

CASE NO. 758-AM-13

SUPPLEMENTAL MEMORANDUM

August 29, 2013

Petitioners: **Charles Jesse**

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Site Area: **11.28 acres**

Time Schedule for Development: **As Soon
As Approval Is Given**

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 B-1 Rural Trade Center Zoning District in order to authorize the proposed Special Use in related zoning Case 759-S-13.

Location: An 11.28 acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road Champaign.

STATUS

This case is continued from the July 25, 2013, public hearing. A Draft Finding of Fact is attached. A letter from the City of Champaign and the official City of Champaign protest are attached.

FINDING OF FACT

Staff has not made a recommendation for achievement of LRMP Goals 4 and 5; and Objectives, 4.1, 4.2, 4.3, and 5.1; and Policies 4.1.6, 4.2.1, 4.2.2, 4.3.2, 4.3.3, 4.3.4, 4.3.5, and 5.1.3. The Board has been provided decision points throughout the Draft Finding of Fact. Policy 5.1.3 is of particular importance to this case because the proposed use of the property is different than what the Future Land Use Map for the City of Champaign identifies. Policy 5.1.3 states as follows:

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

ATTACHMENTS

- A Letter from Don Gerard, Mayor, City of Champaign, received August 26, 2013
- B Council Bill 2013-138 and Council Bill Explanation Report received August 27, 2013
- C Draft Finding of Fact and Final Determination (included separately)

FILED

AUG 26 2013



City of
CHAMPAIGN

Gordy Hulten
CHAMPAIGN COUNTY CLERK

Planning Department • 102 N. Neil Street • Champaign, IL 61820 • 217-403-8800 • www.ci.champaign.il.us

August 21, 2013

Gordy Hulten
Champaign County Clerk
Champaign County
1776 E. Washington Street
Urbana, Illinois 61802

Re: Case 758-AM-14: Champaign County Zoning Map Amendment Regarding Rezoning 3702 West Old Church Road from Ag-1 Agriculture Zoning District to B-1 Rural Trade Center Zoning District

Dear Members of the Champaign County Board:

The City of Champaign is protesting the above mentioned Zoning Map Amendment as proposed. Please see the attached Council Bill and Council Bill Explanation prepared by City Staff for information on why the City of Champaign City Council has voted to protest this Zoning Map Amendment.

If you have any questions or would like to discuss this further please contact Bruce A. Knight at 403-8800.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Gerard", with a long horizontal flourish extending to the right.

Don Gerard
Mayor

cc: John Hall, County Planning and Zoning Director

Attachment: Council Bill 2013-138 and the Council Bill Explanation

RECEIVED

AUG 26 2013

CHAMPAIGN CO. P & Z DEPARTMENT

A RESOLUTION

APPROVING A WRITTEN PROTEST AGAINST
A PROPOSED MAP AMENDMENT OF THE
CHAMPAIGN COUNTY ZONING MAP

(County Case No. 758-Am-13: Map Amendment to change the zoning classification of 3702 West Old Church Road from AG-1 Agriculture Zoning to B-1 Rural Trade Center Zoning District)

WHEREAS, the City of Champaign, Illinois, a municipal corporation, has adopted and administers a Zoning Ordinance in accordance with Chapter 65, Division 11-13, Illinois Compiled Statues, as amended, said Ordinance being designated as Chapter 37 of the Champaign Municipal Code, 1985, as amended; and

WHEREAS, the Zoning Administrator of the County of Champaign, has referred to the Planning Department, by correspondence, a copy of an application for a proposed amendment to the Zoning Map of the County of Champaign, Illinois; and

WHEREAS, at its August 7, 2013, meeting, the Plan Commission of the City of Champaign reviewed the County Case No. 758-AM-13 and recommended that the City Council approve a resolution of protest for the case.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHAMPAIGN, ILLINOIS, as follows:

Section 1. That a written notification protesting Champaign County Case No. 758-AM-13, a request to amend the Champaign County Zoning Map is hereby authorized.

Section 2. That the Mayor, for and on behalf of the City Council, is hereby authorized and directed to send a written notification, a copy which is attached and made a part of this Resolution.

RECEIVED

AUG 27 2013

CHAMPAIGN CO. P & Z DEPARTMENT


Section 3. That a certified copy of this Resolution, including said written notification, shall be filed with the Clerk of the County of Champaign and the City Clerk is hereby directed to file said certified copy, including said notification, with the Clerk of the County of Champaign.

Section 4. That a certified copy of the Resolution, including said written notification, shall be served on the applicant for the proposed amendment, the Champaign County Zoning Administrator, said service to be by certified mail and the City Clerk is hereby directed to transmit by certified mail a certified copy of this Resolution and said written notification to the Champaign County State's Attorney, 101 East Main Street, Urbana Illinois, 61801.

COUNCIL BILL NO. 2013 – 138

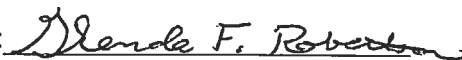
PASSED: August 20, 2013

APPROVED: _____



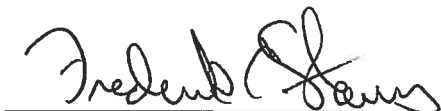
Mayor

ATTEST: _____



Deputy City Clerk

APPROVED AS TO FORM:



City Attorney



REPORT TO CITY COUNCIL

FROM: Dorothy Ann David, City Manager

DATE: August 16, 2013

SUBJECT: EXPLANATION OF COUNCIL BILL NO. 2013-138

A. Introduction: The purpose of this Council Bill is to consider a written protest of an application filed with Champaign County for a zoning map amendment in the City's Extraterritorial Jurisdictional Area (ETJ). The application requests to change the zoning district designation from AG-1 Agriculture Zoning District to B-1 Rural Trade Center Zoning District at 3702 West Old Church Road. A protest requires a 3/4 majority vote of the County Board for approval of the text amendment.

B. Recommended Action: The Administration recommends that City Council approve the Council Bill which will protest the rezoning of 3702 West Old Church Road from AG-1 to B-1.

