E, Champaign County, Illinois

Dear John:

At the request of Anne Murray from L.A. Gourmet, we have reviewed the existing drainage patterns of the referenced property and the impact that the new improvements will have on stormwater drainage at the site. The following is the results of our review:

Existing Conditions

The existing 10-acre property contains an existing house with approximately 6 acres of the property being cultivated field. The site generally surface flows to the north towards an agricultural waterway which flows easterly outleting at the Saline Branch Drainage Ditch. The waterway crosses County Highway 1 with a 4.5' x 11' triple box culvert located 100' north of the northwest property corner. From the construction plans dated 5/8/78, provided by the Champaign County Highway Department: 30 year discharge = 892 cfs, 50 year discharge = 1033 cfs (calculated), 100-year discharge = 1167 cfs and overall drainage area = 2.75 square miles.

The existing contours shown of the attached plan were developed from Champaign County GIS data.

Utilizing the box culvert drainage data and existing contours, we calculate the 50 year storm elevation of the waterway adjacent to the development area to be 751.3. The 100 year elevation was calculated to be 751.4.

Proposed Improvements

A new 12,000 sf building and parking lot is proposed at the east end of the site (see attached plan). This would create approximately 1.2-acres of impervious area within the development 3.0-acre watershed area.

An area of 1.1-acres of the proposed improvements will be located the within the 50 year storm limits of the agricultural waterway (at an average depth of 0.7 feet). This encroachment is located outside the main flow area of the waterway. The proposed fill will increase the 50 year storm event elevation in the adjacent waterway by less than 0.1 feet. Approximately 0.8 acre-feet of compensatory storage will be provided at the northwest corner of the site.

Low impact design practices will be utilized, where practical, throughout the proposed site improvements. These may include bioswales, infiltration strips within the parking area and other practices to reduce the overall discharge of stormwater from the site.

Phoenix Consulting Engineers, LTD.

P.O. Box 1187 | Mahomet, IL 61853 | ph 217-586-1803 | fax 217-586-6757 | cell 217-840-7235

Proposed Stormwater Detention Basin

A two-tier detention pond is proposed for the site located south, north and east of the new building. Only storage volume higher than the 50 year storm event of the adjacent waterway (751.3) is included in our calculated volumes. The following is a summary of our stormwater calculations:

Pond Outflow

Storm Event (year)	Inflow (cfs)	Peak Discharge (cfs)	Storage Volume (cubic feet)	Pond Elevation (feet)
1	5.46	0.88	6,400	751.74
2	7.39	1.53	8,600	751.90
5	9.94	2.38	11,500	752.07
50	17.76	3.72	21,000	752.54
100	20.63	4.14	24,600	752.72

Compliance with Champaign County Stormwater Management Ordinance

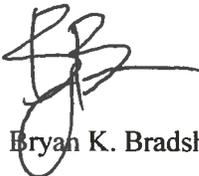
Pre-Development Storm Event (year)	Pre-Development Peak Discharge (cfs)	Post-Development Storm Event (year)	Post-Development Peak Discharge (cfs)	Complies?
1	1.98	1	0.88	Yes
2	3.20	2	1.53	Yes
5	4.95	50	3.72	Yes

Recommendations

We recommend providing a stormwater detention basin and compensatory storage as shown on the attached plan. It is our opinion that stormwater improvements designed and constructed in accordance the Champaign County Stormwater Management Policy and outlined herein will sufficiently protect the subject site and downstream properties.

Please do not hesitate to call with any questions. Thank you.

