

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: November 13, 2014
Time: **6:30 P.M.**
Place: **John Dimit 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 (October 16, 2014)
5. Continued Public Hearings

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

**NOTE LOCATION AND TIME:
JOHN DIMIT MEETING ROOM AT
6:30 P.M.**

Case 685-AT-11 Petitioner: **Zoning Administrator**
Request: **Amend the Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required for any County Board approved special use permit for a Rural Residential Development in the Rural Residential Overlay district as follows:**

- (1) **Require that each proposed residential lot shall have an area equal to the minimum required lot area in the zoning district that is not in the Special Flood Hazard Area;**
- (2) **Require a new public street to serve the proposed lots in any proposed RRO with more than two proposed lots that are each less than five acres in area or any RRO that does not comply with the standard condition for minimum driveway separation;**
- (3) **Require a minimum driveway separation between driveways in the same development;**
- (4) **Require minimum driveway standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**
- (5) **Require for any proposed residential lot not served by a public water supply system and that is located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results;**
- (6) **Require for any proposed RRO in a high probability area as defined in the Illinois State Historic Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy of the ISHPA response;**
- (7) **Require that for any proposed RRO that the petitioner shall contact the Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of the agency response.**

Case 769-AT-13 Petitioner: **Zoning Administrator**
Request: **Amend the Champaign County Zoning Ordinance by amending the Champaign County Stormwater Management Policy by changing the name to Storm Water Management and Erosion Control Ordinance and amending the reference in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control Ordinance as described in the legal advertisement which can be summarized as follows:**

- I. **Revise existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to have authority to prevent pollution of any stream or body of water. (Part A of the legal advertisement)**
- II. **Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be new Section 2 and add purpose statements related to preventing soil erosion and preventing water pollution and fulfilling the applicable requirements of the National Pollutant Discharge System (NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement)**
- III. **Add new Section 3 titled Definitions to include definitions related to fulfilling the applicable requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of the legal advertisement)**

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
November 13, 2014

Case 769-AT-13 cont:

- IV. Revise existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11, 12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance activities including a requirement for a Land Disturbance Erosion Control Permit including Minor and Major classes of Permits that are required within the Champaign County MS4 Jurisdictional Area; add a requirement that land disturbance of one acre or more in a common plan of development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit requirements; add fees and time limits for each class of Permit; add requirements for administration and enforcement Permits; and add new Appendices with new standards and requirements for both Minor and Major Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement)
- V. Revise existing Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation onto adjacent properties and add minimum erosion and water quality requirements that are required for all construction or land disturbance.
- VI. Revise existing Section 5 to be new Section 8 and add a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement)
- VII. Revise and reformat existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18. (Parts G, I, J, P, Q, R, S and W of the legal advertisement)

Case 773-AT-14 Petitioner:

Zoning Administrator

Request:

Amend the Champaign County Storm Water Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by adding the following:

- A. Add a requirement for a Grading and Demolition Permit for any grading or demolition that disturbs one acre or more of land or for any grading or demolition that is part of a larger common plan of development in which one acre or more of land disturbance will occur, and that is not related to any proposed construction.
- B. Add fees for Grading and Demolition Permits.
- C. Add required information to be provided in the application for a Grading and Demolition Permit.
- D. Add a requirement that any grading or demolition pursuant to a Grading or Demolition Permit shall comply with the Illinois Environmental Protection Agency's ILR 10 General Storm Water Permit for Construction.
- E. Add a requirement that any demolition pursuant to a Demolition Permit shall comply with the Illinois Environmental Protection Agency's regulations enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos.
- F. Add prohibitions against changing the flow of water and blocking the flow of water.
- G. Add other requirements related to Grading and Demolition Permits

6. New Public Hearings

*Case 788-S-14 Petitioner:

Eastern Illini Electric Cooperative

Request:

Authorize an Electric Substation in the I-1 Light Industry Zoning District.

Location:

A proposed 1.08 acre parcel located in Tolono Township in the North Half of the Northeast Quarter of the Northeast Quarter of Section 34 of Township 18N, Range 8E of the Third Principal Meridian and commonly known as part of the field located on the south side of CR 700N and located 1,000 feet west of the intersection with CR 1000E, on land that is currently part of the Premier Cooperative grain elevator at 949 CR 700N, Tolono.

*Case 789-S-14 Petitioner:

Eastern Illini Electric Cooperative

Request:

Authorize an Electric Substation in the I-1 Light Industry Zoning District.

Location:

A 1.20 acre parcel located in St. Joseph Township in the East Half of the Southeast Quarter of Section 23 of Township 19N, Range 10E of the Third Principal Meridian, and commonly known as part of the field located on the west side of CR 2300E and located approximately 250 feet north of the intersection with CH 14.

7. Staff Report

8. Other Business

- A. Review of Docket

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

10. Adjournment

*Administrative Hearing. Cross Examination allowed.

1 Mr. Randol moved, seconded by Mr. Passalacqua to approve the September 11, 2014, and September
2 25, 2014, minutes as submitted.

3
4 Ms. Capel asked the Board if there were any corrections or additions to the minutes and there were none.

5
6 The motion carried by voice vote.

7
8 **5. Continued Public Hearing**

9
10 **Case 769-AT-13 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
11 **Ordinance by amending the Champaign County Storm Water Management Policy by changing the**
12 **name to the Storm Water Management and Erosion Control Ordinance and amending the reference**
13 **in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control**
14 **Ordinance as described in the legal advertisement which can be summarized as follows: I. Revise**
15 **existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to**
16 **have authority to prevent pollution of any stream or body of water. (Part A of the legal**
17 **advertisement); and II. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be**
18 **new Section 2 and add purpose statements related to preventing soil erosion and preventing water**
19 **pollution and fulfilling the applicable requirements of the National Pollutant Discharge System**
20 **(NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement); and III. Add new Section**
21 **3 titled Definitions to include definitions related to fulfilling the applicable requirements of the**
22 **National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of**
23 **the legal advertisement); and IV. Revised existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11,**
24 **12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance**
25 **activities including a including a requirement for a Land Disturbance Erosion Control Permit**
26 **including Minor and Major classes of Permits that are required within the Champaign County MS4**
27 **Jurisdictional Area; add a requirement that land disturbance of one acre or more in a common plan**
28 **of development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit**
29 **requirements; add fees and time limits for each class of Permit; add requirements for administration**
30 **and enforcement Permits; and add new Appendices with new standards and requirements for both**
31 **Minor and Major Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement); and V.**
32 **Revise existing Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation**
33 **onto adjacent properties and add minimum erosion and water quality requirements that are required**
34 **for all construction or land disturbance; and VI. Revise existing Section 5 to be new Section 8 and add**
35 **a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement); and VII.**
36 **Revise and reformat existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18.**
37 **(Parts G, I, J, P, Q, R, S and W of the legal advertisement).**

38
39 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the
40 witness register for that public hearing. She reminded the audience that when they sign the witness register
41 they are signing an oath. She asked the audience if anyone desired to sign the witness register at this time.

1
2 Ms. Capel asked the petitioner if he would like to make a brief statement regarding the request.
3
4 Mr. John Hall, Zoning Administrator, distributed an updated list of the Documents of Record for Case 769-
5 AT-13 dated October 16, 2014, to the Board for review. He stated that he had no new information for the
6 Board tonight and requested that Case 769-AT-13 be continued to the October 30, 2014, meeting.
7
8 Ms. Capel entertained a motion to continue Case 769-AT-13 to the October 30, 2014, meeting.
9
10 **Mr. Randol moved, seconded by Ms. Griest to continue Case 769-AT-13 to the October 30, 2014,**
11 **meeting. The motion carried by voice vote.**
12
13
14 **Case 773-AT-14 Petitioner: Zoning Administrator Request to amend the Champaign County Storm**
15 **Water Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by**
16 **adding the following: A. Add a requirement for a Grading and Demolition Permit for any grading or**
17 **demolition that disturbs an acre or more of land or for any grading or demolition that is part of a**
18 **larger common plan of development in which one acre or more of land disturbance will occur, and**
19 **that is not related to any proposed construction; and B. Add fees for Grading and Demolition Permits;**
20 **and C. Add required information to be provided in the application for a Grading and Demolition**
21 **Permit; and D. Add a requirement that any grading or demolition pursuant to a Grading or**
22 **Demolition Permit shall comply with the Illinois Environmental Protection Agency’s ILR 10 General**
23 **Storm Water Permit for Construction; and E. Add a requirement that any demolition pursuant to a**
24 **Demolition Permit shall comply with the Illinois Environmental Protection Agency’s regulations**
25 **enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos; and F.**
26 **Add prohibitions against changing the flow of water and blocking the flow of water; and G. Add other**
27 **requirements related to Grading and Demolition Permits.**
28
29 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the
30 witness register for that public hearing. She reminded the audience that when they sign the witness register
31 they are signing an oath. She asked the audience if anyone desired to sign the witness register at this time.
32
33 Ms. Capel asked the petitioner if he would like to make a brief statement regarding the request.
34
35 Mr. John Hall, Zoning Administrator, stated that he had no new information regarding this case tonight and
36 requested that Case 773-AT-13 be continued to the October 30, 2014, meeting.
37
38 Ms. Capel entertained a motion to continue Case 773-AT-13 to the October 30, 2014, meeting.
39
40 **Ms. Griest moved, seconded by Mr. Passalacqua to continue Case 773-AT-13 to the October 30, 2014,**
41 **meeting. The motion carried by voice vote.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

6. New Public Hearing

Case 787-V-14 Petitioner: Village of Foosland Request to authorize the construction and use of a municipal storage building in the R-2 Single Family Residence Zoning District with a front yard of 10 feet from the property line facing Park Street in lieu of the minimum 25 feet and a setback of 31 feet from the centerline of Park Street in lieu of the minimum 55 feet. Location: The North Half of Block 3 of Lamar Foos addition to the town of Foosland in Section 17 of Brown Township, commonly known as the Village Park located between 3rd and 4th Streets and between Lamar and Park Streets in the Village of Foosland, Champaign County Illinois.

Ms. Capel informed the audience that this is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of hands for those who would like to cross examine and each person will be called upon. She requested that anyone called to cross examine go to the cross examination microphone to ask any questions. She said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. She noted that no new testimony is to be given during the cross examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross examination.

Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. She reminded the audience that when they sign the witness register they are signing an oath. She asked the audience if anyone desired to sign the witness register at this time

Ms. Capel asked the petitioners if they desired to make a statement outlining the nature of their request.

Mr. Dale Sedberry, who resides at 200 Lamar, Foosland, stated that he had no new information to add to the case.

Ms. Capel called John Hall to testify.

Mr. John Hall, Zoning Administrator, stated that he had no new information to review with the Board tonight. He said that the Preliminary Memorandum dated October 9, 2014, includes two special conditions. He said that the first special condition is regarding the State of Illinois accessibility requirement, which the petitioner has graciously already gotten established with Doug Gamble, Accessibility Specialist with the State of Illinois Capital Development Board, so that is very clear. He said that the second special condition is regarding the State of Illinois Building Code requirements. He said that the proposed structure is a non-residential building therefore the state building code requirements apply. He said that the special conditions are also included in the Summary of Evidence.

Ms. Capel read the proposed special conditions as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

A. Regarding State of Illinois accessibility requirements:

- (1) Per the September 15, 2014, email from Douglas Gamble, Accessibility Specialist with the State of Illinois Capital Development Board, provide Accessible route from the accessible parking space north of the Community Center to the new storage building. The route should be asphalt or concrete, at least 36 inches wide, with a slope not to exceed 1:20 and a cross slope not to exceed 1:50.**
- (2) If the total cost of the proposed storage building exceeds \$50,000, the Zoning Administrator shall not approve a Zoning Use Permit for the proposed 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.**
- (3) The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed storage facility until the Zoning Administrator has verified that the warehouse storage facility as constructed does in fact comply with the Illinois Accessibility Code and Environmental Barriers Act.**

The special condition stated above is to ensure the following:
That the proposed Special Use meets applicable state codes for handicap Accessibility.

Ms. Capel asked Mr. Sedberry if he agreed to Special Condition A.

Mr. Sedberry stated that he agreed to Special Condition A.

B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed 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 is required to ensure the following:
That the proposed structure is safe and built to current standards.

Ms. Capel asked Mr. Sedberry if he agreed to Special Condition B.

1
2 Mr. Sedberry stated that he agreed to Special Condition B.
3
4 Ms. Capel called Clara Sedberry to testify.
5
6 Ms. Sedberry declined to testify.
7
8 Ms. Capel called Dale Sedberry to testify.
9
10 Mr. Sedberry declined to testify.
11
12 Ms. Capel called Susan Chavarria to testify.
13
14 Ms. Chavarria declined to testify.
15
16 Ms. Capel called John Hall to testify.
17
18 Mr. Hall stated that he was not sure if Mr. Sedberry was prepared for the special condition regarding
19 building codes. He said that the building codes are not a County requirement therefore they cannot be
20 waived.
21
22 Mr. Sedberry stated that he will have Cleary Buildings provide a document regarding compliance with all
23 required building codes.
24
25 Mr. Hall stated that such a document would be good for the building. He said that he is not sure if Cleary
26 Buildings will be prepared to make the same certification regarding the electrical. He said that the statement
27 regarding the state building code certifies that the structure is built according to a code therefore Cleary will
28 design and erect the shell of the building but if they are not completing the interior of the structure Mr.
29 Sedberry would need to contact someone early during the process so that they can be involved.
30
31 Ms. Capel closed the witness register.
32
33 Mr. Passalacqua asked Mr. Hall if, for the minutes, the Board needs to mention the minor pre-existing
34 nonconformity.
35
36 Mr. Hall stated that Mr. Passalacqua's concern is adequately addressed in the Summary of Evidence
37 although the Board could add the following statement to the last sentence in item #5.B(3): "and the ZBA
38 agreed at the October 16, 2014, public hearing."
39
40 Ms. Capel entertained a motion to approve the special conditions.
41

1 **Ms. Griest moved, seconded by Mr. Randol to approve the special conditions. The motion carried by**
2 **voice vote.**

3
4 **Findings of Fact for Case 787-V-14:**

5
6 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
7 787-V-14 held on October 16, 2014, the Zoning Board of Appeals of Champaign County finds that:

- 8
9 **1. Special conditions and circumstances DO exist which are peculiar to the land or**
10 **structure involved, which are not applicable to other similarly situated land and**
11 **structures elsewhere in the same district.**

12
13 Ms. Griest stated that special conditions and circumstances DO exist which are peculiar to the land or
14 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
15 same district because the building will be located in an existing park with many mature trees.

- 16
17 **2. Practical difficulties or hardships created by carrying out the strict letter of the**
18 **regulations sought to be varied WILL prevent reasonable or otherwise permitted use of**
19 **the land or structure or construction.**

20
21 Ms. Griest stated that practical difficulties or hardships created by carrying out the strict letter of the
22 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
23 or construction. She cited Summary of Evidence item #8.B.(1) as follows: "Without the proposed variance,
24 the Village would need to cut down more trees in its park in order to construct the storage building."

- 25
26
27 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**
28 **result from actions of the applicant.**

29
30 Mr. Passalacqua stated that the special conditions, circumstances, hardships, or practical difficulties DO
31 NOT result from actions of the applicant because the trees, power line, and buried phone line exist without
32 regard to the petitioner.

- 33
34 **4. The requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS in**
35 **harmony with the general purpose and intent of the Ordinance.**

36
37 Ms. Griest stated that the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS in
38 harmony with the general purpose and intent of the Ordinance because it is unlikely that Park Street will be
39 widened or require right of way for utilities.

- 40
41 **5. The requested variance, SUBJECT TO THE PROPOSED CONDITIONS, WILL NOT**

1 **be injurious to the neighborhood or otherwise detrimental to the public health, safety,**
2 **or welfare.**

3
4 Mr. Passalacqua stated that the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, WILL
5 NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare
6 because there is no effect.

7
8 **6. The requested variance, SUBJECT TO THE PROPOSED SPECIAL CONDITIONS,**
9 **IS the minimum variation that will make possible the reasonable use of the**
10 **land/structure.**

11
12 Ms. Griest stated that the requested variance, SUBJECT TO THE PROPOSED SPECIAL CONDITIONS, IS
13 the minimum variation that will make possible the reasonable use of the land/structure.

14
15 **7. The special conditions imposed herein are required for the particular purposes**
16 **described below:**

17 **A. Regarding State of Illinois accessibility requirements:**

- 18 (1) **Per the September 15, 2014, email from Douglas Gamble, Accessibility**
19 **Specialist with the State of Illinois Capital Development Board, provide**
20 **Accessible route from the accessible parking space north of the Community**
21 **Center to the new storage building. The route should be asphalt or concrete,**
22 **at least 36 inches wide, with a slope not to exceed 1:20 and a cross slope not**
23 **to exceed 1:50.**
- 24
25 (2) **If the total cost of the proposed storage building exceeds \$50,000, the Zoning**
26 **Administrator shall not approve a Zoning Use Permit for the proposed storage**
27 **facility without certification by an Illinois Licensed Architect or Illinois**
28 **Professional Engineer that the new building will comply with the Illinois**
29 **Accessibility Code and Illinois Environmental Barriers Act.**
- 30
31 (3) **The Zoning Administrator shall not authorize a Zoning Compliance**
32 **Certificate authorizing operation of the proposed storage facility until**
33 **the Zoning Administrator has verified that the warehouse storage facility**
34 **as constructed does in fact comply with the Illinois Accessibility Code and**
35 **Environmental Barriers Act.**

36
37 The special condition stated above is to ensure the following:
38 **That the proposed Special Use meets applicable state codes for handicap**
39 **Accessibility.**

40
41 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**

1 **authorizing occupancy of the proposed storage facility until the Zoning Administrator**
2 **has received a certification of inspection from an Illinois Licensed Architect or other**
3 **qualified inspector certifying that the new building complies with the following**
4 **codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008**
5 **or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing**
6 **Code.**

7
8 The special condition stated above is required to ensure the following:
9 **That the proposed structure is safe and built to current standards.**

10
11 Ms. Capel entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of
12 Fact as amended.

13
14 **Ms. Griest moved, seconded by Mr. Randol to adopt the Summary of Evidence, Documents of Record**
15 **and Findings of Fact as amended. The motion carried by voice vote.**

16
17 Ms. Capel entertained a motion to move to the Final Determination for Case 787-V-14.

18
19 **Ms. Griest moved, seconded by Ms. Lee to move to the Final Determination for Case 787-V-14. The**
20 **motion carried by voice vote.**

21
22 Mr. Capel informed the petitioner that two Board members were absent therefore it is at his discretion to
23 either continue Case 787-V-14 until a full Board is present or request that the present Board move to the
24 Final Determination. She informed the petitioner that four affirmative votes are required for approval.

25
26 Mr. Sedberry requested that the present Board move to the Final Determination.

27
28 **Final Determination for Case 787-V-14:**

29
30 **Ms. Griest moved, seconded by Mr. Passalacqua that the Champaign County Zoning Board of**
31 **Appeals finds that, based upon the application, testimony, and other evidence received in this case,**
32 **that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**
33 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals**
34 **of Champaign County determines that the Variance requested in Case 787-V-14 is hereby GRANTED**
35 **WITH CONDITIONS to the petitioner Village of Foosland to authorize the following variances in the**
36 **R-2 Single Family Residence Zoning District:**

37 **Authorize the construction and use of a municipal storage building in the R-2 Single**
38 **Family Residence Zoning District with a front yard of 10 feet from the property line**
39 **facing Park Street in lieu of the minimum 25 feet and a setback of 31 feet from the**
40 **centerline of Park Street in lieu of the minimum 55 feet.**

1 Subject to the following conditions:

2
3 A. Regarding State of Illinois accessibility requirements:

- 4 (1) Per the September 15, 2014, email from Douglas Gamble, Accessibility
5 Specialist with the State of Illinois Capital Development Board, provide
6 Accessible route from the accessible parking space north of the Community
7 Center to the new storage building. The route should be asphalt or concrete,
8 at least 36 inches wide, with a slope not to exceed 1:20 and a cross slope not
9 to exceed 1:50.
- 10
- 11 (2) If the total cost of the proposed storage building exceeds \$50,000, the Zoning
12 Administrator shall not approve a Zoning Use Permit for the proposed storage
13 facility without certification by an Illinois Licensed Architect or Illinois
14 Professional Engineer that the new building will comply with the Illinois
15 Accessibility Code and Illinois Environmental Barriers Act.
- 16
- 17 (3) The Zoning Administrator shall not authorize a Zoning Compliance
18 Certificate authorizing operation of the proposed storage facility until
19 the Zoning Administrator has verified that the warehouse storage facility
20 as constructed does in fact comply with the Illinois Accessibility Code and
21 Environmental Barriers Act.
- 22

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

24 That the proposed Special Use meets applicable state codes for handicap
25 Accessibility.

- 26
- 27 B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate
28 authorizing occupancy of the proposed storage facility until the Zoning Administrator
29 has received a certification of inspection from an Illinois Licensed Architect or other
30 qualified inspector certifying that the new building complies with the following
31 codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008
32 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing
33 Code.
- 34

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

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

37
38 Ms. Capel requested a roll call vote:

39	Lee-yes	Miller-absent	Passalacqua-yes
40	Randol-yes	Thorsland-absent	Griest-yes

1 **Capel-yes**

2
3 Mr. Hall informed the petitioners that they have received an approval for their request and staff will be in
4 touch soon regarding permitting.