C. Prior Council Action:

- In January 1977 City Council adopted Council Bill 77-23 Establishing a Policy Concerning the Procedure for Processing County Zoning Cases.
- On March 5, 2011, City Council adopted Council Bill 2011-036, which adopted the City of Champaign Comprehensive Plan, including the Future Land Use Map showing the tract as "New Neighborhood."

D. Summary:

- Under state statute, municipalities have the ability to protest proposed County Zoning Map amendments, within their Extra Territorial Jurisdiction (ETJ). A protest from any municipality triggers a 3/4 majority vote of the County Board.
- Charlie Jesse applied for a Zoning Map amendment to rezone his property, which is the location of Jesse Heating and Air Conditioning, from AG-1, Agriculture Zoning District to B-1, Rural Trade Center Zoning District.
- The tract is located within the City of Champaign's ETJ at 3702 West Old Church Road, which is at the northwest corner of I-57 and Old Church Road.
- The tract is approximately 9 acres in size. Jesse Heating and Air Conditioning is located on one acre and the remaining undeveloped land is proposed for self-storage mini-warehouses.
- Allowing two principle uses on the lot and allowing self-storage mini warehouses requires commercial zoning in the County.
- The City's Comprehensive Plan's Future Land Use Map shows the property as "New Neighborhood," which is defined as residential with a mix of housing types.

- It is the intent of the Comprehensive Plan that as the City grows in this direction, land uses will be primarily residential.
- The site does not have infrastructure improvements appropriate for urban use such as road improvements, sanitary sewers, street lights, trees, etc.
- City Staff is recommending protesting the map amendment because it is inconsistent with the adopted Future Land Use Map.

E. Background:

1. City’s Right On County’s Actions: Under state law, municipalities, such as Champaign, can protest, or not protest, zoning map amendments proposed in the County but within one-and-one half miles from the City’s limits, also known as the Extraterritorial Jurisdictional Area (ETJ). If the municipality chooses to protest the map amendment, it requires a three-quarters majority vote of the County Board to pass. If there are no protests, a simple majority is all that is required for approval. Champaign City Council adopted a policy establishing the procedures for processing such cases in 1977, which states that “upon the receipt of County Zoning Cases which are within the Council’s jurisdiction, and following the review by and recommendation of the Champaign Plan Commission of such County Zoning Cases, these County Zoning Cases shall be forwarded by the City Manager to the Council with a resolution of protest for consideration by the Council.”

2. Existing Use. 3702 West Old Church Road is approximately 9 acres located on Old Church Road near Interstate 57. It’s in close proximity to the Curtis Road Interchange although urban services are not available for the property and it is not served with sanitary sewers. The property currently contains Jesse Heating and Air Conditioning on one acre and the remaining 8 acres is being farmed. The County granted a special use permit in 1995 to allow the business to expand. The City does not have protest rights for special use permit requests in the County.

3. Development being proposed. The owner, Charlie Jesse, is proposing to construct self-storage warehouses on the undeveloped 8 acres. The AG-1 zoning does not allow self-storage warehouses by right. Additionally, the AG-1 zoning district does not allow two principle uses on the same lot. To allow the self-storage warehouses and to have two principle uses on one lot, the property owner is requesting the rezoning to the B-1, Rural Trade Center Zoning District. Incidentally, if the property is rezoned, a special use permit to allow the self-storage warehouses is still needed and is requested by the property owner. The City does not have protest rights for special use permits.

4. Basis for Protest.

- 1. Inconsistent with the City’s Comprehensive Plan.** The City of Champaign’s Comprehensive Plan’s Future Land Use Map designates this area as “New Neighborhood.” New Neighborhood is defined as residential land uses with a mixture of housing types. It is the intent that as the City grows in this direction, urban services will be provided and development would occur with a residential focus.

The Comprehensive Plan update approved in 2011 was the culmination of a two year process which gathered substantial public input on the future vision and growth of the community. The proposed rezoning to commercial in the County is inconsistent with the newly adopted Comprehensive Plan, *Champaign Tomorrow*.

2. **Inadequate Infrastructure.** Old Church Road is an oil and chip road at this location with no sidewalks, street lights, or curbs and gutters. Additionally, there are no sanitary sewers servicing the site. Incremental growth over time will put an additional burden on this infrastructure. The proposed rezoning and intended land use is for urban development that cannot be served with urban services at this time.
3. **Other Suitable Locations.** Appropriate zoned locations exist for additional self-storage warehouses throughout the Champaign-Urbana region. It is inappropriate to allow this development at a location that is not identified in the Future Land Use Map as commercial, is not currently zoned commercial, and does not have the infrastructure in place to support it.

5. Plan Commission Action. At its regularly scheduled meeting on August 7, 2013, the Plan Commission voted 6-1 to recommend protesting the proposed Champaign County rezoning at 3702 West Old Church Road. Vote: Payne, Reynolds, Cole, Heumann, DeMuyneck voted “yes” and Dudley voted “no”.

F. Alternatives:

1. Pass this Council Bill protesting Champaign County Case 758-AM-13, a County Zoning Map Amendment to change the zoning district designation from AG-1 Agriculture Zoning District to B-1 Rural Trade Center Zoning District at 3702 West Old Church Road.
2. Defeat this Council Bill, which would not protest Champaign County Case 758-AM-13.

G. Discussion of Alternatives:

Alternative 1 authorizes a written protest against County Case 758-AM-13, a Zoning Map Amendment to change the zoning district designation from AG-1 Agriculture Zoning District to B-1 Rural Trade Center Zoning District at 3702 West Old Church Road.

a. Advantages

- Maintains consistency with the City’s Comprehensive Plan, *Champaign Tomorrow*.
- Supports the position that urban growth should occur in areas that can be adequately provided with urban services and have infrastructure in place.
- Recognizes that land is available in more appropriate locations for such a use.

b. Disadvantages

- None.

Alternative 2 does not protest the proposed map amendment. The Council should choose this Alternative if it finds that the proposed rezoning is appropriate for 3702 West Old Church Road.

a. Advantages

- None.

b. Disadvantages

- Would be inconsistent with the adopted Comprehensive Plan which indicates a future land use of residential.
- Does not support the position that urban growth should occur in areas that can be adequately provided with urban services and infrastructure.