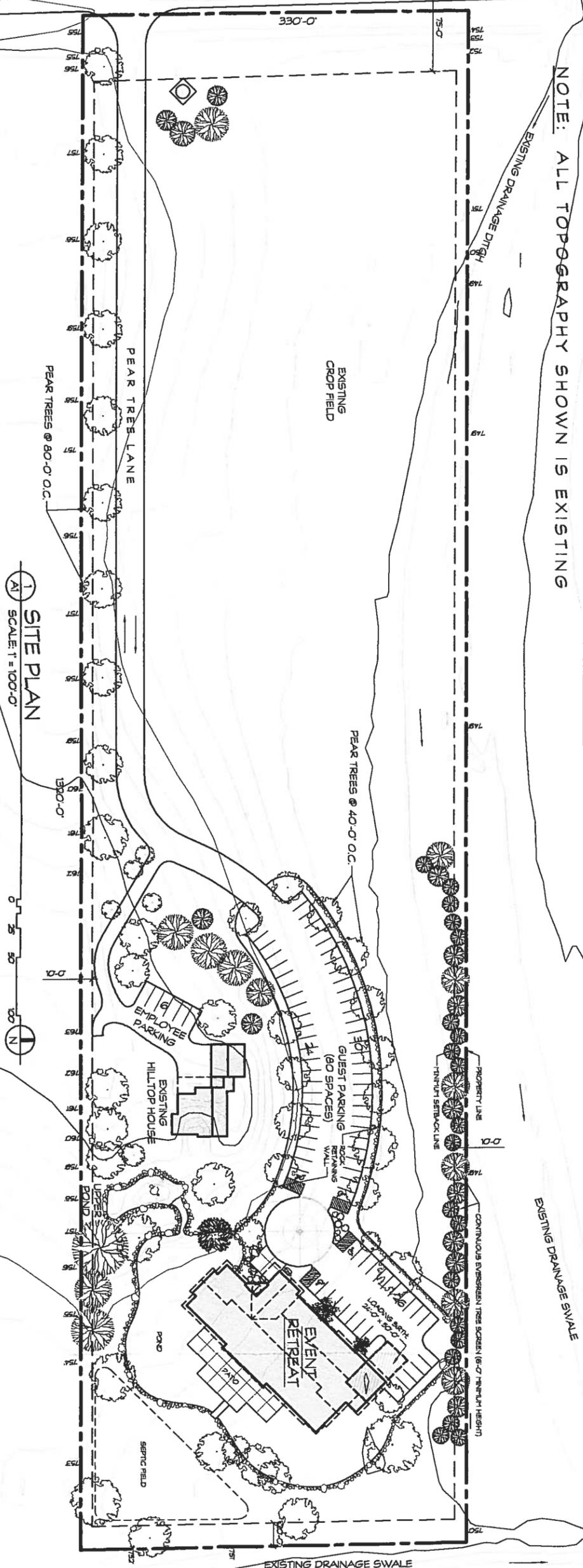
Sincerely,



Bryan K. Bradshaw, PE, PLS

EXTERIOR LIGHTING CONCEPTS:
 PROPOSED BUILDING LIGHTING CONSISTS OF RECESSED
 RECESSED EAVE DOWNLIGHTS AND AT-GRADE FIXTURES AIMED AT
 THE BUILDING: 100W FIXTURES TO BE 12'-0" ON CENTER
 AROUND ENTIRE PERIMETER OF BUILDING.
 PROPOSED SITE LIGHTING CONSISTS OF AT-GRADE
 FIXTURES AIMED UP INTO TREES, WATER FEATURES, AT
 ROCK FORMATIONS, OR OTHER SITE AMENITIES SUCH AS
 SCULPTURE AND WALKING PATHS. ONE 100W FIXTURE
 LOCATED AT EACH PEAR TREE ADJACENT TO PAVEMENT.
 ALL PROPOSED 100W EXTERIOR LIGHTING FIXTURES
 PRODUCE ONLY SOFT REFLECTED LIGHT IN THE
 HORIZONTAL DIRECTION.
 IF FINAL LIGHTING DESIGN CONCEPTS CHANGE AND
 FIXTURES THAT HAVE HORIZONTAL COMPONENTS ARE
 UTILIZED, ONLY FIXTURES WITH FULL HORIZONTAL
 CUTOFFS WILL BE SPECIFIED AND WILL BE SUBJECT TO
 FINAL CODE APPROVAL AT TIME OF BUILDING PERMIT
 APPLICATION.