5
6 **Case 790-V-14 Petitioner: Mary Freese and Dave Freese, Agent Request to authorize the following in**
7 **the AG-1 District: Part A. The creation and use of a lot that is 3.968 acres in area on best prime**
8 **farmland in lieu of the maximum allowed three acres on best prime farmland required by Footnote 13**
9 **in Section 5.3; and Part B. The rebuilding, if necessary, of a nonconforming dwelling with a setback of**
10 **54.5 feet in lieu of the minimum required setback of 55 feet and a front yard of 14.5 feet in lieu of the**
11 **minimum required 25 feet required by Section 5.3. Location: A proposed 3.968 acre tract in Mahomet**
12 **Township in the South Half of the South Half of the South Half of Section 28 of Township 20N, Range**
13 **7 East of the Third Principal Meridian and commonly known as the farmstead located at 250 CR**
14 **1900N, Seymour.**

15
16 Ms. Capel informed the audience that this is an Administrative Case and as such the County allows anyone
17 the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of
18 hands for those who would like to cross examine and each person will be called upon. She requested that
19 anyone called to cross examine go to the cross examination microphone to ask any questions. She said that
20 those who desire to cross examine are not required to sign the witness register but are requested to clearly
21 state their name before asking any questions. She noted that no new testimony is to be given during the
22 cross examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
23 exempt from cross examination.

24
25 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the
26 witness register for that public hearing. She reminded the audience that when they sign the witness register
27 they are signing an oath. She asked the audience if anyone desired to sign the witness register at this time.

28
29 Ms. Capel asked the petitioners if they desired to make a statement outlining the nature of their request.

30
31 Mr. David Freese, who resides at 1301 Shellbark Ct, Washington, stated that the subject property is a family
32 farm that his parents purchased in 1971. He said that his father retired from farming over eight years ago
33 and has been cash renting the property during that time. He said that last November, due to health reasons,
34 his parents moved into a nursing home therefore the house has been empty for the last eight or nine months.
35 He said that he and his parents do not want the house sitting empty because he lives near Peoria and it is a
36 long drive to get to the property to perform maintenance. He said that the house and all of the outbuildings
37 are for sale and they currently have a buyer who is interested in purchasing the property. He said that in
38 order to encompass all of the outbuildings the property must be larger than the allowed maximum of three
39 acres on best prime farmland. He said that in order to create a logical sized property which will encompass
40 all of the structures a 4.4 acre lot was proposed which will also allow 15 feet along the property for
41 maintenance. He said that the buyer is currently engaged in farming and is planning to potentially have

1 livestock therefore the property will continue its agricultural use. Mr. Freese stated that because the property
2 is within one and one-half miles of Mahomet he was required to subdivide with Mahomet. He said that
3 Mahomet requires a 40 foot half right of way which will place the house 14.5 feet from the property line
4 therefore requiring the second variance request. He said that it is anticipated that the new owner will want to
5 construct a garage addition to the home and with the approval of the variance they will not be required to
6 have the new addition set back over ten feet from the front of the house.
7

8 Ms. Capel asked staff if there were any questions for Mr. Freese.
9

10 Mr. Hall asked Mr. Freese if he expects the buyer to build an addition which is in line with the existing
11 home.
12

13 Mr. Freese stated that the buyer has not mentioned such a request but Mr. Freese is anticipating that the first
14 thing that the buyer will want to do is add on a two-car garage which is in line with the existing home.
15

16 Mr. Hall stated that the variance is for whatever is shown on the approved site plan and at this point it is the
17 house as it sits. He said that if Mr. Freese would like to amend the site plan the Board may be willing to
18 approve, however many feet a two-car garage might be, otherwise the buyer would have to come back for a
19 new variance when he is ready to build the addition. Mr. Hall stated that the decision to allow such a
20 revision is entirely up to the Board and if they are agreeable Mr. Freese could make that change tonight.
21

22 Mr. Freese stated that he would like to keep the process moving along and get the deal closed therefore, if
23 the Board is agreeable, he would like to amend the site plan tonight.
24

25 Mr. Hall asked Mr. Freese if he knows what the dimension of a two-car garage would be. He said that if the
26 Board is willing they could provide for a two-car garage addition and if anything more than a two-car garage
27 is desired then the buyer would need to come back before the Board for a new variance. He said that if the
28 addition is a two-car garage that exceeds what anyone would normally think what a two-car garage should be
29 then that wouldn't be a problem.
30

31 Mr. Freese stated that he would be fine with that.
32

33 Mr. Passalacqua asked Mr. Freese if the home currently has an attached one-car garage.
34

35 Mr. Freese stated yes.
36

37 Mr. Passalacqua stated that the property also has outbuildings.
38

39 Mr. Freese stated yes.
40

41 Mr. Passalacqua asked Mr. Hall if the Board should indicate an estimated dimension of 15' x 24' for the

1 addition.
2
3 Mr. Hall stated that he would not recommend inserting dimensions.
4
5 Mr. Passalacqua stated that if amending the site plan will simplify things and sweeten the deal for the sale
6 then he doesn't see a problem. He said that this is one of those cases where he is ready to approve it now.
7
8 Mr. Hall stated that the approved site plan can indicate in dashed lines a future two-car garage addition on
9 the east side of the existing home.
10
11 Mr. Passalacqua stated that the buyer will still need to obtain a Zoning Use Permit if they do indeed desire to
12 construct a two-car garage.
13
14 Mr. Freese stated that they were concerned about the required 40 feet right of way by the Village of
15 Mahomet which makes the house only 15 feet from the property line.
16
17 Ms. Capel asked the Board if there were any additional questions for Mr. Freese and there were none.
18
19 Ms. Capel asked if staff had any additional questions for Mr. Freese and there were none.
20
21 Ms. Capel asked the audience if anyone desired to cross examine Mr. Freese and there was no one.
22
23 Ms. Capel called Susan Chavarria to testify.
24
25 Ms. Chavarria, Associate Planner, distributed Attachment A, Annotated Site Plan dated October 16, 2014,
26 and photographs of the subject property to the Board for review. She said that Attachment A is regarding
27 best prime farmland and illustrates that within the black hashed area the owner is seeking to add a minimum
28 amount of best prime farmland. She said that Attachment A. will be added to the Documents of Record
29 under item #2.A. She said that the photographs will be listed as Attachment F. and will be added under
30 Documents of Record item #2.B. She said that an email was received by staff on October 7, 2014, and will
31 be mentioned on page 9 of the Summary of Evidence under item #11.E. and also listed as Document of
32 Record item #3. She said that the email indicated that Mr. Steve Meyers, Farm Manager with Busey Ag
33 Services, representing Foster Family Limited Partnership, called today to let staff know that he and his
34 clients have no issues with the requested variance by their adjacent landowner Mary Freese.
35
36 Ms. Capel asked the audience if anyone desired to sign the witness register to present testimony regarding
37 this case and there was no one.
38
39 Ms. Capel closed the witness register.
40
41 Ms. Capel read the proposed special condition as follows:

1
2 **A. The Zoning Administrator shall not authorize a Zoning Use Permit Application**
3 **or issue a Zoning Compliance Certificate on the subject property until the petitioner**
4 **has received subdivision approval from the Village of Mahomet.**

5
6 The special condition stated above is required to ensure the following:
7 **That the proposed lot expansion is in compliance with the Village of Mahomet**
8 **subdivision regulations.**
9

10 Ms. Capel asked Mr. Freese if he agreed to Special Condition A.

11
12 Mr. Freese stated that he agreed to Special Condition A.

13
14 Ms. Capel entertained a motion to approve the special condition as read.

15
16 **Ms. Griest moved, seconded by Ms. Lee to approve Special Condition A. as read. The motion carried**
17 **by voice vote.**

18
19 Mr. Hall noted that a new item #4 should be added to the Documents of Record indicating the following:
20 Amended Site Plan at the October 16, 2014, public hearing with a two-car garage addition.

21
22 Mr. Passalacqua stated that such language indicates that the Board is approving construction now. He asked
23 if perhaps the word “future” should be inserted.

24
25 Mr. Hall stated that new item #4 could read as follows: Amended Site Plan at the October 16, 2014, public
26 hearing with a future two-car garage addition.

27
28 **Findings of Fact for Case 790-V-14:**

29
30 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
31 790-V-14 held on October 16, 2014, the Zoning Board of Appeals of Champaign County finds that:

- 32
33 **1. Special conditions and circumstances DO exist which are peculiar to the land or**
34 **structure involved, which are not applicable to other similarly situated land and**
35 **structures elsewhere in the same district.**
36

37 Ms. Griest stated that special conditions and circumstances DO exist which are peculiar to the land or
38 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
39 same district. She requested that the Board copy the text from Summary of Evidence items #7.B(2) and (3)
40 as follows: The house and all outbuildings were constructed prior to the adoption of the Zoning Ordinance
41 on October 10, 1973; and the proposed lot contains an existing homestead, outbuildings and lawn.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

2. **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.**

Ms. Griest stated that 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. Ms. Griest requested that the Board copy the text from Summary of Evidence items #8.B and C. as follows: Regarding Part A of the variance, the amount of additional best prime farmland converted in the creation of the lot has been minimized consistent with simple lines of tillage and providing 15 feet side and rear yards to ensure ease of maneuvering farm machinery; and Regarding Part B of the variance, the existing dwelling and outbuildings were constructed prior to adoption of the Zoning Ordinance in October 10, 1973.

3. **The special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.**

Mr. Passalacqua stated that the special conditions, circumstances, hardships or practical difficulties DO NOT result from actions of the applicant because the special conditions, circumstances, hardships or practical difficulties are pre-existing conditions.

4. **The requested variance, SUBJECT TO THE PROPOSED CONDITION, IS in harmony with the general purpose and intent of the Ordinance.**

Mr. Passalacqua stated that the requested variance, SUBJECT TO THE PROPOSED CONDITION, IS in harmony with the general purpose and intent of the Ordinance because it provides for the sale of the property with minimal hardship.

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

Mr. Passalacqua stated that the requested variance, SUBJECT TO THE PROPOSED CONDITION, WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because the property is unchanged.

6. **The requested variance, SUBJECT TO THE PROPOSED CONDITION, IS the minimum variation that will make possible the reasonable use of the land/structure.**

Ms. Griest stated that the requested variance, SUBJECT TO THE PROPOSED CONDITION, IS the minimum variation that will make possible the reasonable use of the land/structure.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

7. **The special conditions imposed herein are required for the particular purposes described below:**

A. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioner has received subdivision approval from the Village of Mahomet.**

The special condition stated above is required to ensure the following:
That the proposed lot expansion is in compliance with the Village of Mahomet subdivision regulations.

Ms. Capel entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended.

Ms. Lee moved, seconded by Ms. Griest to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended. The motion carried by voice vote.

Ms. Capel entertained a motion to move to the Final Determination for Case 790-V-14.

Mr. Passalacqua moved, seconded by Ms. Lee to move to the Final Determination for Case 790-V-14. The motion carried by voice vote.

Mr. Capel informed the petitioner that two Board members were absent therefore it is at his discretion to either continue Case 790-V-14 until a full Board is present or request that the present Board move to the Final Determination. She informed the petitioner that four affirmative votes are required for approval.

Mr. Freese requested that the present Board move to the Final Determination.

Final Determination for Case 790-V-14:

Ms. Griest moved, seconded by Mr. Passalacqua that 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 been met, 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 790-V-14 is hereby GRANTED WITH CONDITIONS to the petitioners Mary Freese and David Freese, Agent, to authorize the following:

Part A. The creation and use of a lot that is 3.968 acres in area on best prime farmland in lieu of the maximum allowed three acres on best prime farmland required by Footnote 13 in Section 5.3; and

1
2 **Part B. The rebuilding, if necessary, of nonconforming dwelling with a setback of 54.5**
3 **feet in lieu of the minimum required setback of 55 feet and a front yard of 14.5 feet in**
4 **lieu of the minimum required 25 feet required by Section 5.3.**

5
6 **SUBJECT TO THE FOLLOWING CONDITION:**

7
8 **A. The Zoning Administrator shall not authorize a Zoning Use Permit Application**
9 **or issue a Zoning Compliance Certificate on the subject property until the**
10 **petitioner has received subdivision approval from the Village of Mahomet.**

11
12 The special condition stated above is required to ensure the following:
13 **That the proposed lot expansion is in compliance with the Village of Mahomet**
14 **subdivision regulations.**

15
16 Ms. Capel requested a roll call vote.

17
18 **Lee-yes Miller-absent Passalacqua-yes**
19 **Randol-yes Thorsland-absent Griest-yes**
20 **Capel-yes**

21
22 Mr. Hall informed the petitioner that he has received an approval of his request. He said that staff will mail
23 out the appropriate paperwork as soon as possible. He noted that if Mr. Freese had any questions he should
24 feel free to call the office.

25
26 **7. Staff Report**

27
28 None

29
30 **8. Other Business**

31 **A. Review of Docket**

32
33 Mr. Hall distributed an updated docket dated October 16, 2014, to the Board for review. He said that it
34 appears that after the October 30th meeting the Board will not be very busy although there will be other cases
35 submitted. He said that considering there is only one meeting scheduled for November and December it is a
36 good thing that the docket is not as full.

37
38 Ms. Lee asked Mr. Hall when the January, 2015 meeting will be held.

39
40 Mr. Hall stated that the date of the January, 2015 meeting is unknown until the new County Board
41 establishes and approves their 2015 meeting calendar. He said that generally staff prepares the new ZBA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

calendar in late December.

Mr. Passalacqua asked Mr. Hall if staff has completed the compliance inspection for the roofing company.

Mr. Hall stated no, although staff has received and approved the Change of Use Permit. He said that staff wanted to give the applicant the required time between the permit and the inspection.

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

None

10. Adjournment

Ms. Capel entertained a motion to adjourn the meeting.

Ms. Lee moved, seconded by Ms. Griest to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 7:47 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

CASE NO. 788-S-14
PRELIMINARY MEMORANDUM

November 6, 2014

Petitioner: **Eastern Illini Electric Cooperative**
Alan Schweighart, Agent, Vice President of Operations and Engineering

Request: **Authorize an Electric Substation in the I-1 Light Industry Zoning District**

Location: **A proposed 1.08 acre parcel located in Tolono Township in the North Half of the Northeast Quarter of the Northeast Quarter of Section 34 of Township 18 N, Range 8 E of the Third Principal Meridian and commonly known as part of the field located on the south side of CR700N and located 1,000 feet west of the intersection with CR1000E, on land that is currently part of the Premier Cooperative grain elevator at 949 CR 700N, Tolono.**

Site Area: **1.08 acres (47,045 square feet)**

Time Schedule for Development: **As Soon as Possible**

Prepared by: **Susan Chavarria**
Associate Planner

John Hall
Zoning Administrator

BACKGROUND

Petitioner Eastern Illini Electric Cooperative requests a Special Use Permit to construct an electric substation at Premier Cooperative in Tolono. Premier Cooperative is expanding its operations and will need additional electric supply to meet demand. The petitioners are working on either purchase or 99 year lease of the land from Premier Cooperative to construct the substation.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of the Village of Tolono, a municipality with zoning.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Agriculture adjacent to grain elevator	I-1 Light Industry
North	Agriculture	AG-1 Agriculture
East	Single family residences	R-2 Residential (Tolono)
West	Agriculture and Premier Cooperative fuel and United Prairie facilities (Case 752-S-13)	I-1 Light Industry
South	Agriculture	I-1 Light Industry

SAFETY IMPACTS

No safety impacts are expected due to anticipated low traffic volumes to the substation and the petitioner constructing a security fence and lighting.

PROPOSED SPECIAL CONDITIONS

There are no special conditions proposed at this time.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received October 1, 2014
- C Lighting specifications "NEMA Head Package Series 11 PKG" dated October 1, 2014
- D Natural Resources Report from Champaign County Soil and Water Conservation District received October 3, 2014
- E Site Visit Photos taken October 20, 2014
- F Draft Summary of Evidence, Finding of Fact, and Final Determination