H. Community Input: Champaign County is required to issue public notice of the map amendment. The City does not hold a public hearing for the consideration of County map amendments to the Zoning Map. The City Plan Commission and City Council meetings will provide opportunities for input, as will any meetings held by the County. There was no public comment given at the August 7, 2013 Plan Commission meeting.

I. Budget Impact: There are no immediate budget impacts as a result of the map amendment.

J. Staffing Impact: There will be no City staffing impact as a result of this County map amendment. Staff spent approximately 2 hours reviewing the map amendment and preparing the report.

Prepared by:

Reviewed by:

Jeff Marino, AICP
Planner II

Bruce A. Knight, FAICP
Planning Director

Attachment: A. County Rezoning Report
B. Location Map
C. Future Land Use Map Location Map
D. Site Plan

G:\County Zoning Ordinance\PL13-0022 (Jesse Heating and Cooling County Rezoning)\PL13-0022 Jesse Heating and Cooling County Rezoning ETJ CBEX.docx

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758-AM-13

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

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

Date: **August 29, 2013**

Petitioner: **Charles Jesse**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District to bring an existing Farm Equipment Sales and Service business into compliance.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 25, 2013, and August 29, 2013**, the Zoning Board of Appeals of Champaign County finds that:

- *1. The petitioner Charles Jesse, 4483 West Maine Street, Decatur, owns the subject property.
- *2. The subject property is an 11.28 acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road Champaign.
- *3. The subject property is located within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning. The City of Champaign does have protest rights on map amendment cases within their ETJ. The City of Champaign City Council voted to protest the propose map amendment at their August 20, 2013, meeting.
- 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:

“With the current zoning of AG-1 and operating under a Special Use Permit I would not be allowed to build self-storage units. With B-1 zoning I could operate my existing business and get a Special Use Permit to build self-storage units.”

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

The petitioner did not provide any comments to this question.

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 used for the operation of an existing contractors facility that was authorized by Case 970-S-95 and later an expansion was authorized by Case 176-S-99. A portion of the property is also in agricultural production.
 - B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:
 - (1) Land on the north zoned AG-1 Agriculture, and is in agricultural production.
 - (2) Land on the south is zoned AG-1 Agriculture, and is in agricultural production.
 - (3) Land west of the subject property is zoned AG-1 Agriculture, and is in agricultural production. The land along the western border of the subject property is the Kaskaskia Special Drainage Ditch.

- (4) Land east of the subject property is zoned AG-2 Agriculture, and is in agricultural production. The land along the eastern border of the subject property is Interstate 57.

*Identical to evidence in related Case 759-S-13.

7. Previous zoning cases in the vicinity are the following:
- A. Case 970-S-95 authorized a contractors facility on the subject property.
 - B. Case 176-S-99 authorized an expansion of a contractors facility on the subject property.
8. Regarding the site plan and operations of the proposed Special Use in related Case 759-S-13:
- *A. The revised site plan received August 8, 2013, indicates the following existing and proposed improvements:
- (1) Existing improvements are as follows:
 - (a) An existing building that houses Jesse Heating and Air Conditioning and the fireplace showroom. These buildings have been subject to Cases 970-S-95 and 176-S-99 and ZUPA No. 124-95-01 and 148-99-03.
 - (b) An outside storage area located in the rear of the existing building.
 - (c) A grassed area east of the existing buildings that contains the existing septic system.
 - (2) Proposed improvements are as follows:
 - (a) Proposed fencing in the rear of the existing building and around the perimeter of the property.
 - (b) Proposed tree and shrub screening along the west side of the property.
 - (c) An indication that the entrance to the subject property will be widened to 35 feet. The expansion of the entrance will be to the east approximately 5 feet.
 - (d) Proposed Phase I as follows:
 - i.* A 45'× 140' RV storage building with 10 units that are 45'× 15'.
 - ii.* A 90'× 130' climate controlled storage building with 79 units of varying sizes.
 - iii.* A total of approximately 59,200 square feet of new impervious area including an outside storage area.
 - (e) Proposed Phase II as follows:
 - i.* A 45'× 160' storage building with 11 units.

- (2) The B-1, Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.
- B. Regarding the general locations of the existing and proposed zoning districts:
- (1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.
 - (2) The B-1 District is generally located in rural areas suitable for businesses operations to serve the needs of rural residents.
- 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 11 types of uses authorized by right in the AG-1 District and there are 25 types of uses authorized by right in the B-1 District:
 - (a) The following 5 uses are authorized by right in the AG-1 District and are not authorized at all in the B-1 District:
 - Single family dwelling;
 - Roadside Stand operated by Farm Operator;
 - Plant Nursery;
 - Off-premises sign within 660 feet of interstate highway; and
 - Off-premises sign along federal highway except interstate highways;
 - (b) The following 6 uses are authorized by right in both the AG-1 District and B-1 District:
 - Subdivisions of three lots or less;
 - Agriculture;
 - Minor Rural Specialty Business;
 - Township Highway Maintenance Garage (must meet separations or SUP is required);
 - Christmas Tree Sales Lot;
 - Temporary Uses
 - (c) The following 9 uses are authorized by right in the B-1 District and not at all in the AG-1 District:
 - Parking garage or lot;
 - MINOR AUTOMOBILE REPAIR (all indoors)*;
 - Gasoline Service Station;
 - Agricultural services and businesses (roadside stand, feed/grain sales, equipment sales and service)
 - Miscellaneous business (cold storage, telegraph office, antique sales)

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*Auto Repair may cause nuisance violations (junk cars, debris, etc) at this location. The Department of Planning and Zoning enforces the *Nuisance Ordinance* and can help resolve nuisance violations. "Minor Automobile Repair" is replacement of parts and motor services to passenger cars and trucks not exceeding one and one-half tons capacity, excluding body repairs.