NOTE: ALL TOPOGRAPHY SHOWN IS EXISTING



1 SITE PLAN
SCALE: 1" = 100'-0"

L.A. GOURMET EVENT RETREAT
 2150 CR 1000 EAST
 CHAMPAIGN, ILLINOIS 61822

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1 SOUTHWEST ELEVATION
 A2 SCALE 1/8" = 1'-0"
 0 3 6

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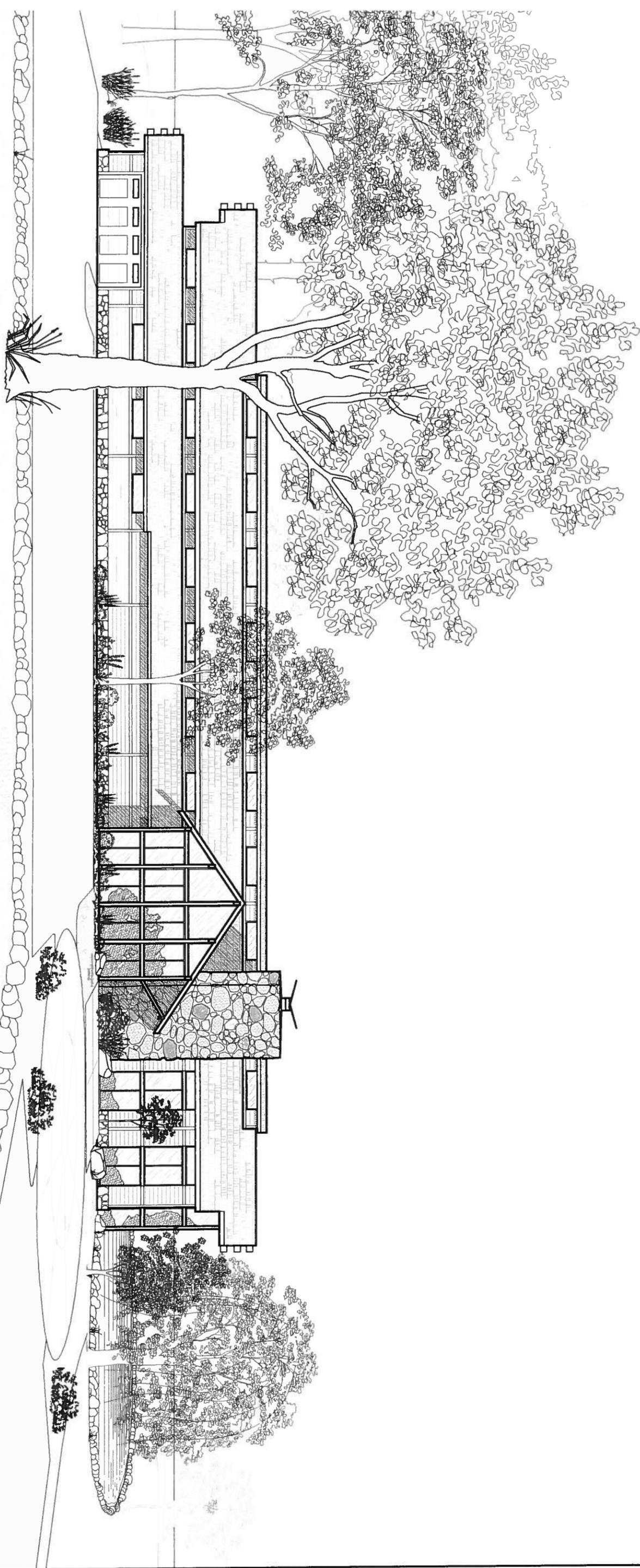
hordwick architects aia
 FAIRWAY DRIVE
 CHAMPAIGN, ILLINOIS 61820
 TEL: 217.493.8250
 IARDWICK@GMAIL.COM



EXTERIOR ELEVATIONS
 L.A. GOURMET EVENT RETREAT
 2150 CR 1000 EAST
 CHAMPAIGN, ILLINOIS 61822

DRAWN BY
 SMT
 CHECKED BY
 GTH
 REVISIONS

SHEET
 A2
 DATE
 02/02/12
 JOB
 1106



1 NORTHWEST ELEVATION
 A3 SCALE 1/8" = 1'-0"



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hardwick architects
 aia
 3 FAIRWAY DRIVE
 UPAIGN, ILLINOIS 61820
 PHONE: 217-249-8250
 HARDWICK@GMAIL.COM