Location Map

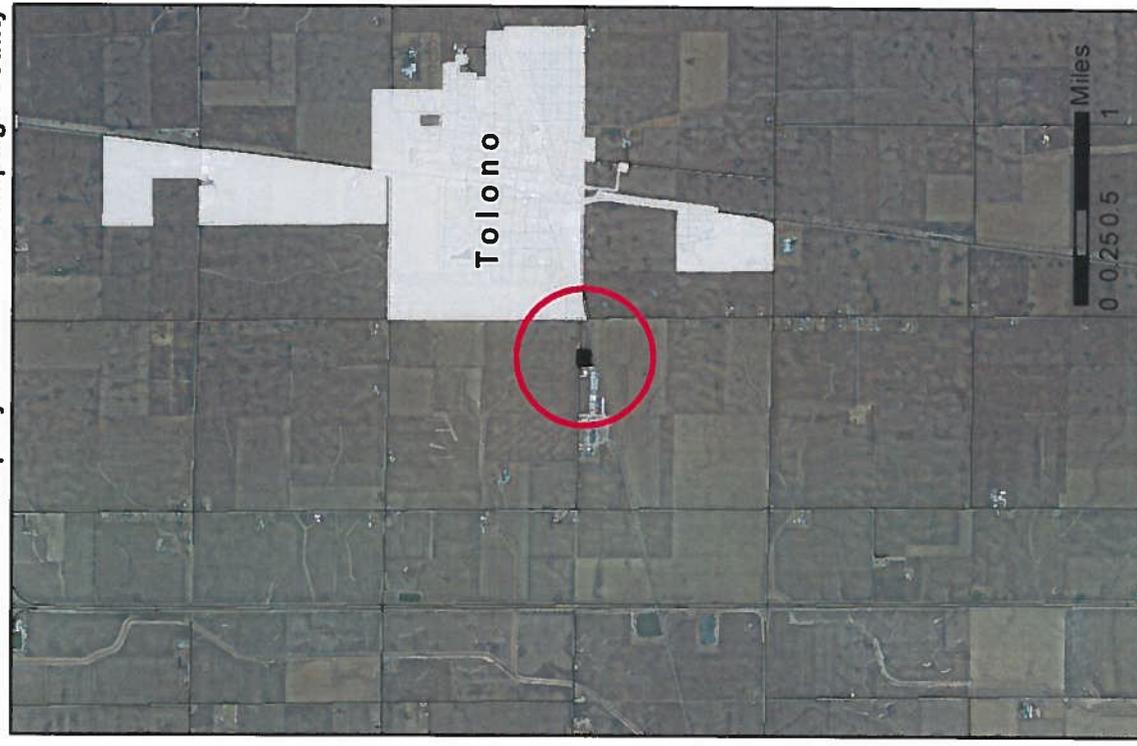
Case 788-S-14

November 13, 2014

Subject Property



Property location in Champaign County



Legend

-  Premier Cooperative
-  Subject Property



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

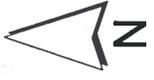
Case 788-S-14

November 13, 2014



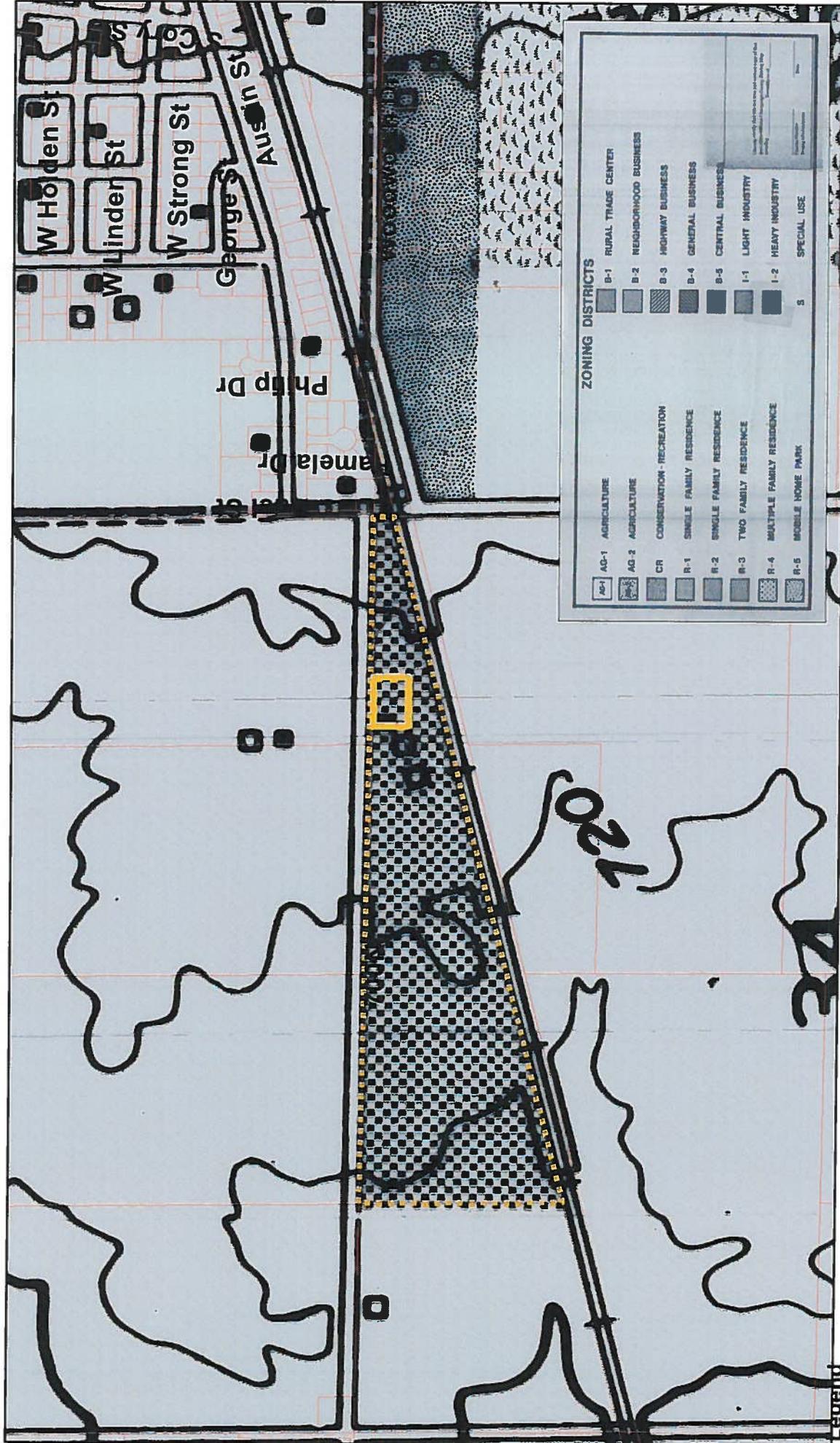
Legend

- Premier Cooperative
- Subject Property
- Agriculture
- SF Residential
- Commercial/Rail
- Municipal
- Mobile Home Park



Champaign County
Department of
PLANNING &
ZONING

Zoning Map
 Case 788-S-14
 November 13, 2014



Legend
 Subject Property
 Premier Cooperative





Consistent with LEED® goals & Green Globes™ criteria for light pollution reduction

NEMA Head Package Series 11 PKG

Security Lighting
50-250W HPS, 100-150W MH

PRODUCT OVERVIEW



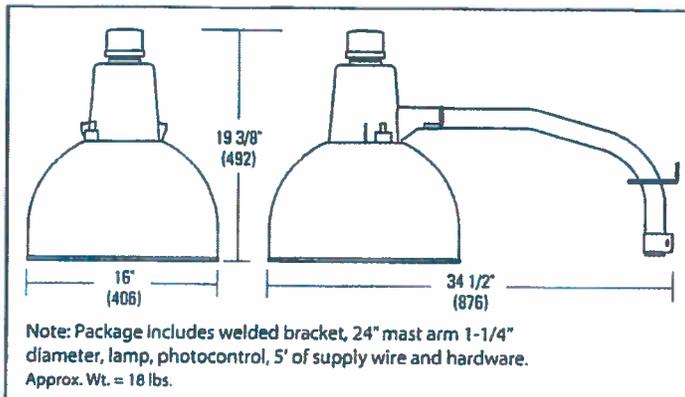
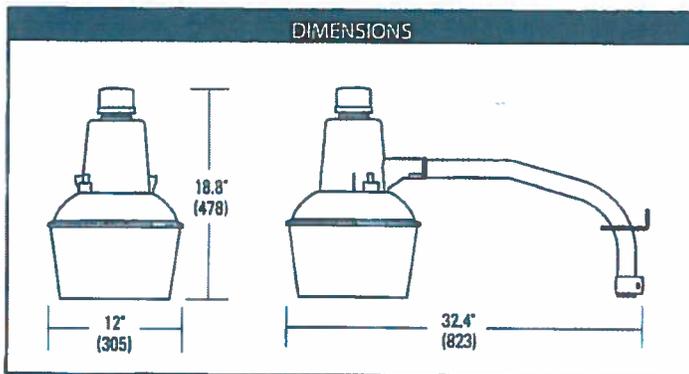
Features:

- Die-cast aluminum head meets NEMA dimension standards
- For quick easy installation of mast arm, a cast-in external slipfitter is used for a secure mounting
- Available in a variety of IES light distributions patterns including full cutoff
- Tools are not required to install reflector and refractor
- Includes 24", 1-1/4" diameter mast arm with welded brackets, lamp, photocontrol, 5' of supply wire, and hardware
- All electrical components warranted by American Electric Lighting's 6-year guarantee
- All components in single carton
- Open bottom acrylic, polycarbonate, or glass
- Suitable for -30°C MH / -40°C HPS
- Complies with ANSI: C136.2, C136.6, C136.10

Applications:

- Security areas
- Storage yards
- Loading areas
- Receiving areas

PREFERRED SELECTION CATALOG NUMBERS
11PKG 10S RN 120 R5 BA EC
11PKG 15S RN 120 R5 BA EC
11PKG 10M XN 120 R5 BA MDO



RECEIVED

OCT - 1 2014

CHAMPAIGN CO. P & Z DEPARTMENT

NEMA Head Package Series 11 PKG

Security Lighting

50-250W HPS, 100-150W MH

ORDERING INFORMATION

Example: 11PKG 15S RN 120 R5 BA EC

Series	Wattage / Source	Ballast	Voltage	Distribution	Optics
11PKG NEMA Head Package Package Includes 24" mast arm, lamp, photocontrol, supply wire and hardware	05 50W 07 70W 10 100W 15 150W 25 250W	S HPS M MH RN Reactor/Normal Power Factor XN High Reactance/Lag Normal Power Factor	120 120V 208 208V 240 240V 277 277V MT1 120V Multi-tap MT8 208V Multi-tap MT2 240V Multi-tap MT7 277V Multi-tap	R2 Type II R3 Type III R5 Type V	BA Open Bottom Acrylic ¹ BP Open Bottom Polycarbonate ¹ FC Full Cutoff ^{1, 2, 3} BG Open Bottom Glass ¹ VBA Vented Bottom Acrylic (required for mogul base MH only) ⁴

Options

Photocontrol

(blank) Photocontrol included per voltage specified

Starter⁴

(blank) Open Board (standard)
EC Encapsulated Starter

Lamp

(blank) Lamp Included, Clear
LD Lamp Included, Deluxe/Coated

Misc.

NL NEMA Label
MDO Medium Base Socket, Open Rated (100W and 150W MH only)⁵

Notes:

- MH version requires open rated socket (MDO)
- Available in R5 distribution only
- Nighttime Friendly™ optic
- HPS only
- Open rated lamp supplied
- To be used with MH version fixtures only.

Optic Distribution

	R2.BA	R2.BG	R2.BP	R3.BA	R3.BG	R3.BP	R5.BA	R5.BG	R5.BP	R5.FC	R5.VBA
05S	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲
07S	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲
10S	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲
10M	▲ ¹	▲ ¹	-	▲ ¹	▲ ¹	-	▲ ¹	▲ ¹	-	▲ ¹	▲
15S	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲
15M	▲ ¹	▲ ¹	-	▲ ¹	▲ ¹	-	▲ ¹	▲ ¹	-	▲ ¹	▲
20S	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲
25S	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲

Note:

- Must order MDO option and use open-rated lamp

RECEIVED

OCT - 1 2014

CHAMPAIGN CO. P & Z DEPART



NEMA Head Package Series 11 PKG

Security Lighting
50-250W HPS, 100-150W MH

BALLAST MATRIX

Nema Head Package Series 11PKG

Watts	120	200	240	277	MT1	MT2	MT3	MTB
055	RN XN	XN	XN	XN	XN	XN	XN	XN
075	RN	XN						
105	RN	XN						
10M	XN	-	-	-	-	-	-	-
155	RN	XN						
15M	XN	XN	XN	XN	XN	XN	XN	XN
205	XN	-	RN	-	-	-	-	-
255	XN	-	RN	-	-	-	-	-

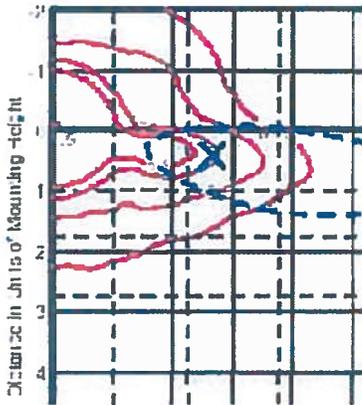
PHOTOMETRICS

11PKG 155 R2 BA

ISOILLUMINANCE PLOT I

Mounting Height = 20 ft

Classification: Type II, Medium, Noncutoff

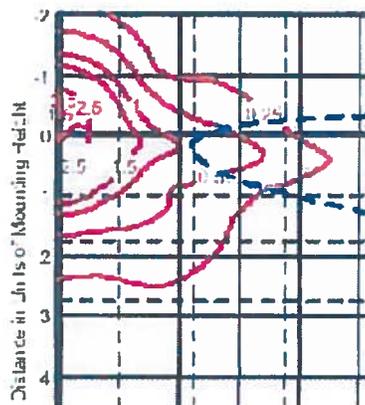


11PKG 205 R2 BP

ISOILLUMINANCE PLOT II

Mounting Height = 20 ft

Classification: Type II, Long, Noncutoff

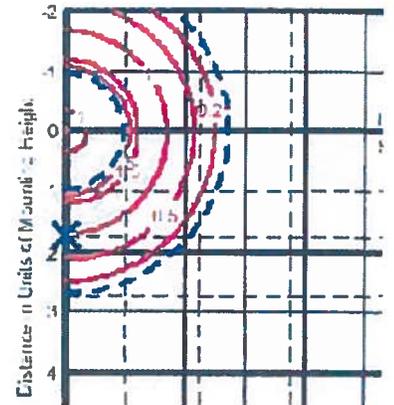


11PKG 105 R5 FC

ISOILLUMINANCE PLOT (F)

Mounting Height = 20 ft

Classification: Type V, Full Cutoff



X Maximum Intensity
--- 1/2 Maximum Intensity

RECEIVED

OCT - 1 2014

CHAMPAIGN CO. P & Z DEPARTMENT



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- fax 855-289-5179
www.ccswcd.com

NATURAL RESOURCE REPORT

Development Name: Eastern Illini Electric Cooperative Tolono

Date Reviewed: September 24, 2014

Requested By: Alan F. Schweighart

Address: 407 E. Pells
Paxton, IL 60957

Location of Property: A part of the NW ¼ of sec. 34 T.18N., R.8E., 3rd. P.M.

RECEIVED

OCT - 3 2014

CHAMPAIGN CO. P & Z DEPARTMENT

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on September 18th 2014.





Champaign County

Soil and Water Conservation District
 2110 West Park Court Suite C Champaign, IL 61821
 (217) 352-3536 Extension 3 --- fax 855-289-5179
 www.ccsxcd.com

SITE SPECIFIC CONCERNS

1. The area that is to be developed has 2 soil types (Drummer Silt Clay Loam 152A, Flannigan Silt Clay Loam) that is severe wetness or ponding on dwellings with a basement.

SOIL RESOURCE

a) Prime Farmland:

Prime Farmland soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils.

This tract is considered best prime farmland for Champaign County.

This tract has an L.E. Factor of 100; see the attached worksheet for this calculation.

b) Soil Characteristics:

There is only two (2) soil types on this site; see the attached soil map. The soil present has severe limitations for development in its natural, unimproved state. The possible limitations include severe wetness or ponding in shallow excavations. A development plan will have to take the soil characteristics into consideration.

Map Symbol	Name	Slope	Shallow			Septic Fields	Steel Corrosion	Concrete Corrosion
			Excavations	Basements	Roads			
152A	Drummer Silty Clay Loam	0-2%	Severe ponding	Severe ponding	Severe ponding	Severe ponding	high	moderate
154A	Flannigan Silty Clay Loam	0-2%	Severe wetness	Severe wetness	Severe, low strength	Severe wetness	high	moderate

c) Erosion:

This area will be susceptible to erosion both during and after construction. Any areas left bare for more than 7 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area is covered with Corn residue at the time of inspection.



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- fax 855-289-5179
www.ccsxcd.com

d) Sedimentation:

A complete erosion and sedimentation control plan should be developed and implemented on this site prior to and during major construction activity. The complete erosion and sedimentation control plan needs to include matanice items that will need to be carried out by the owners once the contractors are gone. All sediment-laden runoff to be routed through sediment basins and discharged only after the sediment has been removed. Silt fences should be used in flow areas with drainage areas that do not exceeding 0.5 acres. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control. The website is: <http://www.aiswcd.org/IUM/>

WATER RESOURCE

a) Surface Drainage:

The site does not currently have large elevation changes. Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much of possible should be considered.

b) Subsurface Drainage:

This site may contain agricultural tile, if any tile is found care should be taken to maintain the tile in working order.

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



Champaign County

Soil and Water Conservation District
 2110 West Park Court Suite C Champaign, IL 61821
 (217) 352-3536 Extension 3 --- fax 855-289-5179
www.ccsxcd.com

c) Water Quality:

As long as adequate erosion and sedimentation control systems are installed as described above, the quality of water should not be significantly impacted.

EPA Stormwater Pollution Prevention Plan Reference Tool:

EPA requires a plan to control stormwater pollution for all construction sites over 1 acre in size. *A Guide for Construction Sites* is a reference tool for construction site operators who must prepare a SWPPP in order to obtain NPDES permit coverage for their stormwater discharges. The guide describes the SWPPP development process and provides helpful guidance and tips for developing and implementing an effective plan.

Two model plans, based on hypothetical sites, are now available as a supplement to the guide. The first example plan is for a medium-sized residential subdivision and the second is for a small commercial site. Both examples utilize the SWPPP template that is included in the guide. To view the guide, models and template, visit

<http://www.epa.gov/npdes/swpppguide>.

d) Low impact development:

The EPA's new report, "Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices." Provides ideas to improve water quality through unique designs. The report contains 17 case studies from across North America that show using LID practices in construction projects can lower costs while improving environmental results. LID practices are innovative stormwater management practices used to manage urban stormwater runoff at its source. The goal of LID practices is to mimic the way water moves through an area before development occurs, which is achieved using design techniques that infiltrate, evapotranspire and reuse runoff close to its source. Some common LID practices include rain gardens, grassed swales, cisterns, rain barrels, permeable pavements and green roofs. LID practices increasingly are used by communities across the country to help protect and restore water quality. For a copy of the report, go to www.epa.gov/owow/nps/lid/costs07.



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- fax 855-289-5179
www.ccsxcd.com

CULTURAL, PLANT, AND ANIMAL RESOURCE

a) Cultural:

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

b) Illinois Endangered Species Protection Act & Illinois Natural Areas Preservation Act:

State agencies or units of local government must consult the Department about proposed actions that they will authorize, fund or perform. Private parties do not have to consult, but they are liable for prohibited taking of state-listed plants or animals or for adversely modifying a Nature Preserve or a Land and Water Reserve.

Home rule governments may delegate this responsibility, through duly enacted ordinances, to the parties seeking authorization or funding of the action.

The Illinois Natural Heritage Database Contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

c) Plant:

For eventual landscaping of the site, the use of native species is recommended whenever possible.

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

Signed by Steve Stierwalt
Steve Stierwalt
Board Chairman
Vice

Prepared by Jonathon Manuel
Jonathon Manuel
Resource Conservationist



Eastern Illini Electric Cooperative Tolono

Date: 9/24/2014

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012

State and County: IL, CHAMPAIGN



Legend

 Eastern Illini Tolono





Eastern Illini Electric Cooperative Tolono

Date: 9/24/2014

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012

State and County: IL, CHAMPAIGN



Legend

-  Eastern Illini Tolono
-  fe_2007_17019_edges



LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
152A	Drummer	2	100	0.5	50.0
154 A	Flannigan	1	100	0.5	50.0
					0.0
					0.0
					0.0
					0.0
					0.0

acreage for calculation slightly larger than tract acreage due to rounding of soils program

Total LE Weighted Factor= 100

Acreage= 1

Land Evaluation Factor For Site= 100

Note: A Soil Classifier could be hired for additional accuracy if desired

Data Source: Champaign County Digital Soil Survey



Eastern Illini Electric Cooperative Tolono

Date: 9/24/2014

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Field Office: CHAMPAIGN SERVICE CENTER

Assisted By: JONATHON MANUEL

2012

State and County: IL, CHAMPAIGN



Legend

MUSYM

152A

154A

Eastern Illini Tolono





Applicant: Champaign County Soil & Water Conservation District **IDNR Project Number:** 1504953
Contact: Jonathon Manuel **Date:** 09/25/2014
Address: 2110 West Park Court
Suite C
Champaign, IL 61821

Project: Tolono sub
Address: 2110 West Park Court Suite C, Champaign

Description: new Substation

Natural Resource Review Results

This project was submitted for information only. It is not a consultation under Part 1075.

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

Location

The applicant is responsible for the accuracy of the location submitted for the project.



County: Champaign

Township, Range, Section:

18N, 8E, 27

18N, 8E, 34

IL Department of Natural Resources

Contact

Impact Assessment Section

217-785-5500

Division of Ecosystems & Environment

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

IDNR Project Number: 1504953

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.