- (d) The following 10 uses are authorized by right in the B-1 District but require a Special Use Permit in the AG-1 District:
- Major RURAL SPECIALTY BUSINESS
 - Small Scale Metal Fabricating Shop (only if the building existed prior to 1988)
 - Public park or recreational facility
 - Public facilities (police station, library, government building, telephone exchange)
 - Agricultural services and businesses (fertilizer sales/storage, grain storage, specialty business)
- (2) There are 42 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 9 uses authorized by right in the B-1 District see above) and 10 types of uses authorized by SUP in the B-1 District:
- (a) The following 5 uses may be authorized by SUP in the both the AG-1 District and B-1 District:
- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Electrical Substation;
 - HELIPORT-RESTRICTED LANDING AREAS;
 - Livestock Sales Facility and Stockyards;
 - Slaughter Houses;
- (b) The following 27 uses may be authorized by Special Use Permit in the AG-1 District and not at all in the B-1 District:
- Hotel with no more than 15 lodging units;
 - Residential PLANNED UNIT DEVELOPMENT;
 - 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;
 - Penal or correctional institution;
 - Sewage disposal plant or lagoon;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;

- Radio or Television Station;
- RESIDENTIAL AIRPORTS;
- RESTRICTED LANDING AREAS;
- 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;
- 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)

- (c) The following 5 uses may be authorized by SUP in the B-1 District and not at all in the AG-1 District:
- Self-storage Warehouses, providing heat and utilities to individual units;
 - Self-storage Warehouses, not providing heat and utilities to individual units;
 - Storage of gasoline, volatile oils, and liquefied petroleum gases.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

10. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:
- “It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
- B. The LRMP defines Goals, Objectives, and Polices 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

11. 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.

Goal 1 has 4 objectives and 4 policies. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 1.

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

12. 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 rezoning will *NOT IMPEDE* the achievement of Goal 2.

13. 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 rezoning will *NOT IMPEDE* the achievement of Goal 3.

14. 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 *{WILL / WILL NOT} HELP ACHIEVE* Goal 4 for the following reasons:

- A. Objective 4.1 states, “**Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.**”

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Objective 4.1 because of the following:

- (1) Policy 4.1.6 states, “**Provided that the use, design, site and location are consistent with County policies regarding:**
- i. Suitability of the site for the proposed use;**
 - ii. Adequacy of infrastructure and public services for the proposed use;**
 - iii. Minimizing conflict with agriculture;**
 - iv. Minimizing the conversion of farmland; and**
 - v. Minimizing the disturbance of natural areas; then**
 - a) On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
 - b) On best prime farmland, the County may authorize non-residential discretionary development; or**
 - c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.1.6 for the following reasons:

- (a) The Natural Resource Report prepared by the Champaign County Soil and Water Conservation District identifies the subject property as best prime farmland and consisting entirely of Drummer Silty Clay Loam (152A) with an LE of 98. Note, the LE for the subject property indicated in the report by the SWCD should have been 100.
- (b) The proposed Special Use on the subject property will remove approximately 4.5 acres of farmland out of production.
- (c) The proposed use requires a Special Use Permit in the B-1 Rural Trade Center District, which allows consideration of site suitability, adequacy of public infrastructure and public services, conflict with agriculture, conversion of

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farmland, and disturbance of natural areas as part of the criterion regarding, “injurious to public health, safety, and welfare.”

- (d) The subject property is triangular shaped and not conducive to production row-crop agriculture and is less than one mile from the City of Champaign and two road miles from I-57 interchange at Curtis Road.
- (e) Achievement of Policy 4.1.6 requires achievement of related Objectives 4.2 and 4.3.

B. Objective 4.2 states, “**Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.**”

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Objective 4.2 because of the following:

- (1) Policy 4.2.1 states, “**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 rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.2.1 because based on the evidence, the proposed Special Use in related Case 759-S-13 *{WILL / WILL NOT}* interfere with agricultural operations and is a service which is appropriate for the rural area and therefore *{IS / IS NOT}* a service better provided in rural area than in an urban area as follows:

- *(a) The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
- *(b) The B-1 District is intended to provide areas for rural business to offer products and services to rural residents.
- *(c) The existing contractors facility has been in operation since the mid 1990s and is a USE that has been determined to be appropriate in the rural area.
- *(d) The proposed Self-Storage Warehouses is a USE that has been deemed appropriate for the rural area in the B-1 District provided that a Special Use Permit is authorized.
- *(e) The subject property is located very near to the urbanized area and is located .60 mile from parts of the City of Champaign and one mile (two road miles) from the Curtis Road/I-57 interchange; and the UI-Willard Airport is one-quarter of a mile to the east.

*Identical to evidence in related Case 759-S-13.

- (2) Policy 4.2.2 states, “**The County may authorize *discretionary review* development in a rural area 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 rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.2.2 because based on the evidence, the proposed Special Use in related Case 759-S-13 *{DOES / DOES NOT}* negatively affect agricultural activities, of *{IS / IS NOT}* located and designed to minimize exposure to negative effects of agricultural activities, and *{WILL / WILL NOT}* interfere with agricultural activities as follows:

- * (a) The existing contractors facility has been in operation since the mid 1990s and is a USE that has been determined to be appropriate in the rural area.
- * (b) The proposed self-storage warehouse is a USE that has been deemed appropriate for the rural area in the B-1 District provided that a Special Use Permit is authorized.
- * (c) The B-1 District is intended to provide areas for rural business to offer products and services to rural residents.
- * (d) The subject property is triangular and is bordered on the west by a drainage ditch, the east side is bordered by I-57, and the south is bordered by Old Church Road.
- * (e) Trees and shrubs will be planted on the subject property to screen the uses of the property from the view of the neighboring properties to the west.
- * (f) The traffic produced by the proposed use will be an increase in traffic, but its impact will be minimal according to the memorandum from the Champaign Urbana Urbanized Transportation Study received August 23, 2013.
- * (g) The proposed self-storage warehouse will be sited on land that is currently in crop production. The remaining tillable land will stay in production.