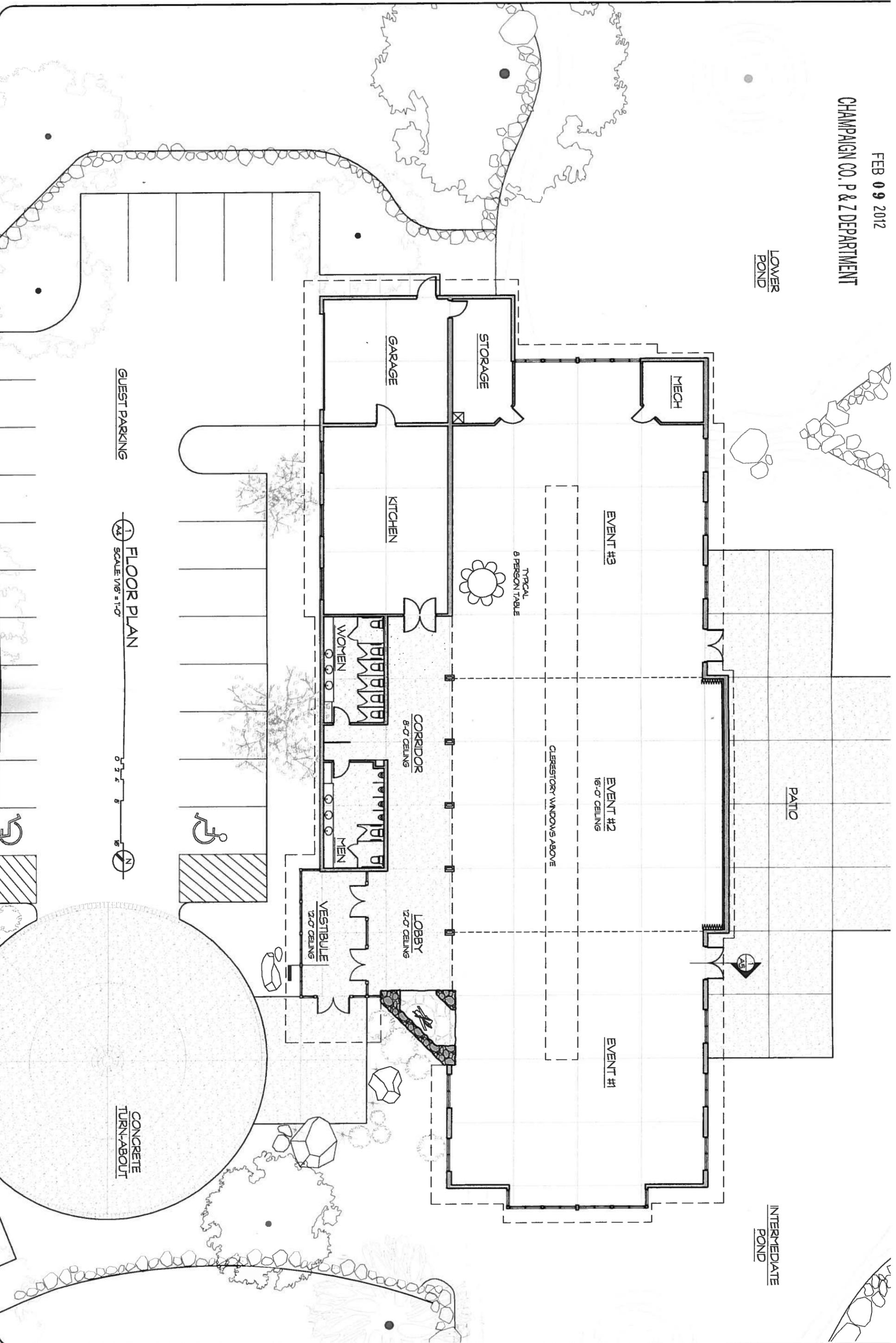
EXTERIOR ELEVATIONS
 L.A. GOURMET EVENT RETREAT
 2150 CR 1000 EAST
 CHAMPAIGN, ILLINOIS 61822

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CHAMPAIGN CO. P & Z DEPARTMENT