Eastern Illini Electric Cooperative Tolono

Date: 9/24/2014

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012

State and County: IL, CHAMPAIGN



Legend

 Eastern Illini Tolono





Eastern Illini Electric Cooperative Tolono

Date: 9/24/2014

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012

State and County: IL, CHAMPAIGN



Legend

- 3_T18N_R08E_SEC27
- 3_T18N_R08E_SEC34
- Eastern Illini Tolono
- fe_2007_17019_edges





Eastern Illini Electric Cooperative Tolono

Date: 9/24/2014

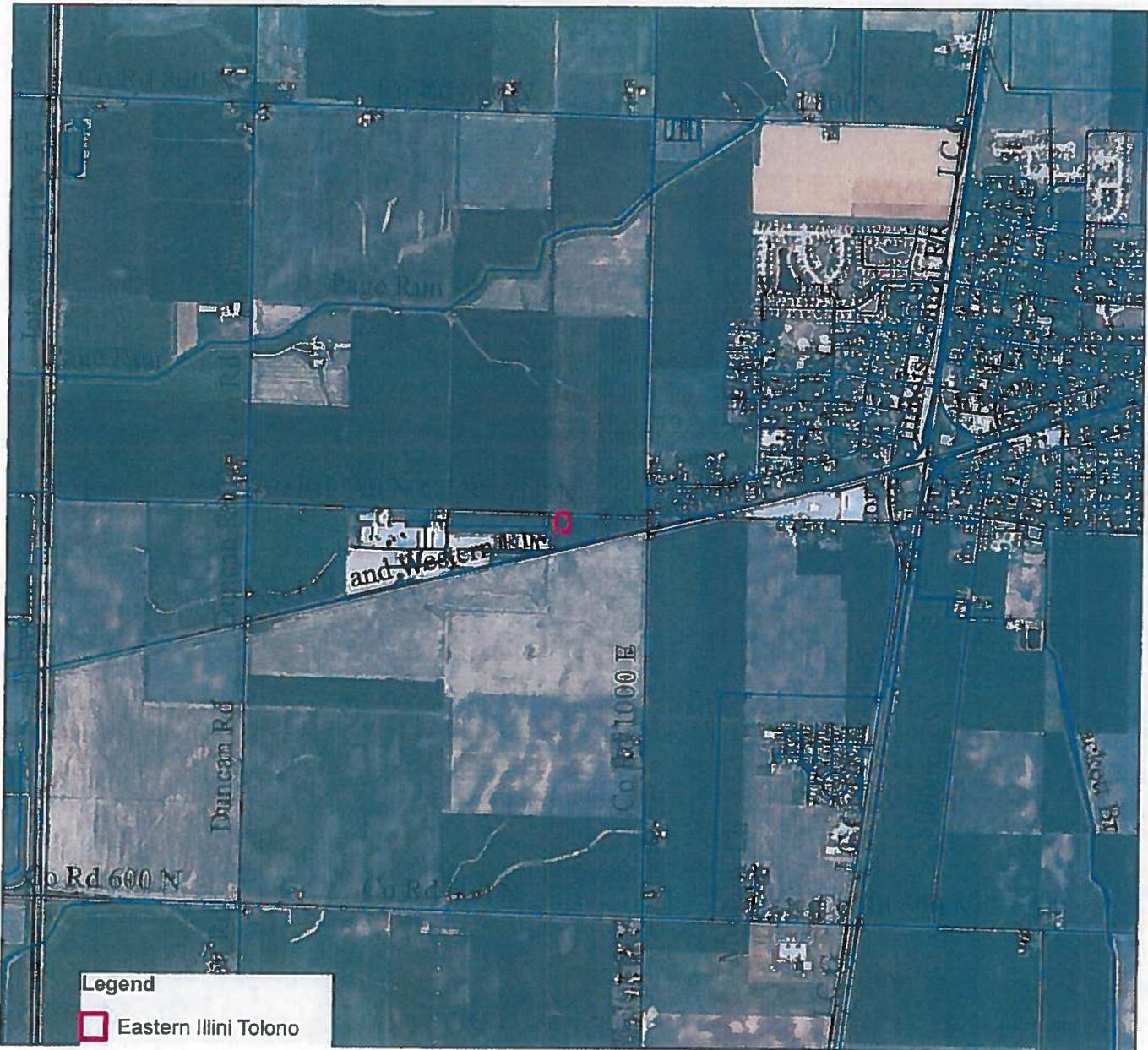
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012

State and County: IL, CHAMPAIGN



Legend

- Eastern Illini Tolono
- fe_2007_17019_edges
- fema_a_il019
- streams_i_il
- utilities_l_il019





Eastern Illini Electric Cooperative Tolono

Date: 9/24/2014

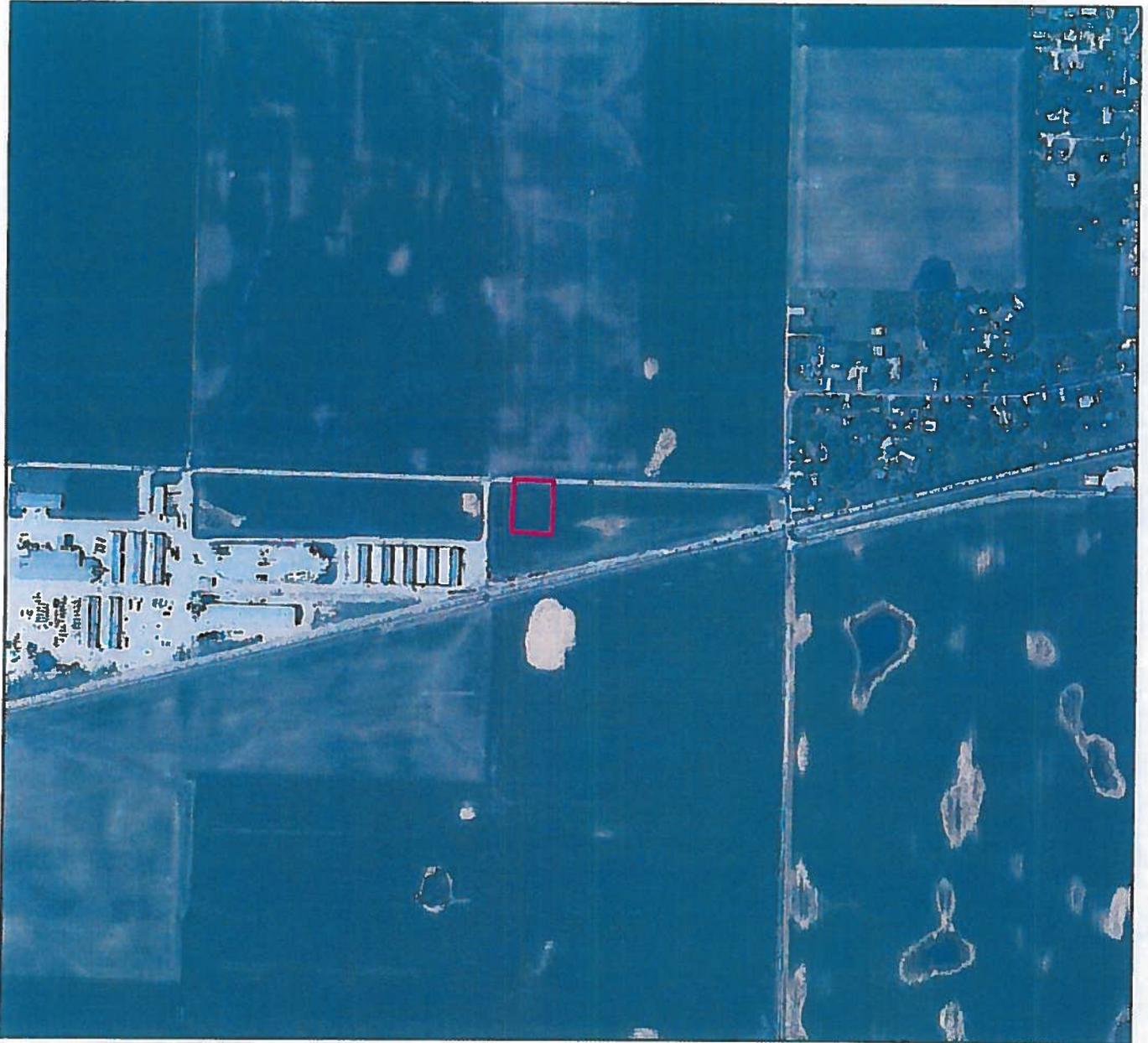
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2010

State and County: IL, CHAMPAIGN



Legend

 Eastern Illini Tolono





Eastern Illini Electric Cooperative Tolono

Date: 9/24/2014

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2007

State and County: IL, CHAMPAIGN



Legend

 Eastern Illini Tolono





Eastern Illini Electric Cooperative Tolono

Date: 9/24/2014

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Field Office: CHAMPAIGN SERVICE CENTER

Assisted By: JONATHON MANUEL

2004

State and County: IL, CHAMPAIGN

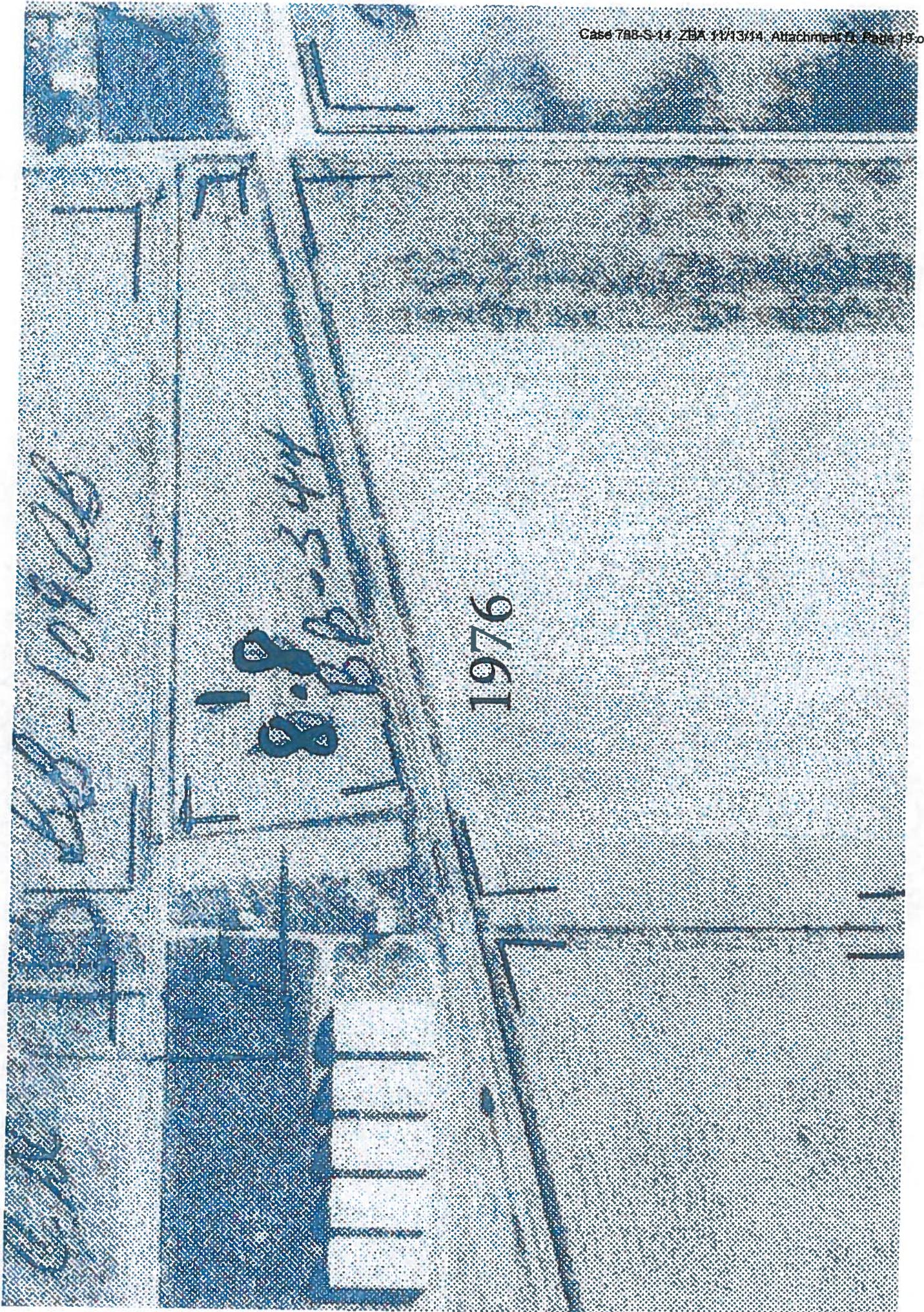


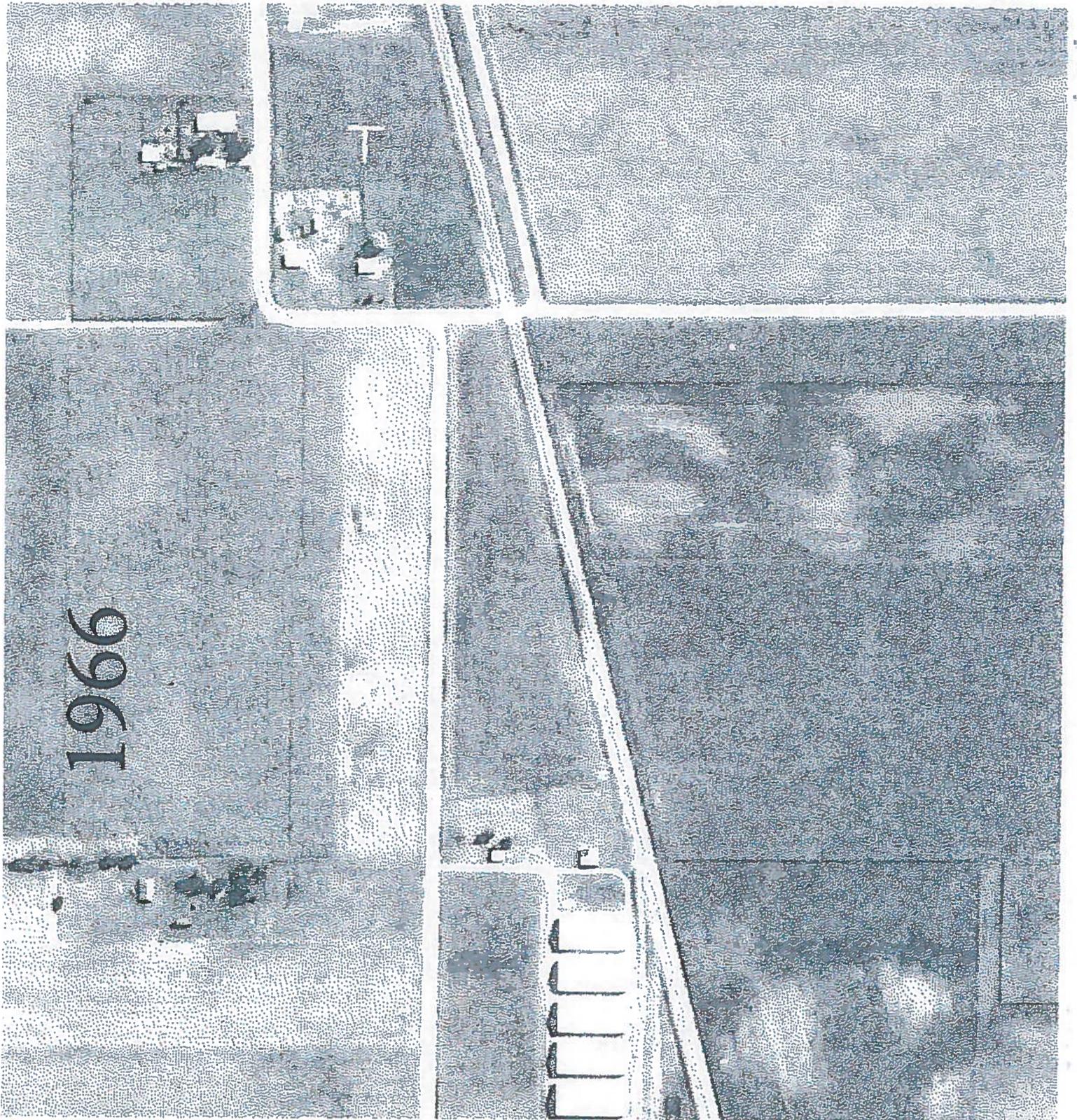
Legend

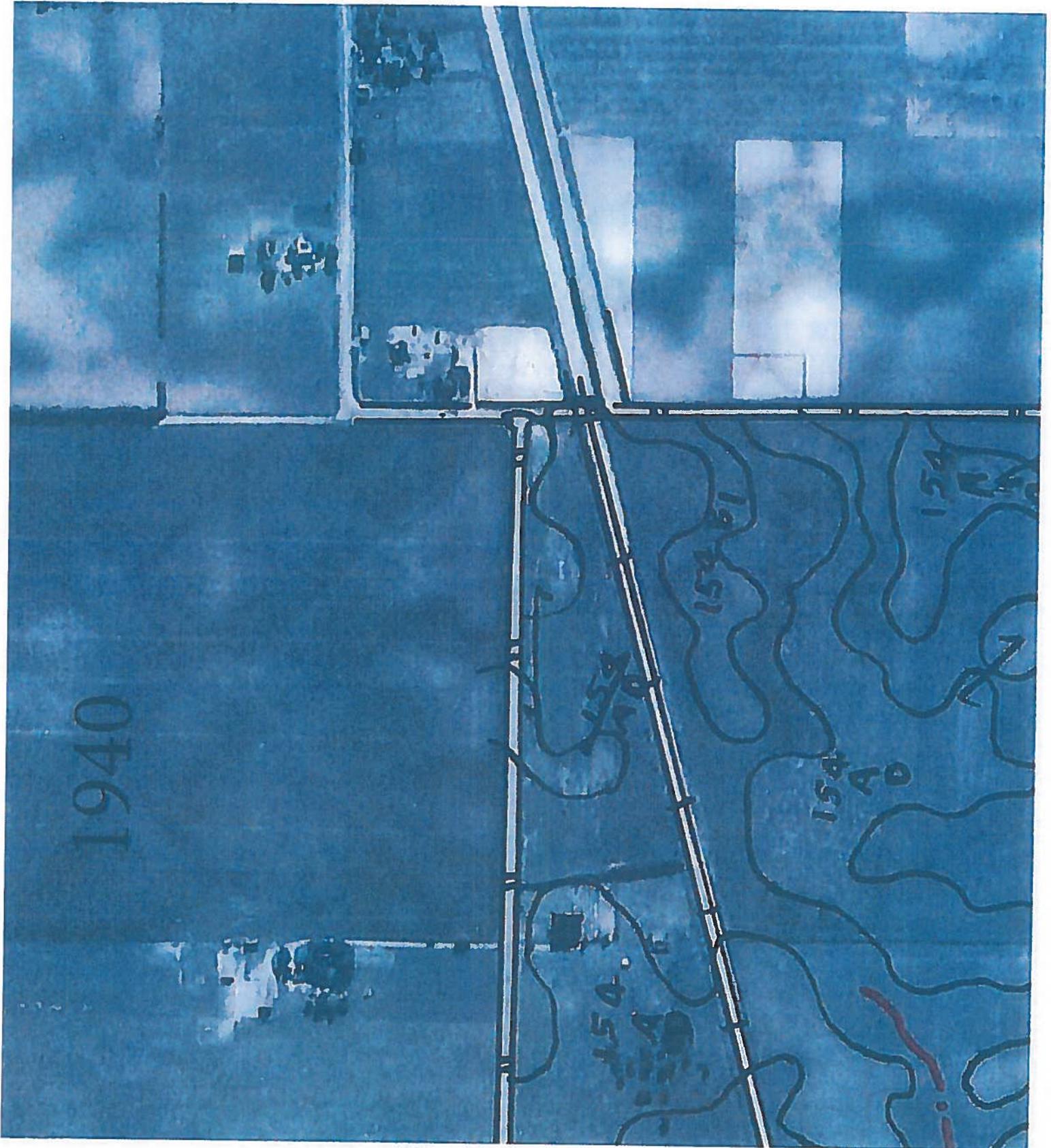
 Eastern Illini Tolono



1990
0661







788-S-14 Eastern Illini Electric Cooperative Images



CR 700 North facing west toward Premier Cooperative – substation would be located on west side of the buildings



From CR 700 North facing south – proposed site is left of the gravel road

11/06/14 DRAFT

788-S-14

**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: *{date of final determination}*

Petitioners: Eastern Illini Electric Cooperative

Request: Authorize an Electric Substation in the I-1 Light Industry Zoning District

Table of Contents

General Application Information 2 - 3
Specific Ordinance Requirements 3 - 8
Special Use Evidence 8 - 14
Documents of Record 15
Case 788-S-14 Finding of Fact.....16 - 17
Case 788-S-14 Final Determination 18

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **November 13, 2014**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Eastern Illini Electric Cooperative, 330 W Ottawa, Paxton, would like to install a new substation on the property of Premier Cooperative in Tolono. The petitioner is working with Premier Cooperative to either purchase or lease the property for 99 years. Alan Schweighart, Vice President of Operations and Engineering, is the agent for the petitioner.
2. The subject property is a proposed 1.08 acre parcel located in Tolono Township in the North Half of the Northeast Quarter of the Northeast Quarter of Section 34 of Township 18 N, Range 8 E of the Third Principal Meridian and commonly known as part of the field located on the south side of CR700N and located 1,000 feet west of the intersection with CR1000E, on land that is currently part of the Premier Cooperative grain elevator at 949 CR 700N, Tolono.
3. The subject property is located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of the Village of Tolono, a municipality with zoning. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ; however, they do receive notice of such cases and they are invited to comment.

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 a 1.08 acre tract zoned I-1 Light Industry and is agricultural in use.
 - B. Land north of the subject property is zoned AG-1 Agriculture and is in use as farmland.
 - C. Land to the west and south of the subject property is zoned I-1 Light Industry and is in use as agriculture and Premier Cooperative fuel and United Prairie facilities.
 - D. Land to the east of the subject property is in Tolono, is zoned R-2 Residential and is in use as single family dwellings.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The site plan received October 1, 2014 indicates the following existing and proposed improvements:
 - (1) The existing site has no structures.
 - (2) Proposed improvements include:
 - (a) An electric substation surrounded by a 110 feet by 180 feet fence.
 - (b) Two access driveways to the substation off CR 700 N.