*Identical to evidence in related Case 759-S-13

- C. Objective 4.3 states, **“Champaign County will require that each discretionary review development is located on a suitable site.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Objective 4.3 because of the following:

- (1) Policy 4.3.2 states, **“On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.3.2 for the following reasons:

- (a) The Natural Resource Report prepared by the Champaign County Soil and Water Conservation District identifies the subject property as best prime farmland and consisting entirely of Drummer Silty Clay Loam (152A) with an LE of 98. Note, the LE for the subject property indicated in the report by the SWCD should have been 100.
- (b) Proximity to Interstate 57 and the noise generated by interstate traffic are not conducive to residential use, and the relatively small size and triangular shape of the property and the limited street frontage will make residential development difficult in the future and it is not clear why the longstanding business use has not been recognized in the City of Champaign Comprehensive Plan.
- (c) The subject property is only 11.28 acres in area and is bordered on the west by the Kaskaskia Special Drainage Ditch and on the east by Interstate 57 and on the south by Old Church Road. There is also very limited frontage on Old Church Road because the subject property is adjacent to an overpass for Interstate 57.
- (d) The relatively small size and triangular shape of the property are not conducive to production row-crop agriculture as the principal use and the subject property has been the site of both business use and agriculture for the past 38 years. Special Use Permits were authorized in Cases 970-S-95 and 176-S-99.
- (e) The B-1 District is intended to provide areas for rural business to offer products and services to rural residents.
- (f) The proposed development is subject to the *Stormwater Management Policy* and must provide adequate stormwater detention.
- (g) The subject property fronts and has access to Old Church Road (CR 1200N). The memorandum from the Champaign Urbana Urbanized Transportation Study (CUUATS) received August 23, 2013, indicates that the proposed self-storage warehouse will not create a significant increase in traffic. Access to I-57 is approximately 2 road miles from the subject property.

- (h) The subject property is not served by sanitary sewer, but there is an existing septic system that serves the contractors facility, and is located east of the existing contractors facility. The proposed self-storage warehouse will not produce any wastewater.
- (2) Policy 4.3.3 states, **“The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.3.3 for the following reason:

- (a) The subject property is located approximately 3.5 miles from the Savoy Fire Protection District Station. The fire protection district was notified of the case and no comments have been received.
- (b) The subject property is less than 1 mile (.60 mile) from the City of Champaign.
- (3) Policy 4.3.4 states, **“The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.3.4 for the following reason:

- (a) The subject property has access to Old Church Road (CR 1200N). Old Church Road is an oil and chip road that is approximately 20 feet in width that has adequate capacity for the proposed use. Access to I-57 is approximately 2 road miles from the subject property.
- (b) Staff from the Champaign Urbana Urbanized Area Transportation Study (CUUATS) evaluated the proposed Special Use in related Case 759-S-13 for traffic impacts and determined that a Traffic Impact Analysis is not necessary because the number of weekday and weekend peak hour trips generated will be minimal.
- (c) Bradley Clemmons, Tolono Township Road Commission, indicated to staff on August 22, 2013, that he has no concerns regarding the existing or proposed uses in regards to traffic on the Township roads.
- (4) Policy 4.3.5 states, **“On best prime farmland, the County will authorize a business or other non-residential use only if:**
 - a. **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**

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- b. **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.3.5 for the following reasons:

- (a) The Natural Resource Report prepared by the Champaign County Soil and Water Conservation District identifies the subject property as best prime farmland and consisting entirely of Drummer Silty Clay Loam (152A) with an LE of 98. Note, the LE for the subject property indicated in the report by the SWCD should have been 100.
- (b) More than 90% of the subject property is currently in agricultural production even though the property is less than 12 acres in areas and is triangular shaped and not conducive to production row-crop agriculture.
- (c) The B-1 District is intended to provide areas for rural business to offer products and services to rural residents.
- (d) Contractors Facilities and Self-Storage Warehouses are USES that have been determined to be appropriate for the rural area in the B-1 DISTRICT.

- D. The proposed amendment *WILL NOT IMPEDE* the achievement of Objectives 4.6, 4.7, and 4.9 and Policies 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.8, 4.2.3, 4.2.4, 4.6.1, 4.6.2, 4.6.3, and 4.9.1. Objectives 4.4 4.5, and 4.8 and Policies 4.1.7, 4.1.9, and 4.3.1 are *NOT RELEVANT* to the proposed amendment.

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

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

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

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

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

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

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

- (a) The subject property is only 11.28 acres in area and is bordered on the west by the Kaskaskia Special Drainage Ditch and on the east by Interstate 57 and on the south by Old Church Road. There is also very limited frontage on Old Church Road because the subject property is adjacent to an overpass for Interstate 57.
- (b) The relatively small size and triangular shape of the property are not conducive to production row-crop agriculture as the principal use and the subject property has been the site of both business use and agriculture for the past 38 years. Special Use Permits were authorized in Cases 970-S-95 and 176-S-99.
- (c) In the Champaign County Land Resource Management Plan the subject property is identified as being within the Contiguous Urban Growth Area but the subject property is not currently served by sanitary sewer.
- (d) The City of Champaign Future Land Use Map identifies this area as “New Neighborhood” in the Tier 2 Development meaning that in the future it will be ready for residential development.
- (e) Proximity to Interstate 57 and the noise generated by interstate traffic are not conducive to residential use, and the relatively small size and triangular shape of the property and the limited street frontage will make residential development difficult in the future and it is not clear why the longstanding business use has not been recognized in the City of Champaign Comprehensive Plan. The Kaskaskia Special Drainage Ditch provides a more than adequate buffer between any future residential uses.
- (f) The County should not blindly follow Policy 5.1.3 if it appears that a municipal plan ignores existing rural businesses and that appears to be the situation in this instance. The subject property has been used for various business uses for nearly 40 years and two previous Special Use Permits have been authorized on the subject property. The subject property may have been overlooked when The City of Champaign developed its Future Land Use Map because there is no evidence to suggest that a survey of existing rural land uses was conducted.
- (g) The proposed self-storage warehouses will put the property to greater use, but not substantially different from what the property has been used for in the past. Self-storage warehouses are facilities that may be utilized by residential customers.