LOWER POND

INTERMEDIATE POND

PATIO

MENCH

EVENT #3

EVENT #2
16'-0" CEILING

EVENT #1

CLEARESTORY WINDOWS ABOVE

TYPICAL
8 PERSON TABLE

STORAGE

GARAGE

KITCHEN

CORRIDOR
8'-0" CEILING

WOMEN

MEN

LOBBY
12'-0" CEILING

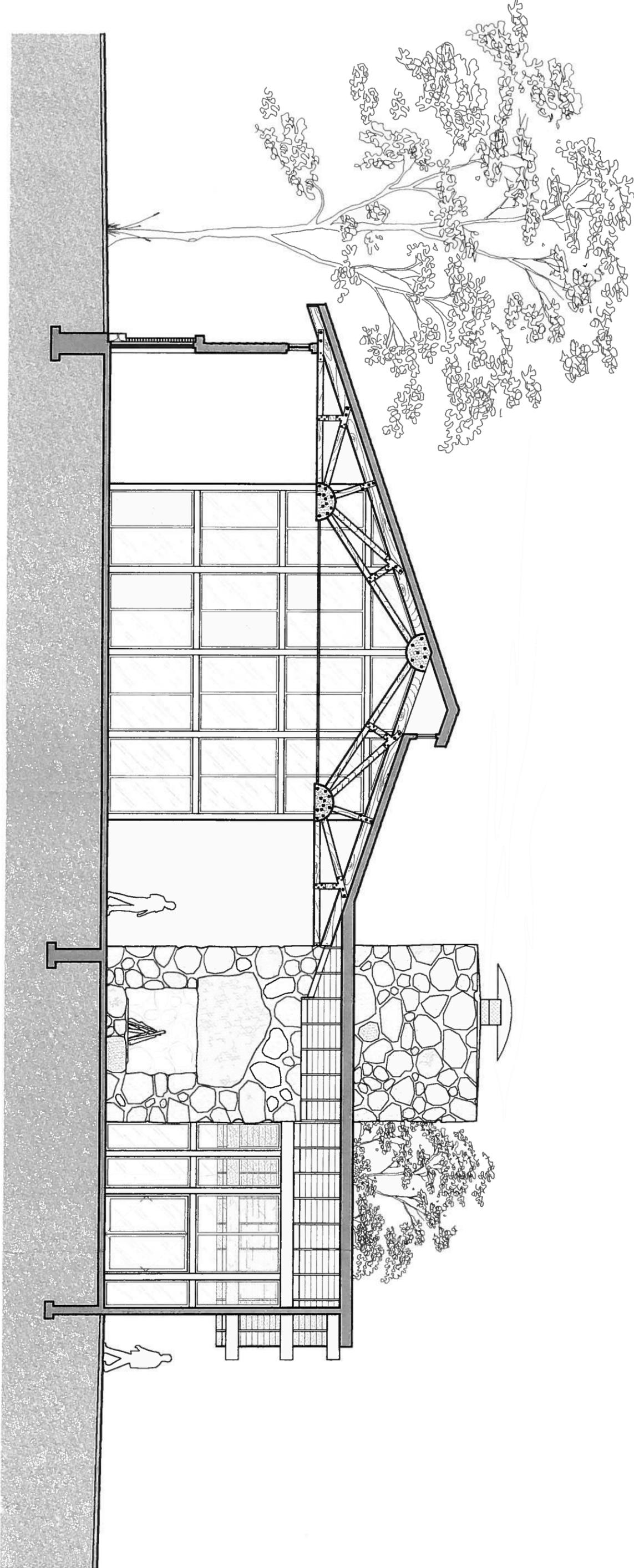
VESTIBULE
12'-0" CEILING

GUEST PARKING

FLOOR PLAN
SCALE: 1/8" = 1'-0"