- B. There are no previous Zoning Use Permits on the subject property.
- C. Premier Cooperative received approval for having multiple principal uses on one property under Special Use Permit 752-S-13. The subject property falls within the boundaries of the Special Use Permit.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

- 6. Regarding authorization for an electrical substation as a Special Use in the I-1 Light Industry Zoning District in the *Zoning Ordinance*:
 - A. Section 5.2 authorizes an Electrical Substation as a Special Use in all but the I-2 Heavy Industry District. It is not permitted by right in any 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 indicates standard conditions that apply specifically to electrical substations:
 - (a) A 6 foot wire mesh fence is required at minimum.
 - (b) Side and rear yards of 20 feet minimum are required.
 - (c) Minimum lot size in the I-1 Light Industry District is 10,000 square feet.

- (d) Maximum building height in the I-1 Light Industry District is 75 feet.
 - (e) Minimum setback from the street centerline on a MINOR street in the I-1 Light Industry District is 55 feet.
- 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) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
 - (3) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.

- (4) 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 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.
- (6) LOT LINE, REAR is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (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) 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.
- (9) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
- (10) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (11) "STRUCTURE" is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (12) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (13) "SUITED OVERALL" is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
 - a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety, or property of the occupants, the neighbors or the general public.
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and

- e. Available public services are adequate to support the proposed development effectively and safely.
- (14) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
 - (15) "WELL SUITED OVERALL" is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found WELL SUITED OVERALL if the site meets these criteria:
 - a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
 - (16) "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.
 - (17) "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.
 - (18) "YARD, REAR" is 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.
 - (19) "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.
- 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 except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:

- (a) The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
- (b) The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
- (c) The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.

- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
- (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
- (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.

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 received October 1, 2014, **“Because of improvements and additions to the Premier Co-op facility, the current electrical distribution system cannot meet the needed electrical requirements. A new substation is required to provide the facility with reliable service.**”

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, the proposed substation: **“a) will increase electrical reliability in the area; and b) will be properly lighted and fenced to protect the public.”**
 - B. Regarding surface drainage:
 - (1) The Champaign County Soil and Water Conservation District Natural Resource Report for the proposed project received October, 3, 2014 states: “The site does not currently have large elevation changes. Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much as possible should be considered.”
 - (2) The Champaign County Stormwater Management Policy regulates the subject property. Premier Cooperative has an existing Special Condition to create a Stormwater Management Plan as part of Case 752-S-13 that will include the proposed substation lot. The Zoning Administrator has stated that this larger Stormwater Plan will provide sufficient drainage for the proposed substation.

- C. Regarding transportation, the subject property is accessed from County Road 700 North.
- (1) The facility will accommodate the occasional traffic associated with substations, with two access drives off County Road 700 North.
 - (2) CR 700N meets the definition of a MINOR STREET in the Zoning Ordinance. The low volume of traffic anticipated at the substation will not overload the road's capacity.
 - (3) The Township Highway Commissioner was notified of this case; no comments have been received.
- D. Regarding fire protection of the subject property:
- (1) The subject property is within the protection area of the Tolono Fire District and is located approximately 1.5 road miles from the fire station.
 - (2) The Fire Protection District Chief has been notified of this request; no comments have been received.
- E. The subject property is not located within a Special Flood Hazard Area, as indicated by FIRM Map Panel No. 17019C0550D with effective date October 2, 2013.
- F. Regarding subsurface drainage:
- 1) It is unknown if the subject property contains any agricultural field tile. Any tile that is discovered on the subject property will have to be protected as per the requirements of the Stormwater Management Policy.
 - (2) The Champaign County Soil and Water Conservation District Natural Resource Report for the proposed project received October, 3, 2014 states: "The site may contain agricultural tile, if any tile is found care should be taken to maintain the tile in working order. Severe wetness may be a limitation associated with the soil on the site. Install a properly designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils."
- G. Safety concerns are addressed by required fencing and lighting, as reviewed in Item 9.
- H. The subject property is considered BEST PRIME FARMLAND. The subject property consists of Drummer Silty Clay Loam (152A) and Flanagan Silty Clay Loam (154A) soils. This tract has a relative LE Factor of 100.
- I. 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, or 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: **“Yes, consistent with the agriculture zoning district.”**
 - B. Regarding compliance with the *Zoning Ordinance*, the following evidence was provided:
 - (1) Section 5.2 authorizes an Electrical Substation as a Special Use in all but the I-2 Heavy Industry District. It is not permitted by right in any district.
 - (2) Paragraph 6.1.2 A. establishes standard conditions for exterior lighting that apply to all Special Use Permits (see Item 6.B.1 above). The petitioner has provided documentation that the lighting they will install is full cut-off.
 - (3) Subsection 6.1.3 indicates standard conditions that apply specifically to electrical substations:
 - (a) A 6 foot wire mesh fence is required at minimum. The petitioner states that the property will be properly fenced to protect the public. A fence is shown on the Site Plan received October 1, 2014.
 - (b) Side and rear yards of 20 feet minimum are required. The Site Plan received October 1, 2014 shows a rear yard of 40 feet, and side yards of 25 feet and 40 feet.
 - (c) Minimum lot size in the I-1 Light Industry District is 10,000 square feet. The proposed lot size is 47,045 square feet.
 - (d) Maximum building height in the I-1 Light Industry District is 75 feet. The tallest tower in the proposed substation is 55 feet.
 - (e) Minimum setback from the street centerline on a MINOR street in the I-1 Light Industry District is 55 feet. The Site Plan received October 1, 2014 shows a setback of 66 feet.
 - C. Regarding compliance with the *Stormwater Management Policy*, the following evidence was provided:
 - (1) The Champaign County Stormwater Management Policy regulates the subject property. Premier Cooperative has an existing Special Condition to create a Stormwater Management Plan as part of Case 752-S-13 that will include the

proposed substation lot. The Zoning Administrator has stated that this larger Stormwater Plan will provide sufficient drainage for the proposed substation.

- (2) The proposed development will disturb less than one acre of soil, so and a Notice of Intent (NOI) will not have to be filed with the Illinois EPA regarding erosion control requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II.
- D. Regarding the Special Flood Hazard Areas Ordinance, the subject property is not located in the Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject property conforms to the Champaign County Subdivision Regulations.
- F. Regarding the requirement that the Special Use preserve the essential character of the I-1 Light Industry Zoning District, the proposed use is “Electric Substation,” which serves manufacturing and storage uses that are the primary land uses in the I-1 Light Industry Zoning District by providing sufficient power to those uses at Premier Cooperative.
- G. The proposed Special Use is exempt from the Illinois Accessibility Code.

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. 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 I-1 District and states as follows (capitalized words are defined in the Ordinance):

The 1-1, Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
 - (2) The types of uses authorized in the I-1 District are in fact the types of uses that have been determined to be acceptable in the I-1 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.
 - B. 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.
 - (a) In regards to the value of nearby properties, it is unclear what impact the proposed SUP will have on the value of nearby properties.
 - (b) With regard to the value of the subject property, without the Special Use Permit authorization petitioner Eastern Illinois Electric Cooperative will have no interest in purchasing the subject property.
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

The proposed site plan indicates two access drives to the substation. Traffic at the substation is expected to be minimal.

- (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.

The Champaign County Stormwater Management Policy regulates the subject property. Premier Cooperative has an existing Special Condition to create a Stormwater Management Plan as part of Case 752-S-13 that will include the proposed substation lot. The Zoning Administrator has stated that this larger Stormwater Plan will provide sufficient drainage for the proposed substation.

- (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 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. There are no special conditions of approval proposed at this time.

- (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.

This purpose is not relevant to the proposed Special Use Permit because it relates to nonconforming buildings, structures, or uses that existed on the date of the adoption of the Ordinance and the proposed use will be entirely new.

- (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 I-1 Light Industry District and serves the manufacturing and storage uses in the immediate area.

- (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 and there are no natural features 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 I-1 Light Industry District and is 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 I-1 Light Industry District and serves the agricultural nature of the rural area by providing power to an adjacent grain elevator.

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: "N/A."

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:

A. No special conditions are proposed at this time.

DOCUMENTS OF RECORD

1. Special Use Permit application received October 1, 2014, with attachments:
 - A Cover letter to SUP from Alan Schweighart dated September 16, 2014
 - B Site Plan received October 1, 2014
 - C Lighting specifications dated October 1, 2014

2. Natural Resources Report from Champaign County Soil and Water Conservation District received October 3, 2014

3. Preliminary Memorandum for Case 788-S-14 dated November 5, 2014, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received October 1, 2014
 - C Lighting specifications “NEMA Head Package Series 11 PKG” dated October 1, 2014
 - D Natural Resources Report from Champaign County Soil and Water Conservation District received October 3, 2014
 - E Site Visit Photos
 - F 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 **788-S-14** held on **November 13, 2014**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:

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

 - 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*}*:

 - g. The property is BEST PRIME FARMLAND and the property with the proposed improvements *{IS/ IS NOT}* WELL SUITED OVERALL *{because*}*:

 - h. The existing public services *{ARE/ ARE NOT}* available to support the proposed special use effectively and safely without undue public expense *{because*}*:

- i. The existing public infrastructure together with proposed improvements *{ARE/ ARE NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because *}*:

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

- 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/ IS NOT}* 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 **788-S-14** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED }* to the applicant Eastern Illinois Electric Cooperative to authorize an Electric Substation in the I-1 Light Industry Zoning District.

{ 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

Champaign County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

CASE NO. 789-S-14
PRELIMINARY MEMORANDUM

November 6, 2014

Petitioner: **Eastern Illini Electric Cooperative**

Request: **Authorize an Electric Substation in the AG-2 Agriculture Zoning District**

Location: **A 1.20 acre parcel located in St. Joseph Township in the East Half of the Southeast Quarter of Section 23 of Township 19 N, Range 10 E of the Third Principal Meridian, and commonly known as part of the field located on the west side of CR2300E and located approximately 250 feet north of the intersection with CH 14.**

Site Area: **1.20 acres (52,272 square feet)**

Time Schedule for Development: **As Soon as Possible**

Prepared by: **Susan Chavarria**
Associate Planner

John Hall
Zoning Administrator

BACKGROUND

Petitioner Eastern Illini Electric Cooperative requests a Special Use Permit to construct an electric substation south of St. Joseph. The current distribution system has reached its maximum limit, and no more improvements can be made to the existing system without a new substation in the area. The petitioners are working on the purchase of the land to construct the substation.

The site plan indicates slatted fencing on the east and south sides of the substation in order to provide screening for the dwelling located to the southeast.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of the Village of St. Joseph, a municipality with zoning. The petitioner has contacted the Village regarding subdivision approval.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

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

SAFETY IMPACTS

No safety impacts are expected due to anticipated low traffic volumes to the substation and the petitioner constructing a security fence and lighting.

PROPOSED SPECIAL CONDITIONS

There are no special conditions proposed at this time.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received October 21, 2014
- C Lighting specifications "NEMA Head Package Series 11 PKG" dated October 1, 2014
- D Natural Resources Report from Champaign County Soil and Water Conservation District received October 3, 2014
- E Site Visit Photos taken October 20, 2014
- F Draft Summary of Evidence, Finding of Fact, and Final Determination

Location Map

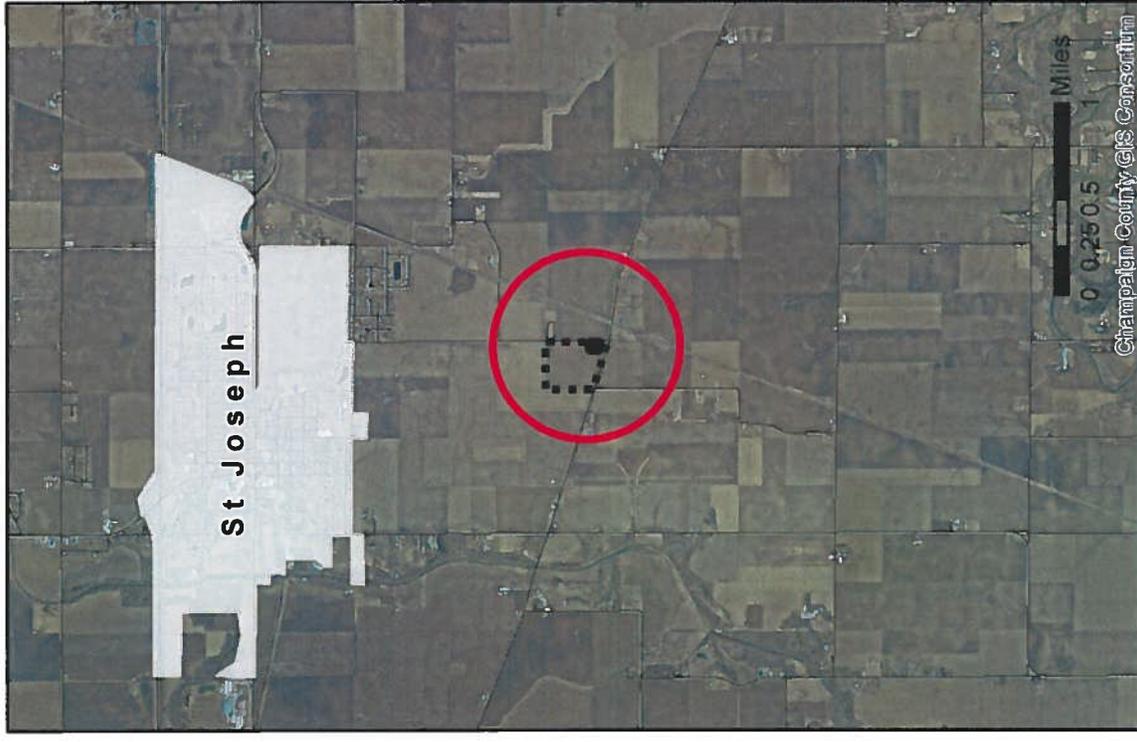
Case 789-S-14

November 13, 2014

Subject Property

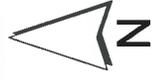


Property location in Champaign County



Legend

-  Subject Property
-  Existing Parcel

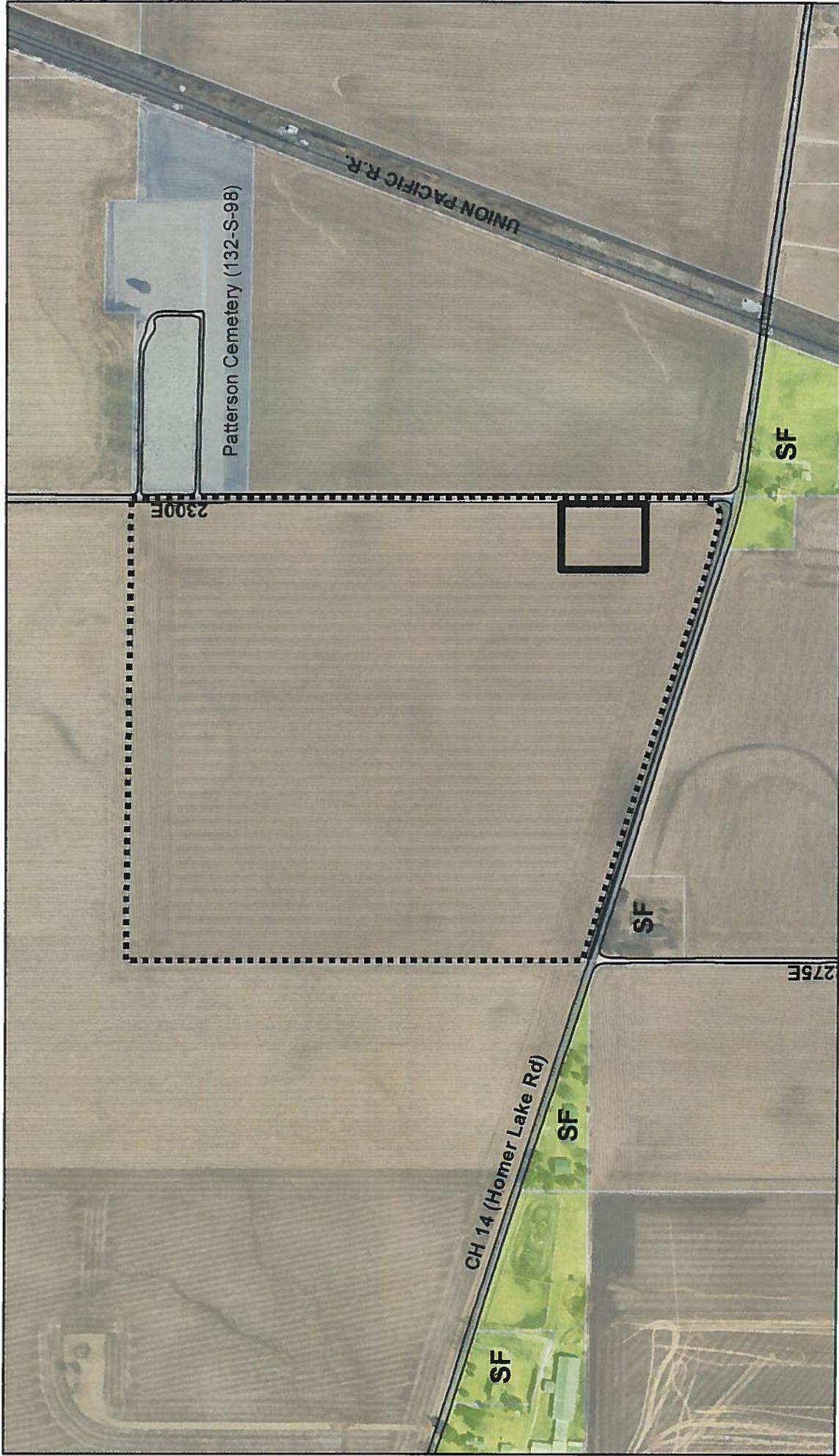


Champaign County
Department of
PLANNING &
ZONING

Land Use Map

Case 789-S-14

November 13, 2014



Legend

- Subject Property
- Existing Parcel
- Agriculture
- SF Residential
- Cemetery

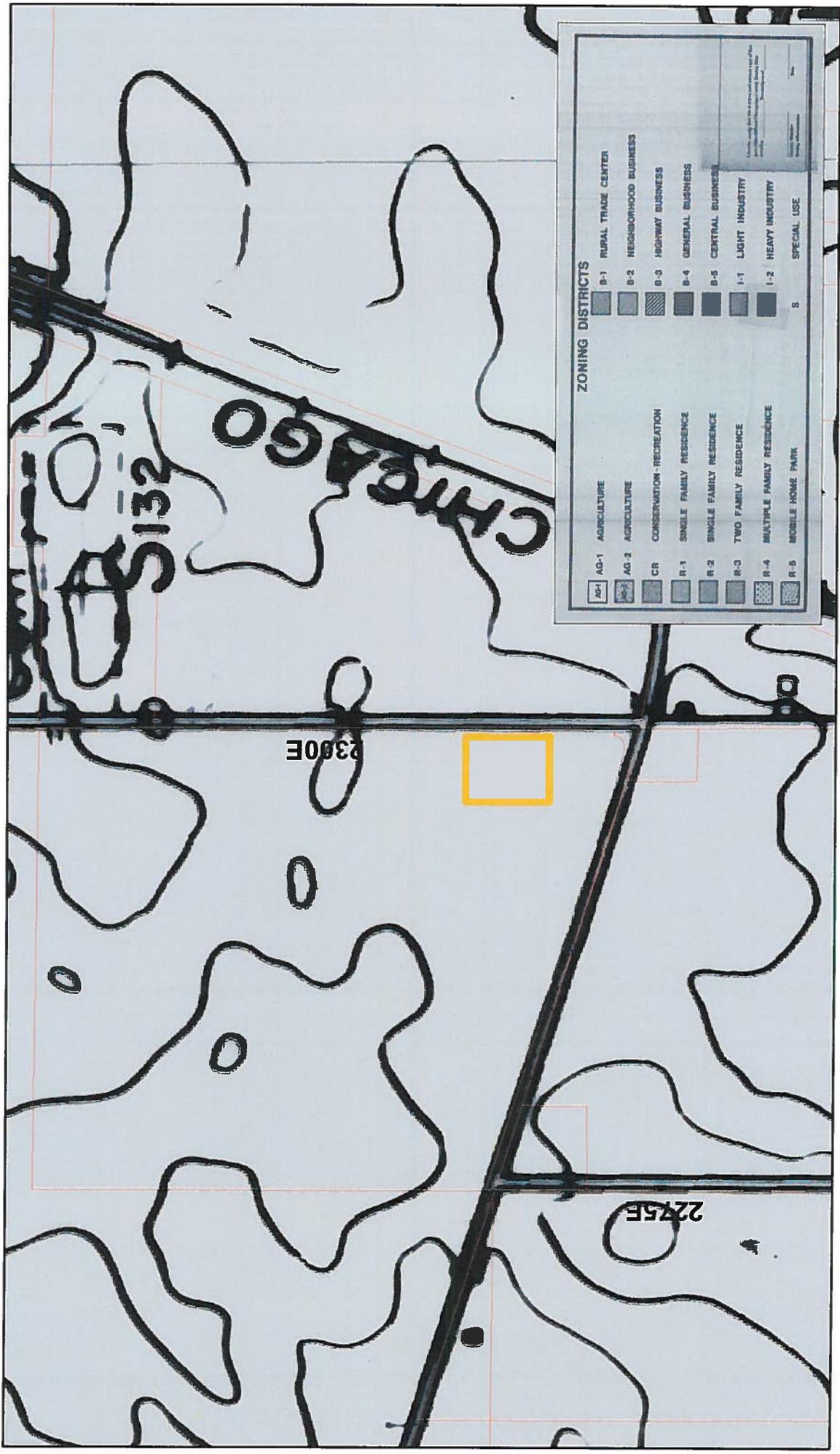


Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 789-S-14

November 13, 2014



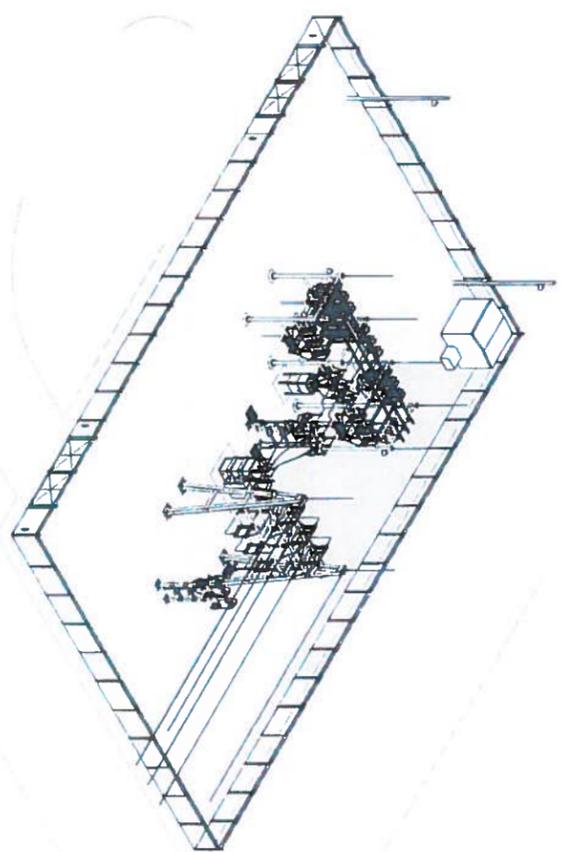
Champaign County
Department of
Planning & Zoning