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- (2) Policy 5.1.4 states, **“The County may approve discretionary development outside contiguous urban growth areas, but within municipal extra-territorial jurisdictions areas only if:**
- a. **the development is consistent with the municipal comprehensive plan and relevant municipal requirements;**
 - b. **the site is determined to be well-suited overall for the development if on best prime farmland or the site is suited overall, otherwise and**
 - c. **the development is generally consistent with all relevant LRMP objective and policies.”**

The proposed rezoning is *NOT DIRECTLY RELEVANT* Policy 5.1.4 for the following reasons:

- (a) The Natural Resource Report prepared by the Champaign County Soil and Water Conservation District identifies the subject property as best prime farmland and consisting entirely of Drummer Silty Clay Loam (152A) with an LE of 98. Note, the LE for the subject property indicated in the report by the SWCD should have been 100.
- (b) As reviewed under Policy 5.1.3 the subject property is in the Contiguous Urban Growth Area (CUGA).
- (c) The proposed use requires a Special Use Permit in the B-1 Rural Trade Center District, which allows consideration of site suitability, adequacy of public infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas as part of the criterion regarding, “injurious to public health, safety, and welfare.”

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

The proposed rezoning will *HELP ACHIEVE* Objective 5.3 because of the following:

- (1) Policy 5.3.1 states, **“The County will:**
 - a. **require that proposed new urban development in unincorporated areas is sufficiently served by available public services and without undue public expense; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development is sufficiently served by available public services and without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 5.3.1 for the following reasons:

- (a) The only public service provided other than law enforcement is fire protection.

- (b) The subject property is located approximately 3.5 miles from the Savoy Fire Protection District Station. The fire protection district was notified of the case and no comments were received.
- (2) Policy 5.3.2 states, “**The County will:**
 - a. **require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 5.3.2 because of the following:

- (a) The subject property has access to Old Church Road and access to I-57 is approximately 2 road miles from the subject property.
- (b) Staff from the Champaign Urbana Urbanized Area Transportation Study (CUUATS) evaluated the proposed Special Use in related Case 759-S-13 for traffic impacts and determined that a Traffic Impact Analysis is not necessary because the number of weekday and weekend peak hour trips generated will be minimal.
- (c) Bradley Clemmons, Tolono Township Road Commission, indicated to staff on August 22, 2013, that he has no concerns regarding the existing or proposed uses in regards to traffic on the Township roads.
- (d) The subject property is not serviced by sanitary sewer or a public water supply. Neither of these services are needed for the proposed self-storage warehouse development.

C. The proposed amendment *WILL NOT IMPEDE* the achievement of Objective 5.2 and Policies 5.1.1, 5.1.2, 5.1.5, 5.1.6, 5.1.7, 5.1.8, 5.1.9, 5.2.1, 5.2.2, 5.2.3, and 5.3.3.

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

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

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

A. Objective 6.1 states, “**Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”**

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

- (1) Policy 6.1.3 states, “**The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.**”

The proposed rezoning will **HELP ACHIEVE** Policy 6.1.3 for the following reasons:

- (a) The proposed exterior lighting will comply with the standard condition in Section 6.1.2 regarding exterior lighting and will be full-cutoff light fixtures.

- B. The proposed amendment **WILL NOT IMPEDE** the achievement of Policies 6.1.1, 6.1.2, and 6.1.4. Objectives 6.2, 6.3, and 6.4 and Policies 6.2.1, 6.2.2, and 6.2.3 are **NOT RELEVANT** to the proposed amendment.

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

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

Goal 7 has 2 objectives and 7 policies. The proposed rezoning will **HELP ACHIEVE** Goal 7 for the following reasons:

- A. Objective 7.1 states, “**Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.**”

The proposed rezoning will **HELP ACHIEVE** Objective 7.1 because of the following:

- (1) Policy 7.1.1 states, “**The County will include traffic analyses in discretionary review development proposals with significant traffic generation.**”

The proposed rezoning will **HELP ACHIEVE** Policy 7.1.1 for the following reasons:

- (a) Staff from the Champaign Urbana Urbanized Area Transportation Study (CUUATS) evaluated the proposed Special Use in related Case 759-S-13 for traffic impacts and determined that a Traffic Impact Analysis is not necessary because the number of weekday and weekend peak hour trips generated will be minimal.

- B. The proposed amendment **WILL NOT IMPEDE** the achievement of Objective 7.2 and Policies 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, and 7.2.6.

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

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

Goal 8 has 9 objectives and 36 policies. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 8.

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

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

Goal 9 has 5 objectives and 5 policies. The proposed rezoning is *NOT RELEVANT* to Goal 9.

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

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

Goal 10 has 1 objective and 1 policy. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 9.

GENERALLY REGARDING THE LaSalle Factors

21. In the case of *LaSalle National Bank of Chicago v. County of Cook* the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of 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	Contractors Facility (Cases 970-S-95 & 176-S-99) ----- Agriculture	AG-1 Agriculture (proposed B-1)
North	Agriculture	AG-1 Agriculture
East	Interstate 57 ----- Agriculture	AG-2 Agriculture
West	Agriculture	AG-1 Agriculture
South	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 the subject property, the requested map amendment may have some positive effect or else the landowner would not have submitted the petition for the rezoning.

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

- (1) There has been no evidence submitted regarding property values.
- (2) The proposed rezoning should not have a negative effect on the public health, safety, and welfare and therefore, denying the request to rezone the property will not promote public health, safety, or welfare.

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

- (1) The proposed rezoning and related Special Use will allow the petitioner to provide storage area for use by the public.

- (2) If the request is denied the hardship imposed on the property owner is that the added income from the self-storage area will not be realized.

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

- (1) The subject property is suitable for the current zoned purposes.
- (2) Based on the discussion of suitability under Items 14.C. and 15 above, the subject property *{IS / IS NOT} SUITABLE* for the proposed zoned purpose which is a self-storage warehouses and an existing contractors facility.

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

- (1) 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.
- (2) Currently, there are three buildings on the subject property and a Special Use for Contractors Facility was authorized in Cases 970-S-95 and 176-S-99.
- (3) More than 90% of the subject property is currently in agricultural production even though the property is less than 12 acres in areas and is triangular shaped and not conducive to production row-crop agriculture.
- (4) The proposed self-storage warehouse with detention basin will take approximately 4.5 acres (approximately 40%) of the subject property.
- (5) Approximately 4 acres (approximately 35%) of the subject property is not proposed for development and will remain in agricultural production.