CONCRETE
TURN-ABOUT



1
A5
SCALE: 1/8" = 1'-0"
TRANSVERSE SECTION

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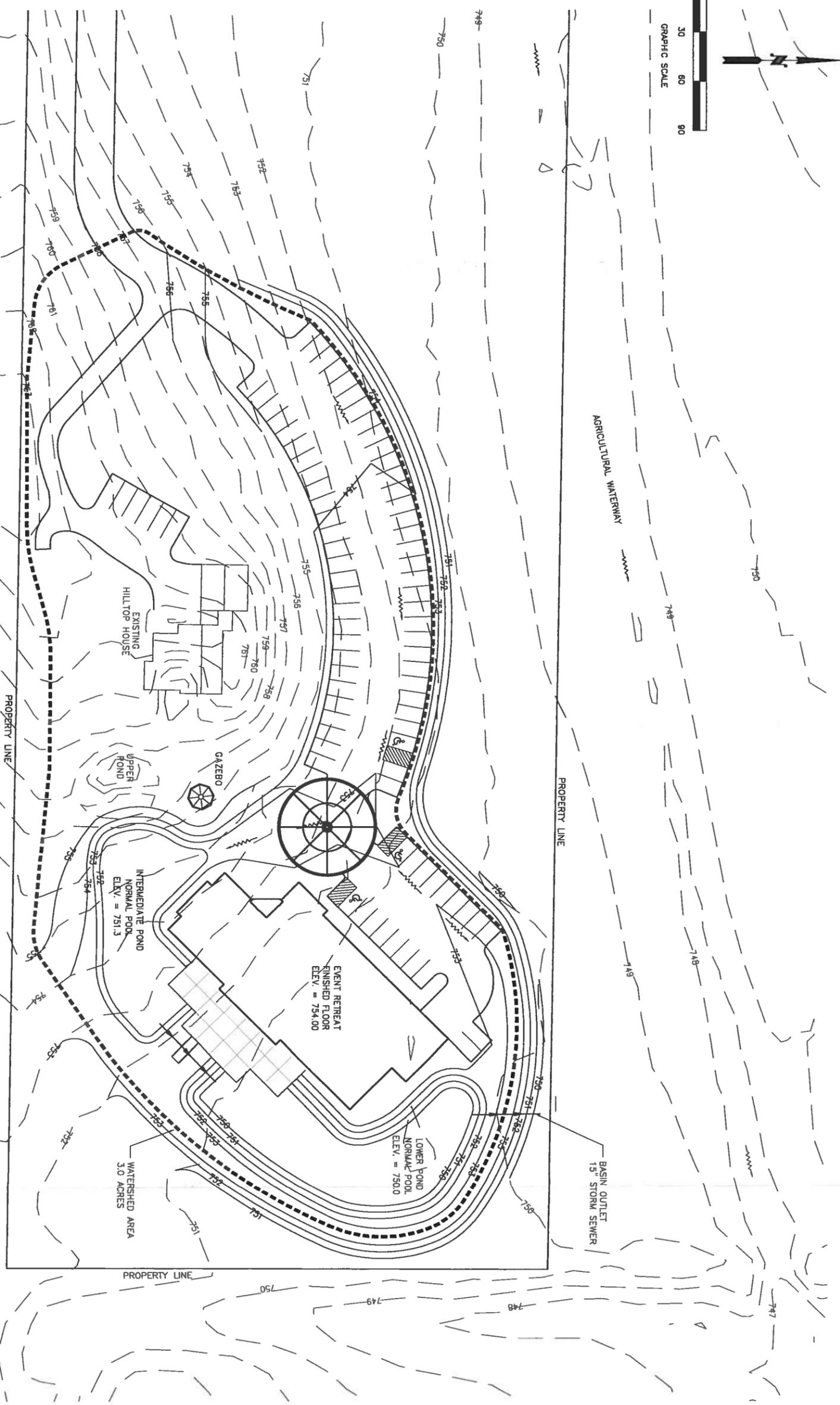
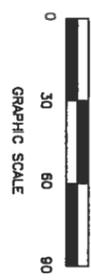
 aia
 hardwick architects
 FAIRWAY DRIVE
 CHAMPAIGN, ILLINOIS 61820
 TEL: 217.283.8251
 ARDWICK@GMAIL.COM



BUILDING SECTION
 L.A. GOURMET EVENT RETREAT
 2150 CR 1000 EAST
 CHAMPAIGN, ILLINOIS 61822

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CHAMPAIGN CO. P & Z DEPARTMENT