0 100 200 400
Feet

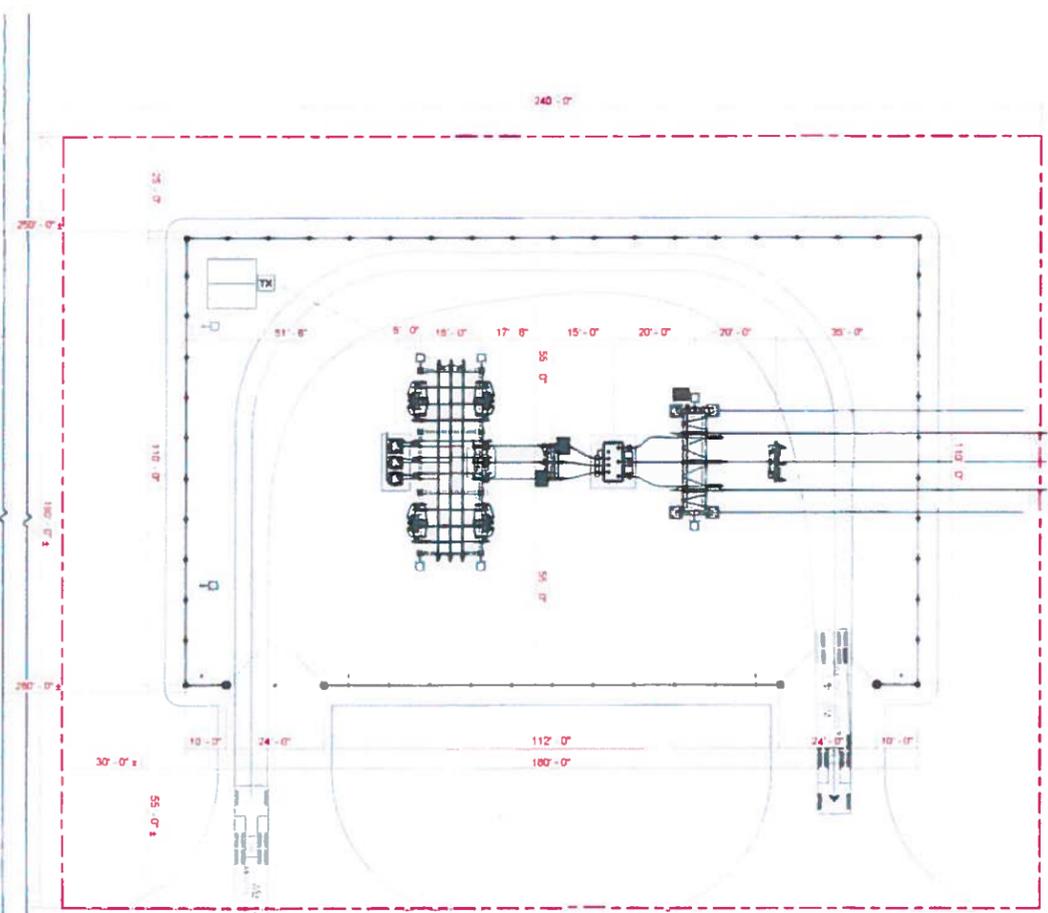
Legend

 Subject Property



4 LOOKING SOUTHWEST

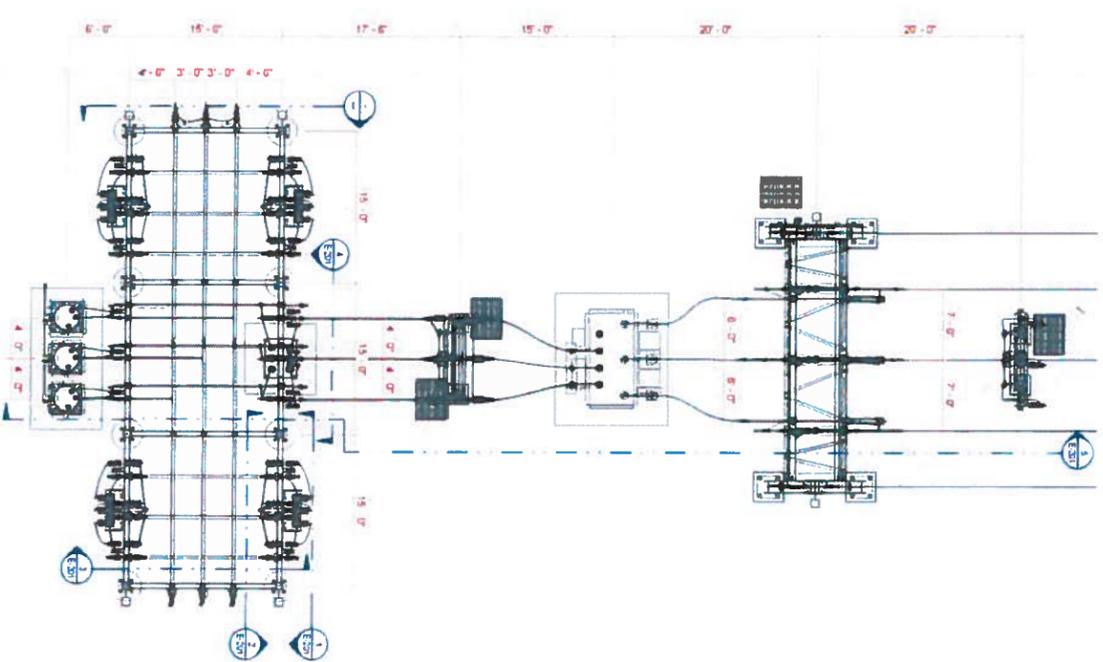
- NOTES
- 1 SLATTED FENCE ON SOUTH AND EAST SIDE OF SUBSTATION
 - 2 ALL YARD AREA LIGHTING TO BE IESNA FULL CUTOFF FIXTURES



3 OVERALL PLAN VIEW
1" = 20'-0"



1 CONCEPTUAL SITE PLAN
1" = 100'-0"



2 ENLARGED PLAN VIEW
1/8" = 1'-0"

**PRELIMINARY
NOT FOR
CONSTRUCTION**

DATE	REVISION

Todd A. Moseley, Inc.
CONSULTING ENGINEERS
1820 E. PRINCEDALE, SUITE 200
P.O. BOX 10000
CHAMPAIGN, ILLINOIS 61820-0001
PH: 314.286.0001 FAX: 314.286.0003
WWW.TODDA.MOSELEY.COM
CD # 180005773
© 2014 Todd A. Moseley, Inc.
Design and specifications are not intended to be used for any other project without written approval of the engineer.

SHEET #	DATE	PROJECT	SCALE
AS NOTED	10/20/14	ST. JOSEPH SUBSTATION	AS NOTED
DATE	10/20/14	EASTERN ILLINOIS ELECTRIC COOPERATIVE	AS NOTED
PROJECT	CHAMPAIGN CO. P & Z DEPARTMENT	RAYTON, ILLINOIS	AS NOTED
TITLE	CONCEPT FOR ZONING	ILLINOIS - 53 - CHAMPAIGN	AS NOTED
PROJECT #	Z-101		

RECEIVED
OCT 21 2014

CHAMPAIGN CO. P & Z DEPARTMENT



Consistent with LEED® goals & Green Globes™ criteria for light pollution reduction

NEMA Head Package Series 11 PKG

Security Lighting
50-250W HPS, 100-150W MH

PRODUCT OVERVIEW



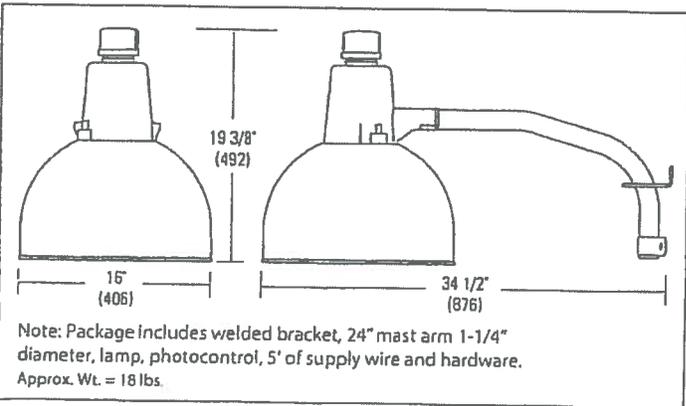
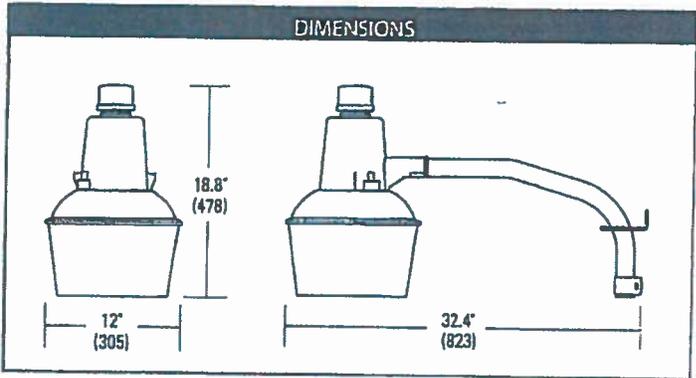
Features:

- Die-cast aluminum head meets NEMA dimension standards
- For quick easy installation of mast arm, a cast-in external slipfitter is used for a secure mounting
- Available in a variety of IES light distributions patterns including full cutoff
- Tools are not required to install reflector and refractor
- Includes 24", 1-1/4" diameter mast arm with welded brackets, lamp, photocontrol, 5' of supply wire, and hardware
- All electrical components warranted by American Electric Lighting's 6-year guarantee
- All components in single carton
- Open bottom acrylic, polycarbonate, or glass
- Suitable for -30°C MH / -40°C HPS
- Complies with ANSI: C136.2, C136.6, C136.10

Applications:

- Security areas
- Storage yards
- Loading areas
- Receiving areas

PREFERRED SELECTION CATALOG NUMBERS
11PKG 10S RN 120 R5 BA EC
11PKG 15S RN 120 R5 BA EC
11PKG 10M XN 120 R5 BA MDO



RECEIVED

OCT - 1 2014

CHAMPAIGN CO. P & Z DEPARTMENT

NEMA Head Package Series 11 PKG

Security Lighting
50-250W HPS, 100-150W MH

ORDERING INFORMATION

Example: 11 PKG 15S RN 120 R5 BA EC

Series	Wattage / Source	Ballast	Voltage	Distribution	Optics
11PKG NEMA Head Package Package Includes 24" mast arm, lamp, photocontrol, supply wire and hardware	05 50W 07 70W 10 100W 15 150W 25 250W	S HPS M MH RN Reactor/Normal Power Factor XN High Reactance/Lag Normal Power Factor	120 120V 208 208V 240 240V 277 277V MT1 120V Multi-tap MT8 208V Multi-tap MT2 240V Multi-tap MT7 277V Multi-tap	R2 Type II R3 Type III R5 Type V	BA Open Bottom Acrylic ¹ BP Open Bottom Polycarbonate ¹ FC Full Cutoff ^{1, 2, 3} BG Open Bottom Glass ¹ VBA Vented Bottom Acrylic (required for mogul base MH only) ⁴

Options

Photocontrol

(blank) Photocontrol included per voltage specified

Starter⁴

(blank) Open Board (standard)
EC Encapsulated Starter

Lamp

(blank) Lamp Included, Clear
LD Lamp Included, Deluxe/Coated

Misc.

NL NEMA Label
MDO Medium Base Socket, Open Rated (100W and 150W MH only)⁵

Notes:

- MH version requires open rated socket (MDO)
- Available in R5 distribution only
- Nighttime Friendly™² optic
- HPS only
- Open rated lamp supplied
- To be used with MH version fixtures only.

Optic Distribution

	R2 BA	R2 BG	R2 BP	R3 BA	R3 BG	R3 BP	R5 BA	R5 BG	R5 BP	R5 FC	R5 VBA
05S	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲
07S	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲
10S	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲
10M	▲ ¹	▲ ¹	-	▲ ¹	▲ ¹	-	▲ ¹	▲ ¹	-	▲ ¹	▲
15S	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲
15M	▲ ¹	▲ ¹	-	▲ ¹	▲ ¹	-	▲ ¹	▲ ¹	-	▲ ¹	▲
20S	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲
25S	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲

Note:

- Must order MDO option and use open-rated lamp

RECEIVED

OCT - 1 2014

CHAMPAIGN CO. P & Z DEPARTMENT



American Electric Lighting
Acuity Brands Lighting, Inc.
3825 Columbus Rd. S.W., Granville, OH 43023
Phone: 800-537-5710 Fax: 740-587-6114
www.americanelectriclighting.com

NEMA Head Package Series 11 PKG

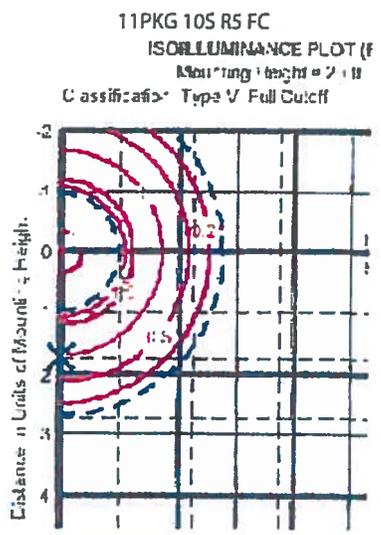
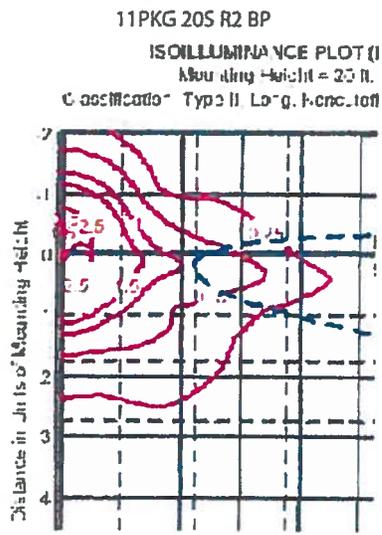
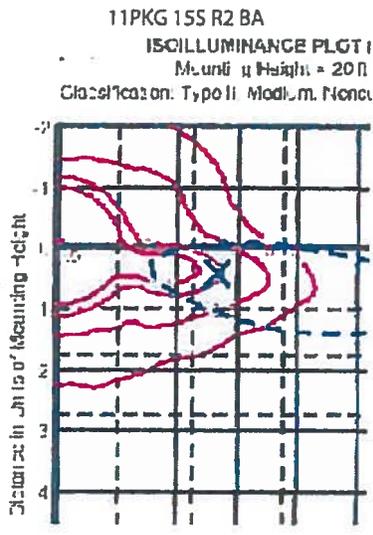
Security Lighting
50-250W HPS, 100-150W MH

BALLAST MATRIX

Nema Head Package Series 11PKG

Watts	120	208	240	277	MT1	MT2	MT7	MT8
055	RN XN	XN	XN	XN	XN	XN	XN	XN
075	RN	XN						
105	RN	XN						
10M	XN	-	-	-	-	-	-	-
155	RN	XN						
15M	XN	XN	XN	XN	XN	XN	XN	XN
205	XN	-	RN	-	-	-	-	-
285	XN	-	RN	-	-	-	-	-

PHOTOMETRICS



X Maximum Intensity
--- 1/2 Maximum Intensity

RECEIVED

OCT - 1 2014

CHAMPAIGN CO. P & Z DEPARTMENT



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- fax 855-289-5179
www.ccswcd.com

NATURAL RESOURCE REPORT

Development Name: Eastern Illini Electric Cooperative St. Joe

Date Reviewed: September 24, 2014

Requested By: Alan F. Schweighart

Address: 407 E. Pells
Paxton, IL 60957

Location of Property: A part of the SE ¼ of sec. 23 T.19N., R.10E., 3rd. P.M.

RECEIVED

OCT - 3 2014

CHAMPAIGN CO. P & Z DEPARTMENT

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on September 18th 2014.





Champaign County

Soil and Water Conservation District
 2110 West Park Court Suite C Champaign, IL 61821
 (217) 352-3536 Extension 3 --- fax 855-289-5179
 www.ccswd.com

SITE SPECIFIC CONCERNS

1. The area that is to be developed has 2 soil types (Drummer Silt Clay Loam 152A, Flannigan Silt Clay Loam 154A) that is severe wetness or ponding on dwellings with a basement.

SOIL RESOURCE

a) Prime Farmland:

Prime Farmland soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils.

This tract is considered best prime farmland for Champaign County.

This tract has an L.E. Factor of 100; see the attached worksheet for this calculation.

b) Soil Characteristics:

There is only two (2) soil types on this site; see the attached soil map. The soil present has severe limitations for development in its natural, unimproved state. The possible limitations include severe wetness or ponding in shallow excavations. A development plan will have to take the soil characteristics into consideration.

Map Symbol	Name	Shallow				Septic	Steel	Concrete
		Slope	Excavations	Basements	Roads			
152A	Drummer Silty Clay Loam	0-2%	Severe ponding	Severe ponding	Severe ponding	Severe ponding	high	moderate
154A	Flannigan Silty Clay Loam	0-2%	Severe wetness	Severe wetness	Severe low strength	Severe wetness	high	moderate

c) Erosion:

This area will be susceptible to erosion both during and after construction. Any areas left bare for more than 7 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area is covered with Corn residue at the time of inspection.



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- fax 855-289-5179
www.ccswcd.com

d) Sedimentation:

A complete erosion and sedimentation control plan should be developed and implemented on this site prior to and during major construction activity. The complete erosion and sedimentation control plan needs to include matanice items that will need to be carried out by the owners once the contractors are gone. All sediment-laden runoff to be routed through sediment basins and discharged only after the sediment has been removed. Silt fences should be used in flow areas with drainage areas that do not exceeding 0.5 acres. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control. The website is: <http://www.aiswcd.org/IUM/>

WATER RESOURCE

a) Surface Drainage:

The site does not currently have large elevation changes. Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much of possible should be considered.

b) Subsurface Drainage:

This site may contain agricultural tile, if any tile is found care should be taken to maintain the tile in working order.