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

The existing contractors facility provides heating and air conditioning services to the rural and urban communities. The proposed Self-Storage Warehouses will also provide a service for rural and urban residents.

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

- (1) In a letter dated August 14, 2012, from Jeff Marino, Planner II, City of Champaign, Mr. Marino indicated that the subject property is identified on the Future Land Use Map as "New Neighborhood" in the Tier 2 Development meaning that in the future it will be ready for residential development. Mr. Marino also indicated that the City of Champaign would protest any rezoning case to allow self-storage warehouses on the subject property because the use conflicts with the City's Comprehensive Plan.

- (2) On August 20, 2013, the City of Champaign City Council voted to protest the proposed map amendment.
- (3) The County should not blindly follow Policy 5.1.3 if it appears that a municipal plan ignores existing rural businesses and that appears to be the situation in this instance. The subject property has been used for various business uses for nearly 40 years and two previous Special Use Permits have been authorized on the subject property. The subject property may have been overlooked when The City of Champaign developed its Future Land Use Map because there is no evidence to suggest that a survey of existing rural land uses was conducted.
- (4) The proposed self-storage warehouses will put the property to greater use, but not substantially different from what the property has been used for in the past. Self-storage warehouses are facilities that may be utilized by residential customers.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

22. The proposed amendment will ***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.

- 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.
 - (a) Staff from the Champaign Urbana Urbanized Area Transportation Study (CUUATS) evaluated the proposed Special Use for traffic impacts and determined that a Traffic Impact Analysis is not necessary because the number of weekday and weekend peak hour trips generated will be minimal.

- 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.

- (a) The proposed construction on the subject property will trigger the need for stormwater management. The petitioner will need to submit a complete stormwater management plan that is in compliance with the *Stormwater Management Policy* before a Zoning Use Permit can be issued for the proposed construction.
- (b) The site plan received August 8, 2013, indicates that the stormwater detention area will be designed in accordance with the *Stormwater Management Policy*.

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 not directly related to this purpose.

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.

- (a) The proposed amendment is directly related to this purpose because the proposed self-storage warehouses and multiple principal uses on the same lot are not authorized in its current AG-1 District. The proposed B-1 District allows self-storage warehouses and multiple principal uses on the same lot to be authorized as Special Uses.

- (b) Harmony with this purpose requires that the special conditions of approval in the related Special Use Permit sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate noncompliant conditions. The Zoning Board of Appeals included all necessary special conditions in their final determination of Case 759-S-13.
- 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.
 - (a) Harmony with this purpose requires that the special conditions of approval in the related Special Sue Permit sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate noncompliant conditions. The Zoning Board of Appeals included all necessary special conditions in their final determination of Case 759-S-13.
- 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.
 - (a) Harmony with this purpose requires that the special conditions of approval in the related Special Sue Permit sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate noncompliant conditions. The Zoning Board of Appeals included all necessary special conditions in their final determination of Case 759-S-13.
- 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.
 - (a) Harmony with this purpose requires that the special conditions of approval in the related Special Sue Permit sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate noncompliant conditions. The Zoning Board of Appeals included all necessary special conditions in their final determination of Case 759-S-13.
- 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.
- (a) The subject property is triangular in shape and not conducive to row crop production and has been used as a business for more than 38 years.
 - (b) The proposed Special Use Permit in related Case 759-S-13 will take approximately 4.5 acres of agricultural land out of production (including the proposed stormwater detention basin).
 - (c) Approximately 4 acres of farmland will remain in production.

- 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.
- (a) The subject property is triangular in shape and not conducive to row crop production and has been used as a business for more than 38 years.
 - (b) The proposed Special Use Permit in related Case 759-S-13 will take approximately 4.5 acres of agricultural land out of production (including the proposed stormwater detention basin).
 - (c) Approximately 4 acres of farmland will remain in production.

- 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 not directly related to this purpose.

REGARDING SPECIAL CONDITIONS OF APPROVAL

23. Regarding proposed 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 **July 25, 2013, and August 29, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. Regarding the effect of the proposed amendment on the Land Resource Management Plan (LRMP):
 - A. **Regarding Goal 4:**
 - Objective 4.3 requiring any discretionary development to be on a suitable site because it *{WILL / WILL NOT} HELP ACHIEVE* the following:
 - Policy 4.3.5 requiring that a business or non-residential use on best prime farmland only if it serves surrounding agriculture and is appropriate in a rural area (see Item 14.C.(4)).
 - Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(3)).
 - Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(2)).
 - Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 14.C.(1)).
 - Objective 4.2 requiring discretionary development to not interfere with agriculture because it *{WILL / WILL NOT} HELP ACHIEVE* the following:
 - Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 14.B.(2)).
 - Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 14.B.(1)).
 - Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it will *HELP ACHIEVE* the following:
 - Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 14.A.(1)).
 - Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment *{WILL / WILL NOT} HELP ACHIEVE* Goal 4 Agriculture.
 - B. **Regarding Goal 5:**
 - Objective 5.3 requiring County opposition to new urban development unless adequate infrastructure and public services are provided because it will *HELP ACHIEVE* the following:
 - Policy 5.3.2 require that new urban development be adequately served by public infrastructure without undue public expense (Item 15.B.(2)).
 - Policy 5.3.1 require that new urban development be adequately served by public services without undue public expense (Item 15.B.(1)).

- Objective 5.1 ensure that the population growth and economic development is accommodated by new urban development in or adjacent to existing population centers because it *{WILL / WILL NOT} HELP ACHIEVE* the following:
 - Policy 5.1.3 consider municipal ETJ areas that are served or that are planned to be served by sanitary sewer as contiguous urban growth areas (Item 15.A.(1)).
- Based on achievement or non-achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment *{WILL / WILL NOT} HELP ACHIEVE Goal 5 Urban Land Use*.

C. Regarding Goal 6:

- Objective 6.1 ensuring that development does not endanger public health or safety because it will *HELP ACHIEVE* the following:
 - Policy 6.1.3 preventing nuisances created by light and glare to limit excessive night lighting.
- Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will *HELP ACHIEVE Goal 6 Public Health and Public Safety (see Item 16.A.(1))*.