PRELIMINARY GRADING PLAN

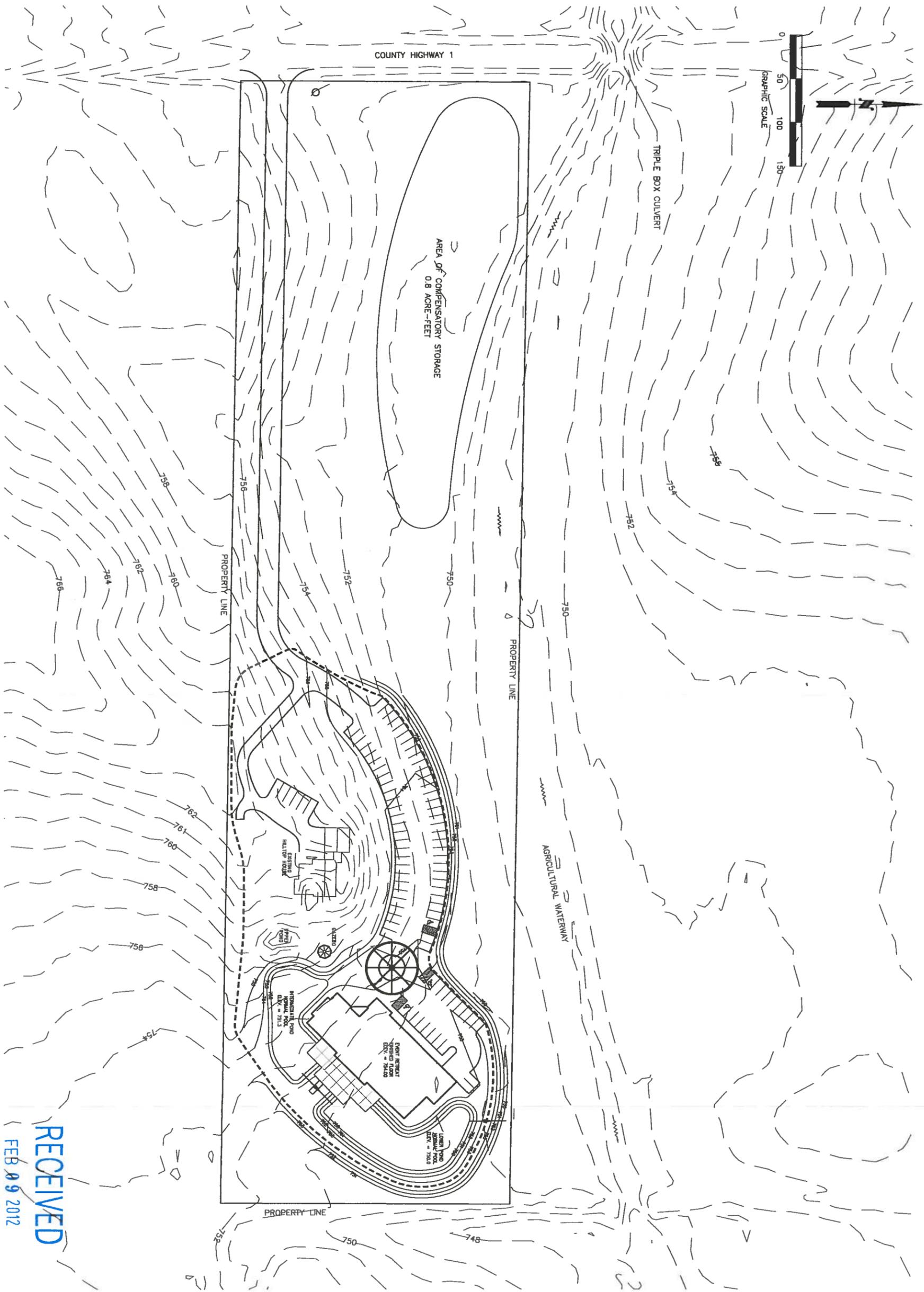
L.A. GOURMET EVENT RETREAT
CHAMPAIGN COUNTY, ILLINOIS



Phoenix Consulting Engineers, Ltd.
P.O. BOX 1187 • MAHOMET, IL 61853
217-586-1803 • FAX 217-586-6757

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DATE:



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CHAMPAIGN CO. P & Z DEPARTMENT

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 DATE: 1/27/12
 APPVD BY:
 DATE:

OVERALL PLAN
 L.A. GOURMET EVENT RETREAT
 CHAMPAIGN COUNTY, ILLINOIS

 **Phoenix Consulting Engineers, Ltd.**
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