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



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- fax 855-289-5179
www.ccsxcd.com

c) Water Quality:

As long as adequate erosion and sedimentation control systems are installed as described above, the quality of water should not be significantly impacted.

EPA Stormwater Pollution Prevention Plan Reference Tool:

EPA requires a plan to control stormwater pollution for all construction sites over 1 acre in size. *A Guide for Construction Sites* is a reference tool for construction site operators who must prepare a SWPPP in order to obtain NPDES permit coverage for their stormwater discharges. The guide describes the SWPPP development process and provides helpful guidance and tips for developing and implementing an effective plan.

Two model plans, based on hypothetical sites, are now available as a supplement to the guide. The first example plan is for a medium-sized residential subdivision and the second is for a small commercial site. Both examples utilize the SWPPP template that is included in the guide. To view the guide, models and template, visit <http://www.epa.gov/npdes/swpppguide>.

d) Low impact development:

The EPA's new report, "Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices." Provides ideas to improve water quality through unique designs. The report contains 17 case studies from across North America that show using LID practices in construction projects can lower costs while improving environmental results. LID practices are innovative stormwater management practices used to manage urban stormwater runoff at its source. The goal of LID practices is to mimic the way water moves through an area before development occurs, which is achieved using design techniques that infiltrate, evapotranspire and reuse runoff close to its source. Some common LID practices include rain gardens, grassed swales, cisterns, rain barrels, permeable pavements and green roofs. LID practices increasingly are used by communities across the country to help protect and restore water quality. For a copy of the report, go to www.epa.gov/owow/nps/lid/costs07.



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- fax 855-289-5179
www.ccswcd.com

CULTURAL, PLANT, AND ANIMAL RESOURCE

a) Cultural:

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

b) Illinois Endangered Species Protection Act & Illinois Natural Areas Preservation Act:

State agencies or units of local government must consult the Department about proposed actions that they will authorize, fund or perform. Private parties do not have to consult, but they are liable for prohibited taking of state-listed plants or animals or for adversely modifying a Nature Preserve or a Land and Water Reserve.

Home rule governments may delegate this responsibility, through duly enacted ordinances, to the parties seeking authorization or funding of the action.

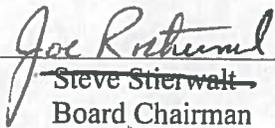
The Illinois Natural Heritage Database shows the following protected resource may be in the vicinity of the project location.

c) Plant:

For eventual landscaping of the site, the use of native species is recommended whenever possible.

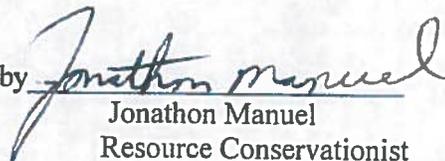
If you have further questions, please contact the Champaign County Soil and Water Conservation District.

Signed by


~~Steve Stierwalt~~
Board Chairman

vice

Prepared by


Jonathon Manuel
Resource Conservationist



Eastern Illini Electric Cooperative St. Joseph

Date: 9/24/2014

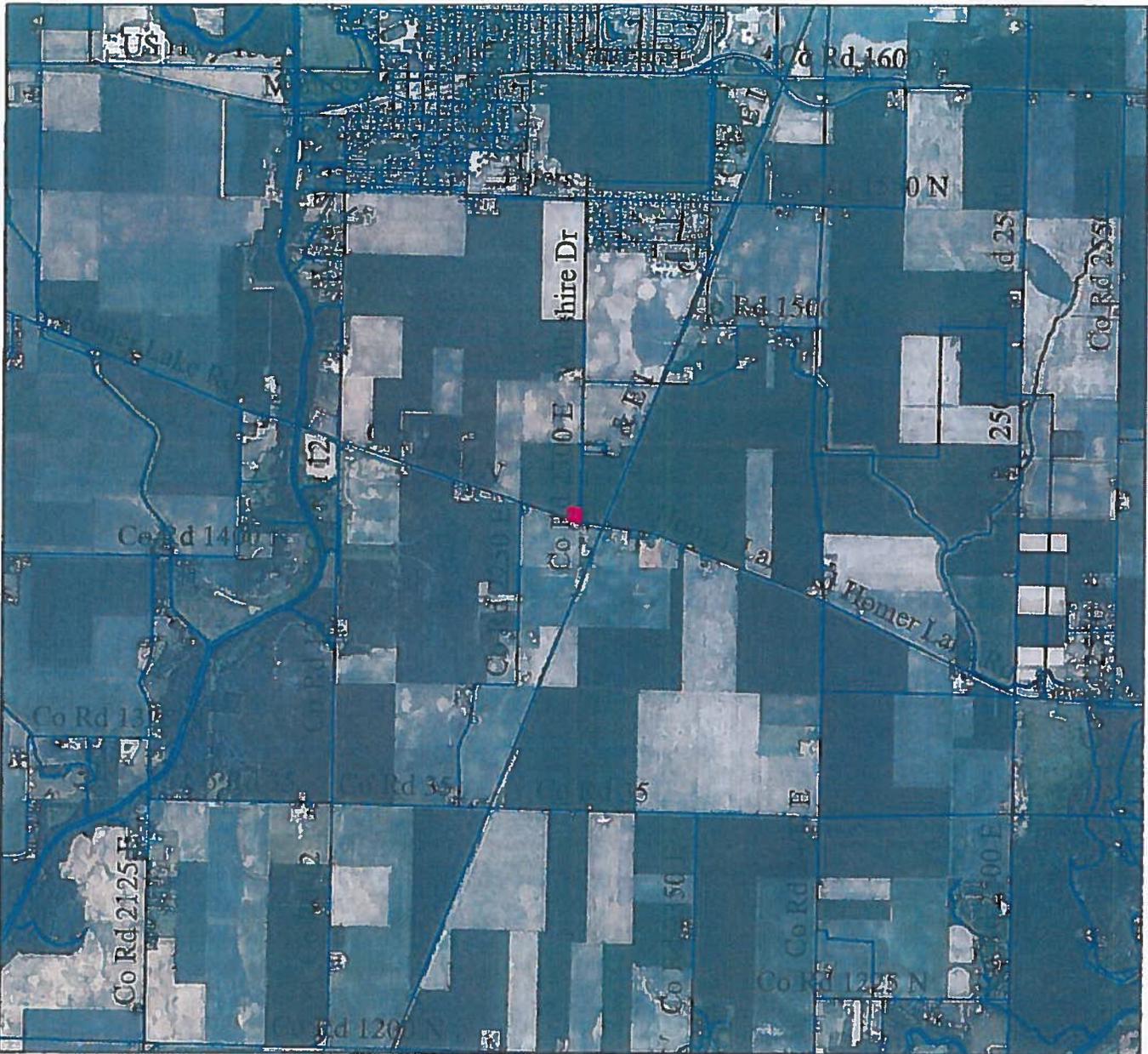
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012

State and County: IL, CHAMPAIGN



Legend

- Eastern Illini St. Joe
- fe 2007_17019_edges
9/29/2014



N



LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
152A	Drummer	2	100	0.3	30.0
154 A	Flannigan	1	100	0.7	70.0
					0.0
					0.0
					0.0
					0.0
					0.0

acreage for calculation slightly larger than tract acreage due to rounding of soils program

Total LE Weighted Factor= 100

Acreage= 1

Land Evaluation Factor For Site= 100

Note: A Soil Classifier could be hired for additional accuracy if desired

Data Source: Champaign County Digital Soil Survey



Eastern Illini Electric Cooperative St. Joseph

Date: 9/24/2014

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012

State and County: IL, CHAMPAIGN



Legend

MUSYM

152A

154A

Eastern Illini St. Joe

fe 2007_17019_edges
9/29/2014





Applicant: Champaign County Soil & Water Conservation District **IDNR Project Number:** 1505039
Contact: Jonathon Manuel **Date:** 09/29/2014
Address: 2110 West Park Court
 Suite C
 Champaign, IL 61821

Project: sub power station
Address: 2110 West Park Court, Suite C, Champaign

Description: placement of a sub power station

Natural Resource Review Results

This project was submitted for information only. It is not a consultation under Part 1075.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Bigeye Chub (*Hybopsis amblops*)

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Champaign

Township, Range, Section:
19N, 10E, 23



IL Department of Natural Resources
Contact
 Impact Assessment Section
 217-785-5500
 Division of Ecosystems & Environment

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

IDNR Project Number: 1505039

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.



Eastern Illini Electric Cooperative St. Joseph

Date: 9/24/2014

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012

State and County: IL, CHAMPAIGN



Legend

- 3_T19N_R10E_SEC24
- 3_T19N_R10E_SEC23
- Eastern Illini St. Joe
9/29/2014





Eastern Illini Electric Cooperative St. Joseph

Date: 9/24/2014

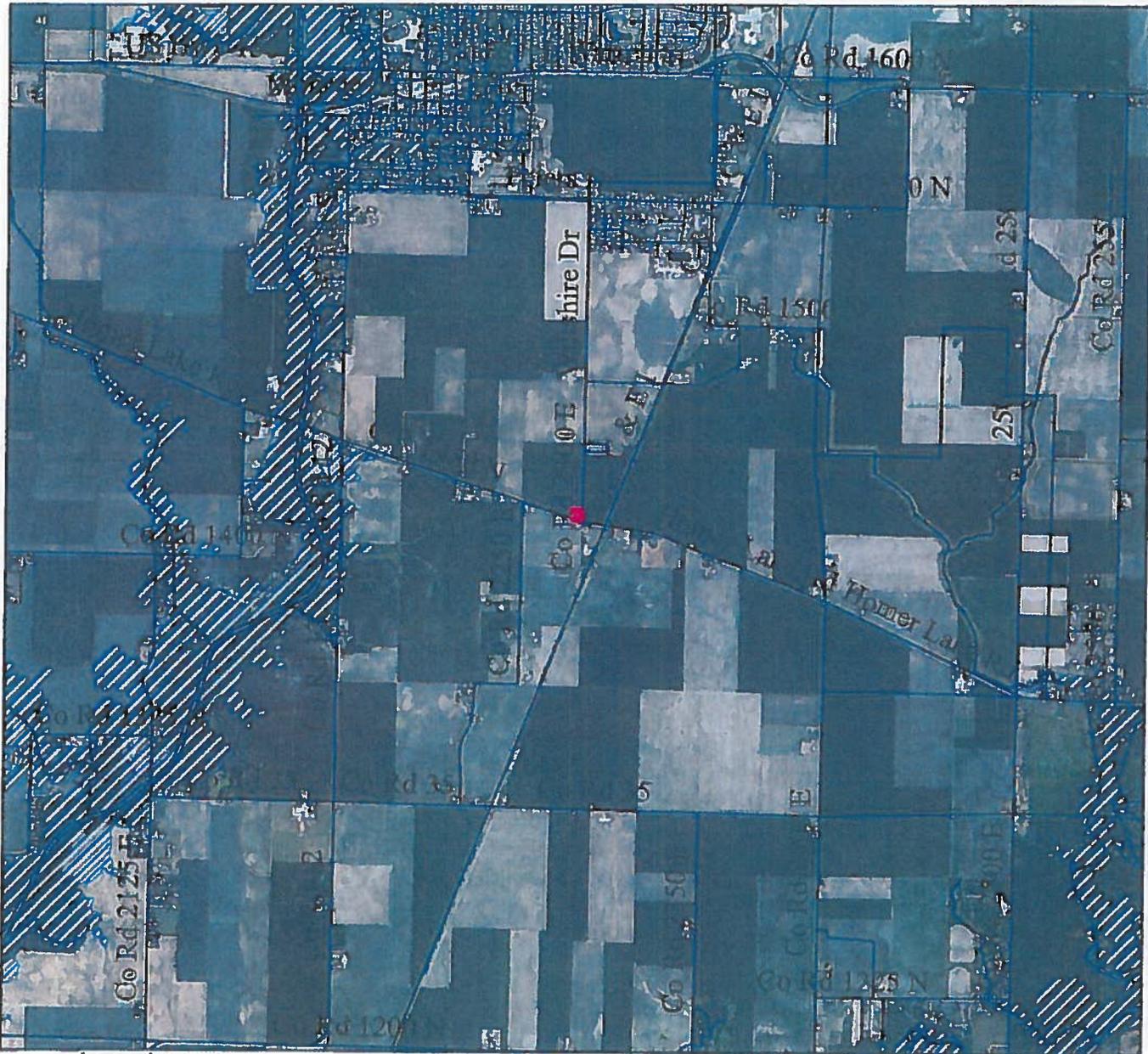
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012

State and County: IL, CHAMPAIGN



Legend

-  Eastern Illini St. Joe
-  fe_2007_17019_edges
-  fema_a_il019
9/29/2014





Eastern Illini Electric Cooperative St. Joseph

Date: 9/24/2014

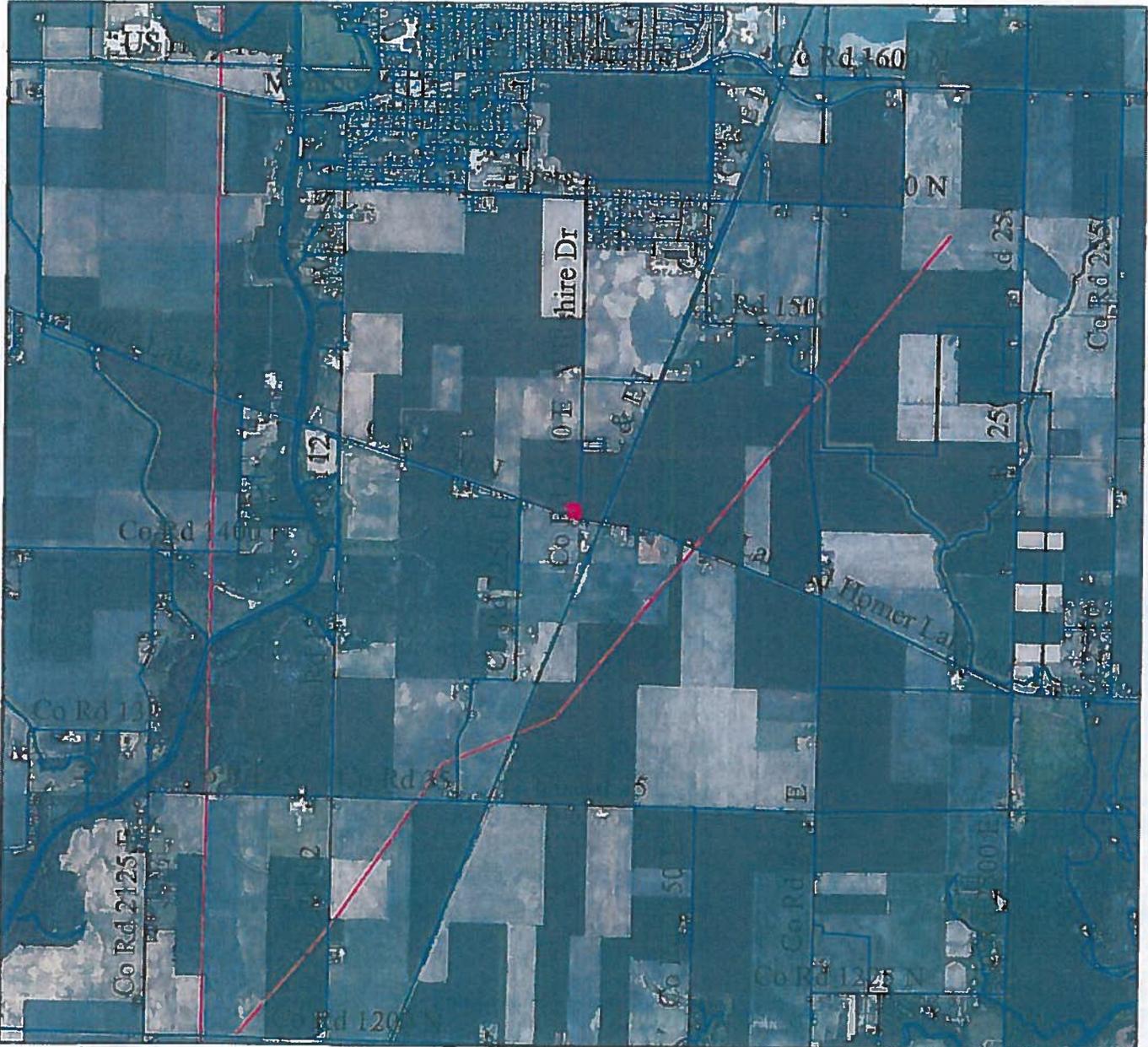
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012

State and County: IL, CHAMPAIGN



Legend

- Eastern Illini St. Joe
- fe_2007_17019_edges
- utilities_I_il019
9/29/2014





Eastern Illini Electric Cooperative St. Joseph

Date: 9/24/2014

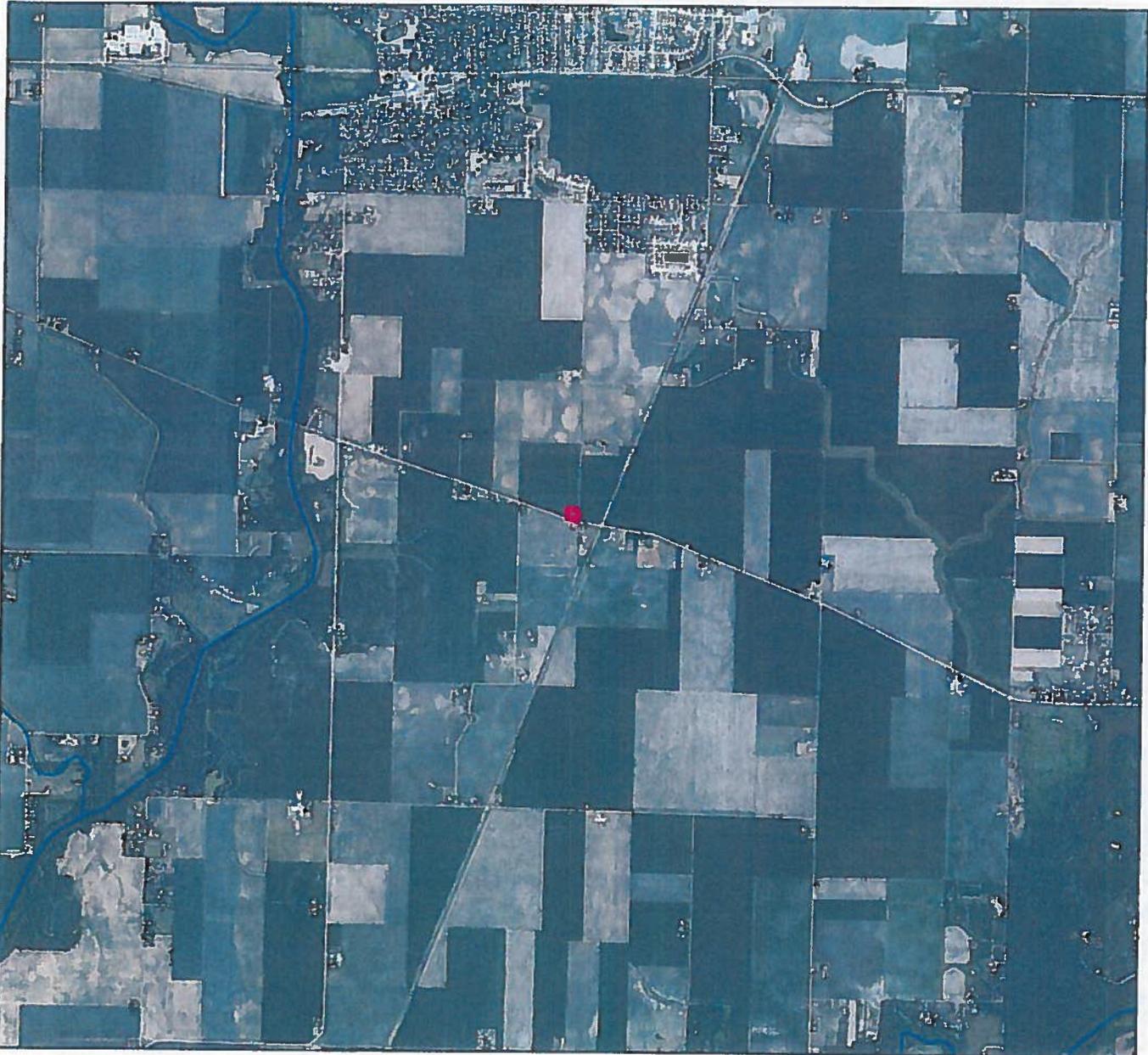
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012