D. Regarding Goal 7:

- Objective 7.1 consider traffic impact in land use decisions because it will *HELP ACHIEVE* the following:
 - Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation.
- Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will *HELP ACHIEVE Goal 7 Transportation (see Item 17.A.(1))*.

E. The proposed amendment will *NOT IMPEDE* the following LRMP goal(s):

- Goal 1 Planning and Public Involvement
- Goal 2 Governmental Coordination
- Goal 3 Prosperity
- Goal 8 Natural Resources
- Goal 10 Cultural Amenities

F. The proposed amendment is *NOT RELEVANT* to the following LRMP goal(s):

- Goal 9 Energy Conservation

G. Overall, the proposed map amendment *{WILL / WILL NOT} HELP ACHIEVE* the Land Resource Management Plan.

2. The proposed Zoning Ordinance map amendment *IS* consistent with the *LaSalle* and *Sinclair* factors because of the following:
 - The amendment will allow the petitioners to continue to provide the existing heating and cooling services they offer and the proposed self-storage warehouses.
 - The subject property is suitable for the existing and proposed businesses.
3. The proposed Zoning Ordinance map amendment will *HELP ACHIEVE* the **purpose of the Zoning Ordinance** because:
 - Establishing the B-1 District at this location will help lessen and avoid congestion in the public streets (Purpose 2.0 (c) see Item 22.C.).
 - Establishing the B-1 District at this location will help classify, regulate, and restrict the location of the uses authorized in the B-1 District (Purpose 2.0 (i) see Item 22.I.).
4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:
 - Approval of the amendment would allow the current business activities to continue and allow the proposed activities to be constructed subject to related Case 759-S-13.

DOCUMENTS OF RECORD

1. Application for Map Amendment received May 24, 2013, with attachments:
 - A Site Plan
 - B Land Use Map

2. Special Use Permit application received May 24, 2013, with attachments:
 - A Site Plan
 - B Land Use Map
 - C Zoning Map

3. Zoning Case 970-S-95 case file

4. ZUPA No. 124-95-01 file

5. Zoning Case 176-S-99 case file

6. ZUPA No. 148-99-03 case file

7. Revised Site Plan received May 30, 2013

8. Legal Description received June 19, 2013

9. Warranty Deed received June 25, 2013

10. Revised Site Plane received July 16, 2013

11. Phase I Building Floor Plans received July 16, 2013

12. Revised Site Plan received July 17, 2013

13. Preliminary Memorandum for Case 758-AM-13 dated July 19, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Letter from Jeff Marino, Planner II, City of Champaign, dated August 14, 2012
 - C Natural Resource Report received July 18, 2013
 - D City of Champaign Future Land Use Map
 - E LRMP Land Use Management Areas Map
 - F Site Visit Photos
 - G LRMP Land Use Goals, Objectives, and Policies & Appendix

14. Preliminary Memorandum for Case 759-S-13 dated July 19, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received July 17, 2013

- C Phase I Building Floor Plans received July 16, 2013
 - D Excerpt of Approved Minutes from 3/16/1995 ZBA meeting
 - E Excerpt of Approved Minutes from 4/1/1999 ZBA meeting
 - F Site Visit Photos
15. AADT Information from Keith Padgett. Champaign Township Road Commissioner, received July 28, 2013
 16. Revised Site Plan received August 8, 2013
 17. Exterior Lighting Layout received August 12, 2013
 18. Email from Rita Black, Planning and Community Development Director, CCRPC, dated August 14, 2013
 19. Email from Jeff Marino, Planner II, City of Champaign, to Andy Kass, Associate Planner, Champaign County, dated August 21, 2013
 20. Supplemental Memorandum for Case 758-AM-13 dated August 23, 2013, with attachments:
 - A Email from Jeff Marino, Planner II, City of Champaign, to Andy Kass, Associate Planner, Champaign County, dated August 21, 2013
 - B Draft Finding of Fact and Final Determination
 21. Supplemental Memorandum for Case 759-S-13 dated August 23, 2013, with attachments:
 - A Revised Site Plan received August 8, 2013
 - B Exterior Lighting Layout received August 14, 2013
 - C AADT Information from Keith Padgett. Champaign Township Road Commissioner, received July 28, 2013
 - D Email from Rita Black, Planning and Community Development Director, CCRPC, dated August 14, 2013
 - E Email from Jeff Marino, Planner II, City of Champaign, dated August 14, 2013
 22. Technical Memorandum from the Champaign Urbana Urbanized Area Transportation Study received August 23, 2013
 23. Letter from Don Gerard, Mayor, City of Champaign, received August 26, 2013
 24. Letter from Jeff Tock, Attorney, Kaskaskia Special Drainage District, received August 27, 2013
 25. Council Bill 2013-138 and Council Bill Explanation Report received August 27, 2013
 26. Annotated site plan to show farm equipment access received August 28, 2013

27. Excerpt of site plan to show location of existing septic system and leach field received August 28, 2013
28. Aerial photos of self-storage developments near residential areas in Champaign and Savoy received August 29, 2013
29. Supplemental Memorandum for Case 758-AM-13 dated August 29, 2013, with attachments:
 - A Letter from Don Gerard, Mayor, City of Champaign, received August 26, 2013
 - B Council Bill 2013-138 and Council Bill Explanation Report received August 27, 2013
 - C Draft Finding of Fact and Final Determination
31. Supplemental Memorandum for Case 759-S-13 dated August 29, 2013, with attachments:
 - A Technical Memorandum from the Champaign Urbana Urbanized Area Transportation Study received August 23, 2013
 - B Letter from Jeff Tock, Attorney, Kaskaskia Special Drainage District, received August 27, 2013
 - C Annotated site plan to show farm equipment access received August 28, 2013
 - D Excerpt of site plan to show location of existing septic system and leach field received August 28, 2013
 - E Aerial photos of self-storage developments near residential areas in Champaign and Savoy received August 29, 2013
 - F Draft Summary of Evidence, 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 758-AM-13** 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