State and County: IL, CHAMPAIGN



Legend

 Eastern Illini St. Joe

 streams_l_il
9/29/2014



N





Eastern Illini Electric Cooperative St. Joseph

Date: 9/24/2014

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2010

State and County: IL, CHAMPAIGN



Legend

 Eastern Illini St. Joe
9/29/2014





Eastern Illini Electric Cooperative St. Joseph

Date: 9/24/2014

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2007

State and County: IL, CHAMPAIGN



Legend

 Eastern Illini St. Joe
8/29/2014





Eastern Illini Electric Cooperative St. Joseph

Date: 9/24/2014

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2004

State and County: IL, CHAMPAIGN



Legend

 Eastern Illini St. Joe
9/29/2014



1990 Areil

#3.5

V-354

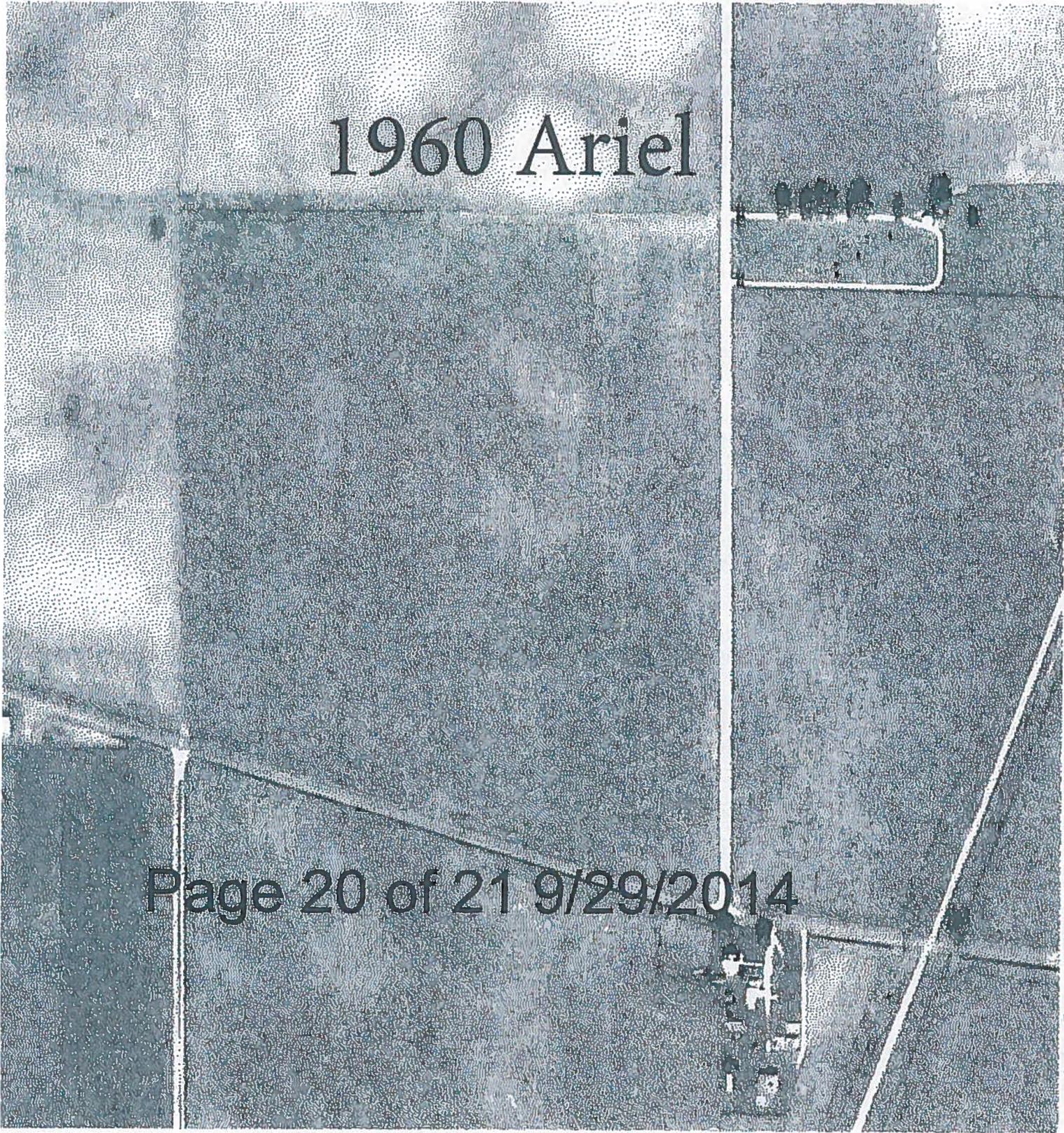


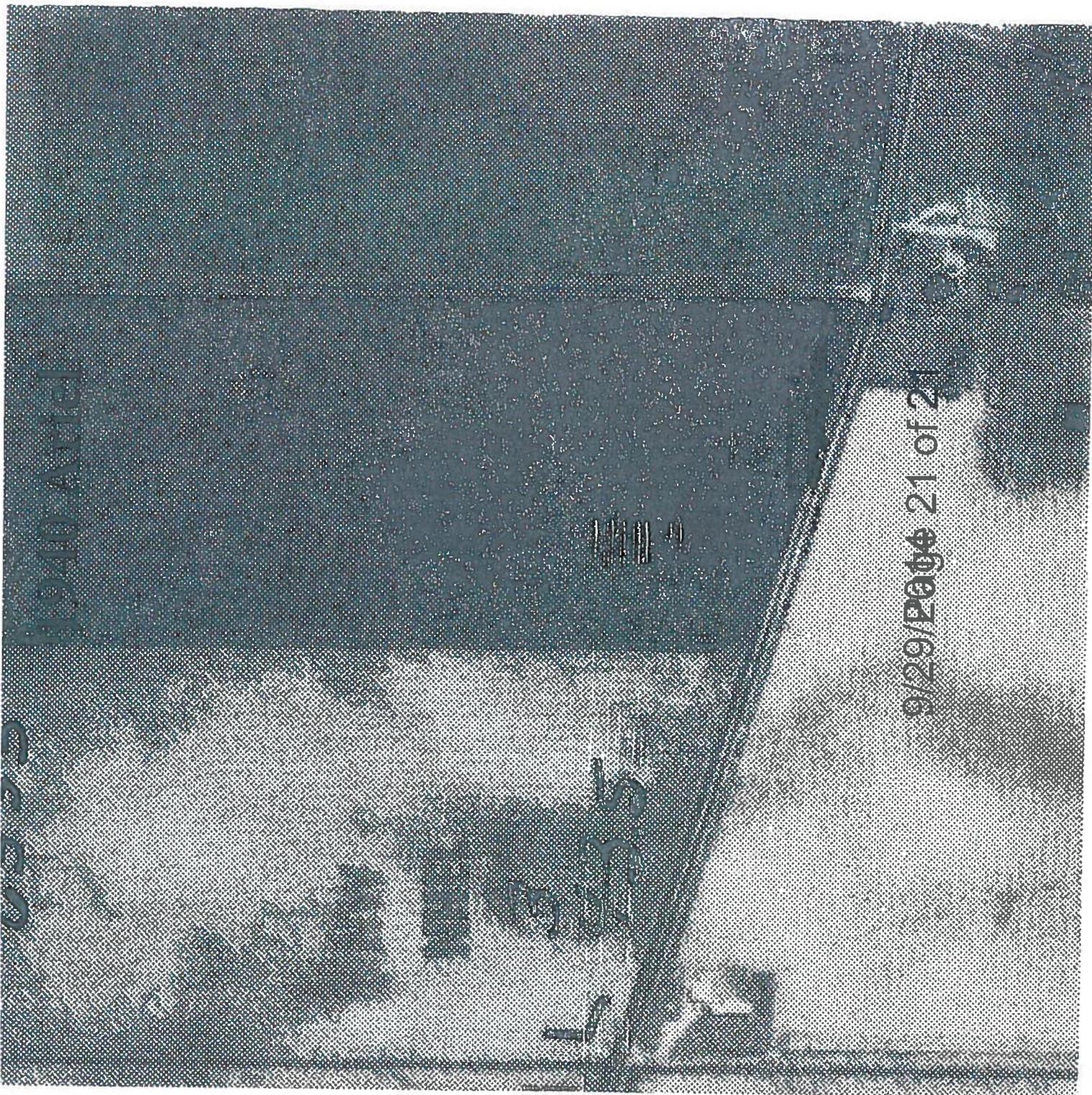
1970 Ariel

Page 19 of 2129/2014

1960 Ariel

Page 20 of 21 9/29/2014





9/29/2014

789-S-14 Eastern Illini Electric Cooperative Images



From County Highway 14 (Homer Lake Road) facing north toward proposed site



**From County Highway 14 (Homer Lake Road) facing east toward CR 2300 E –
substation would have access off CR 2300 E several hundred feet north of Highway 14**

11/06/14 DRAFT

789-S-14

**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: ***{date of final determination}***

Petitioner: Eastern Illini Electric Cooperative

Request: Authorize an Electric Substation in the AG-1 Agriculture Zoning District

Table of Contents

General Application Information 2 - 3
Specific Ordinance Requirements 3 - 8
Special Use Evidence 8 - 14
Documents of Record 15
Case 789-S-14 Finding of Fact.....16 - 17
Case 789-S-14 Final Determination 18

Case 789-S-14
Page 2 of 18

11/06/14 DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **November 13, 2014**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Eastern Illini Electric Cooperative, 330 W Ottawa, Paxton, would like to install a new substation on a property south of St. Joseph. The petitioner is working with a land owner to purchase the property. Alan Schweighart, Vice President of Operations and Engineering, is the agent for the petitioner.
2. The subject property is a proposed 1.20 acre parcel located in St. Joseph Township in the East Half of the Southeast Quarter of Section 23 of Township 19 N, Range 10 E of the Third Principal Meridian, and commonly known as part of the field located on the west side of CR2300E and located approximately 250 feet north of the intersection with CH 14.
3. The subject property is located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of the Village of St. Joseph, a municipality with zoning. The petitioner has contacted the Village regarding subdivision approval. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ; however, they do receive notice of such cases and they are invited to comment.

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 a 1.20 acre tract zoned AG-1 Agriculture and is agricultural in use.
 - B. Land to the north, south, east and west of the subject property is zoned AG-1 Agriculture and is in use as farmland. Patterson Cemetery (132-S-98) is on the east side of CR 2300 E.
 - C. Land at the southeast corner of County Highway 14 and CR 2300 E is zoned AG-1 Agriculture and is in use as a single family residence.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The site plan received October 21, 2014 indicates the following existing and proposed improvements:
 - (1) The existing site has no structures.
 - (2) Proposed improvements include:
 - (a) An electric substation surrounded by a 110 feet by 180 feet fence.
 - (b) Two access driveways to the substation off CR 2300 E.
 - B. There are no previous Zoning Use Permits on the subject property.

11/6/14 DRAFT

Case 789-S-14
Page 3 of 18

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for an electrical substation as a Special Use in the AG-1 Agriculture Zoning District in the *Zoning Ordinance*:
 - A. Section 5.2 authorizes an Electrical Substation as a Special Use in all but the I-2 Heavy Industry District. It is not permitted by right in any 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 indicates standard conditions that apply specifically to electrical substations:
 - (a) A 6 foot wire mesh fence is required at minimum.
 - (b) Side and rear yards of 20 feet minimum are required.
 - (c) Minimum lot size in the AG-1 Agriculture District is 1 acre.
 - (d) Maximum building height in the AG-1 Agriculture District is 50 feet.
 - (e) Minimum setback from the street centerline on a MINOR street in the AG-1 Agriculture District is 55 feet.

11/06/14 DRAFT

- 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) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
 - (3) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
 - (4) 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 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

*11/6/14 DRAFT***Case 789-S-14**
Page 5 of 18

or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.

- (6) LOT LINE, REAR is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (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) 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.
- (9) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
- (10) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (11) "STRUCTURE" is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (12) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (13) "SUITED OVERALL" is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
 - a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety, or property of the occupants, the neighbors or the general public.
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (14) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained.

11/06/14 DRAFT

The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.

- (15) “WELL SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- (16) “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.
- (17) “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.
- (18) “YARD, REAR” is 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.
- (19) “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.
- 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 except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - (a) The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.

11/6/14 DRAFT

Case 789-S-14
Page 7 of 18

- (b) The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - (c) The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- 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.

11/06/14 DRAFT

(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 received October 1, 2014, **“Current distribution system feeding the Saint Joseph area is at its maximum limitations. No improvements can be made without a new substation in the area”**.

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, the proposed substation: **“a) will increase electrical reliability in the area; and b) will be properly lighted and fenced to protect the public.”**
- B. Regarding surface drainage:
- (1) The Champaign County Soil and Water Conservation District Natural Resource Report for the proposed project received October, 3, 2014 states: “The site does not currently have large elevation changes. Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much as possible should be considered.”
- (2) The Champaign County Stormwater Management Policy exempts construction on lots less than one acre that existed prior to December 17, 1991. The 1.20 acres minus allowable exclusions make the proposed construction exempt from the Stormwater Management Policy.
- C. Regarding transportation, the subject property is accessed from County Road 2300 East.
- (1) The facility will accommodate the occasional traffic associated with substations, with two access drives off County Road 2300 East.

11/6/14 DRAFT

Case 789-S-14
Page 9 of 18

- (2) CR 2300 East meets the definition of a MINOR STREET in the Zoning Ordinance. The low volume of traffic anticipated at the substation will not overload the road's capacity.
 - (3) The Township Highway Commissioner was notified of this case; no comments have been received.
- D. Regarding fire protection of the subject property:
- (1) The subject property is within the protection area of the St. Joseph-Stanton Fire Protection District and is located approximately 2.5 road miles from the fire station located in St. Joseph.
 - (2) The Fire Protection District Chief has been notified of this request; no comments have been received.
- E. The subject property is not located within a Special Flood Hazard Area, as indicated by FIRM Map Panel No. 17019C0475D with effective date October 2, 2013.
- F. Regarding subsurface drainage:
- 1) It is unknown if the subject property contains any agricultural field tile. Any tile that is discovered on the subject property will have to be protected as per the requirements of the Stormwater Management Policy.
 - (2) The Champaign County Soil and Water Conservation District Natural Resource Report for the proposed project received October, 3, 2014 states: "The site may contain agricultural tile, if any tile is found care should be taken to maintain the tile in working order. Severe wetness may be a limitation associated with the soil on the site. Install a properly designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils."
- G. Safety concerns are addressed by required fencing and lighting, as reviewed in Item 9.
- H. The subject property is considered BEST PRIME FARMLAND. The subject property consists of Drummer Silty Clay Loam (152A) and Flanagan Silty Clay Loam (154A) soils. This tract has a relative LE Factor of 100.
- I. The nearest dwelling is the house at the southeast corner of CH14 and CR 2300 East that is only 350 feet from the subject property. The Ordinance does not require electrical substations to be screened, but in the past screening has generally been required when substations were less than 1,000 feet from a dwelling. The site plan indicates slatted fencing on the east and south sides of the substation.
- J. 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

11/06/14 DRAFT

odor, noise, vibration, glare, heat, dust, or 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: **“Yes, consistent with agriculture zoning and district.”**
- B. Regarding compliance with the *Zoning Ordinance*, the following evidence was provided:
- (1) Section 5.2 authorizes an Electrical Substation as a Special Use in all but the I-2 Heavy Industry District. It is not permitted by right in any district.
 - (2) Paragraph 6.1.2 A. establishes standard conditions for exterior lighting that apply to all Special Use Permits (see Item 6.B.1 above). The petitioner has provided documentation that the lighting they will install is full cut-off.
 - (3) Subsection 6.1.3 indicates standard conditions that apply specifically to electrical substations:
 - (a) A 6 foot wire mesh fence is required at minimum. The petitioner states that the property will be properly fenced to protect the public. A fence is shown on the Site Plan received October 1, 2014.
 - (b) Side and rear yards of 20 feet minimum are required. The Site Plan received October 1, 2014 shows a rear yard of 25 feet, and side yards of 30 feet and 40 feet.
 - (c) Minimum lot size in the AG-1 Agriculture District is 1 acre. The proposed lot size is 1.2 acres.
 - (d) Maximum building height in the AG-1 Agriculture District is 50 feet. The tallest tower in the proposed substation is 39 feet.
 - (e) Minimum setback from the street centerline on a MINOR street in the AG-1 Agriculture District is 55 feet. The Site Plan received October 1, 2014 shows a setback of 57 feet.
- C. Regarding compliance with the *Stormwater Management Policy*, the following evidence was provided:

11/6/14 DRAFT**Case 789-S-14
Page 11 of 18**

- (1) The Champaign County Stormwater Management Policy exempts construction on lots less than one acre that existed prior to December 17, 1991. The 1.2 acres minus allowable exclusions make the proposed construction exempt from the Stormwater Management Policy.
 - (2) The proposed development will disturb less than one acre of soil, so and a Notice of Intent (NOI) will not have to be filed with the Illinois EPA regarding erosion control requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II.
- D. Regarding the Special Flood Hazard Areas Ordinance, the subject property is not located in the Special Flood Hazard Area.
 - E. Regarding the Subdivision Regulations, the subject property conforms to the Champaign County Subdivision Regulations.
 - F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District, the proposed use is "Electric Substation," which will provide sufficient power to uses in the Village of St. Joseph and its surrounding agricultural areas.
 - G. The proposed Special Use is exempt from the Illinois Accessibility Code.

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

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. 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-1 District and states as follows (capitalized words are defined in the Ordinance):

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 AGRICULTURE pursuits.
 - (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 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.

11/06/14 DRAFT

B. 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.
 - (a) In regards to the value of nearby properties, it is unclear what impact the proposed SUP will have on the value of nearby properties.
 - (b) With regard to the value of the subject property, without the Special Use Permit authorization petitioner Eastern Illini Electric Cooperative will have no interest in purchasing the subject property.
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

The proposed site plan indicates two access drives to the substation. Traffic at the substation is expected to be minimal.

- (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.

The requested Special Use Permit is exempt from the Champaign County Stormwater Management Policy; it is outside of the Special Flood Hazard Area, and there are no special drainage problems that appear to be created by the Special Use Permit.

- (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;

11/6/14 DRAFT

Case 789-S-14
Page 13 of 18

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 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. There are no special conditions of approval proposed at this time.

- (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.

This purpose is not relevant to the proposed Special Use Permit because it relates to nonconforming buildings, structures, or uses that existed on the date of the adoption of the Ordinance and the proposed use will be entirely new.

- (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.

Case 789-S-14
Page 14 of 18

11/06/14 DRAFT

The subject property is located in the AG-1 Agriculture District and the proposed use will maintain rural characteristics.

- (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 and there are no natural features 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-1 Agriculture District and will serve a nearby population while minimizing the cost of public utilities development.

- (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-1 Agriculture District and serves the agricultural nature of the rural area by providing power to a rural community and its surrounding rural area.

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: "N/A."

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:

A. No special conditions are proposed at this time.

11/6/14 DRAFT

Case 789-S-14
Page 15 of 18

DOCUMENTS OF RECORD

1. Special Use Permit application received October 1, 2014, with attachments:
 - A Site Plan received October 21, 2014
 - B Lighting specifications dated October 1, 2014

2. Natural Resources Report from Champaign County Soil and Water Conservation District received October 3, 2014

3. Preliminary Memorandum for Case 789-S-14 dated November 5, 2014, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received October 21, 2014
 - C Lighting specifications “NEMA Head Package Series 11 PKG” dated October 1, 2014
 - D Natural Resources Report from Champaign County Soil and Water Conservation District received October 3, 2014
 - E Site Visit Photos
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination

Case 789-S-14
Page 16 of 18

11/06/14 DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 789-S-14 held on November 13, 2014, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because: _____

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

 - 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*}*:

 - g. The property is BEST PRIME FARMLAND and the property with the proposed improvements *{IS/ IS NOT}* WELL SUITED OVERALL *{because*}*:

 - h. The existing public services *{ARE/ ARE NOT}* available to support the proposed special use effectively and safely without undue public expense *{because*}*:

 - i. The existing public infrastructure together with proposed improvements *{ARE/ ARE NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because*}*: _____

11/6/14 DRAFT

Case 789-S-14
Page 17 of 18

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

- 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/ IS NOT}*** 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.

Case 789-S-14
Page 18 of 18

11/06/14 DRAFT

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 **789-S-14** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED }* to the applicant Eastern Illini Electric Cooperative to authorize an Electric Substation in the AG-1 Agriculture Zoning District.

{ 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