



**CASE NO. 822-S-15**  
**SUPPLEMENTAL MEMORANDUM #2**  
February 25, 2016

Brookens Administrative Center  
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Urbana, Illinois 61802

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- Petitioner:** Nick Brian, d.b.a. Greenside Lawn Care
- Request:** Authorize a Special Use Permit for a Contractor's Facility (with or without outdoor storage and/or outdoor operations) and a caretaker's dwelling in addition to an existing single family dwelling in the AG-1 Agriculture Zoning District.
- Location:** A tract of land comprised of Lot 1 of Meadow Ridge Subdivision in the Southwest Quarter of the Northwest Quarter of Section 17 of Township 20 North, Range 8 East of the Third Principal Meridian in Hensley Township and commonly known as the contractor business Greenside Lawn Care, located at 707 CR 2200 North, Champaign, Illinois.
- Site Area:** 11.09 acres
- Time Schedule for Development:** Already in use
- Prepared by:** **Susan Chavarria**  
Senior Planner
- John Hall**  
Zoning Administrator

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**STATUS**

The purpose of Supplemental Memorandum #2 is to provide a synopsis of the Letter of Opposition received on February 22, 2016 from the Carpenters and to propose several special conditions.

**LETTER OF OPPOSITION**

The Webber letter is quite redundant to material already provided to the ZBA but it also does raise and/or reiterate some important considerations, as follows:

- On page 1 and in item 3 on page 5, Mr. Webber states that the SUP application has not been signed by the other owner, Mrs. Brian, and Mr. Webber is correct.

Mrs. Brian's signature is required prior to final action.

- Also in item 3 on page 5, Mr. Webber suggests that the drawing submitted by the petitioner is insufficient and the Zoning Administrator agrees.

The ZBA should require a more complete site plan that is much more accurate and specific to the concerns of all neighbors, including dimensions of all setbacks and explanatory notes where necessary.

- On page 2 under item h., Mr. Webber questions if the true extent of fertilizer and ice/snow melt storage is known. Areas for storage of fertilizer and ice and snow melt should be identified on the site plan and at this time that is only the small shed.

A special condition has been proposed regarding this concern.

- On page 3 in item a., Mr. Webber claims that the request will lower the value of area properties but provides no real estate appraisal to support that claim. There are 2 RHOs and one other SUP already in the immediate vicinity.
- On page 3 in item b., Mr. Webber suggests that the fact the use cannot be a “home occupation” is evidence that the use is not “proper”.

Staff has created a table showing the proposed uses and what restrictions apply if the case is approved with a Special Use Permit or via Rural Home Occupation (RHO). Relevant Meadow Ridge Subdivision Covenants have also been provided in the table.

- Exhibit G of the Webber letter lists various limitations that should be applied to any SUP on the property.

Board members are encouraged to review this list of proposed limitations to confirm for themselves whether they are adequate special conditions for approval.

### **ADDITIONAL PROPOSED SPECIAL CONDITIONS**

Staff proposes the following special conditions. Conditions A through C were provided in the Preliminary Memorandum dated February 17, 2016. The remaining conditions are new.

- A. **In the event that the Contractor’s Facility ceases to exist, the right to a second dwelling unit will become void. A Miscellaneous Document must be filed with the Recorder of Deeds within one month of approval of this Special Use Case so that a prospective buyer will be alerted to that requirement.**

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

**That the proposed Special Use complies with the Zoning Ordinance regarding number of dwellings allowed on a property.**

- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Contractors Facility (with or without Outdoor Storage and Operations) until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

**That the proposed Special Use meets applicable state requirements for accessibility.**

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

**That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.**

- D. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 822-S-15 by the County Board.**

**Cases 822-S-15**

Nick Brian d.b.a. Greenside Lawn Care  
FEBRUARY 23, 2016

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The above special condition is required to ensure the following:

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

- E. **Approval of the Special Use Permit limits its operations to the existing large shed, the existing salt shed, the existing parking and vehicle maneuvering area, and the house.**

The above special condition is required to ensure the following:

**That any additional construction on the subject property only be for personal use and not for expanding the Special Use.**

- F. **All vehicles, trailers, and equipment used in the Special Use Permit must be parked indoors when onsite between the hours of 10PM and 7AM.**

The above special condition is required to ensure the following:

**To comply with the Champaign County Nuisance Ordinance regarding noise impacts.**

- G. **All Zoning Ordinance requirements for a Rural Home Occupation, except for the fuel tanks and ice melt and salt storage, apply to this Special Use Permit, except where other special conditions on the Special Use Permit are more restrictive.**

The above special condition is required to ensure the following:

**That the Special Use is no more intensive than a Rural Home Occupation.**

- H. **Outdoor storage and operations for the Special Use are limited to only those that are specified on the approved site plan.**

The above special condition is required to ensure the following:

**That activities approved under the Special Use Permit do not expand beyond the intent of the Zoning Ordinance.**

- I. **Within six months of the approval of the Special Use Permit, a door must be installed on the salt storage shed that will be closed completely when the salt is not being accessed.**

The above special condition is required to ensure the following:

**That all storage and operations related to the Special Use are completely indoors.**

- J. **The petitioner must plant evergreen screening from the northeast property corner along the east lot line to screen the proposed shed and then westward to screen the south face of the proposed shed. The approved Site Plan must indicate the location of the evergreen screening.**

The above special condition is required to ensure the following:

**To promote public health, safety, and general welfare that is a purpose of the Zoning Ordinance.**

**ATTACHMENT**

- A Comparison Table of proposed use – Special Use Permit and Rural Home Occupation regulations

## Attachment A: Comparison of Proposed Use as Special Use Permit and as Rural Home Occupation

Proposed Use	as Proposed Contractor Facility (822-S-16)	as Special Use Permit	as Rural Home Occupation
lawn care and snow removal business	accessory to the main residence and housed in an accessory structure	eligible as a contractor's facility with or without outdoor operations and storage in AG-1	Processes employed shall not create odor, dust, noise, gas, smoke, or vibration discernable at the property line other than of such a nature, quantity, intensity, duration, or time of occurrence customarily associated with AGRICULTURE.  changes to the exterior of the DWELLING or ACCESSORY BUILDING which would indicate that it is being utilized in whole or in part for any purpose other than that of a residential or farm BUILDING are prohibited  accessory use to a dwelling in AG-1
second dwelling unit in shed	petitioner uses for paperwork, family uses it for parties and play area; has kitchen and bathroom	allowed as caretaker's dwelling for a contractor's facility	only one dwelling per lot in AG-1
salt/ice melt (as hazardous material)	salt/ice melt stored in open building that is used for mulch in warmer seasons	only restricted by County Nuisance Ordinance	No storage of volatile liquid, flammable gases, hazardous material or explosives shall be permitted except as such might be kept for customary agricultural purposes in quantities and concentrations customarily found on farms
non-family employees	2 employees and 2 mowing crews (not quantified)	may be limited as required by the ZBA	limited to two employees on premises and no more than 3 additional employees may report to the site for work performed off premises
fuel tanks	500 gallon dual wall tank storing diesel fuel and gasoline (Mr. Brian stated they are used for farm equipment)	may be limited as required by the ZBA	No storage of volatile liquid, flammable gases, hazardous material or explosives shall be permitted except as such might be kept for customary agricultural purposes in quantities and concentrations customarily found on farms.
non-farm motor vehicles	2 trucks for both business and personal use	only restricted by County Nuisance Ordinance	No more than 10 vehicles in total excluding patron or employee or owner personal vehicles but no more than 3 vehicles that are a truck tractor or vehicle with double axles; Type A screen required for more than 4 vehicles if no more than 15,000 pounds each and Type D screen required for more than one vehicle of more than 15,000 pounds gross weight or a combination vehicle and connected trailer of more than 15,000 pounds gross weight.
equipment	2 tractors, 2 skid steers, and 3-4 mowers	only restricted by County Nuisance Ordinance	No more than 10 vehicles and/or complete pieces of equipment may be stored outside; no limit on the number of equipment stored indoors
outdoor storage and screening	young evergreen trees surround the property; no fencing on property	A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE which is visible within 1,000 feet from any point within the BUILDING RESTRICTION LINE of any lot occupied by a DWELLING conforming as to USE; Type D screen can be up to 8 feet tall.	same as SUP, but limited to side yards and rear yard

**Attachment A: Comparison of Proposed Use as Special Use Permit and as Rural Home Occupation**

<p>exterior lighting</p>	<p>lighting is already installed and is not full-cutoff</p>	<p>full-cutoff fixtures, with manufacturer's documentation of such, installed so as to minimize glare and light trespass onto adjacent properties; no lamps greater than 250 watts; locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the board</p>	<p>same as SUP</p>
<p>prohibited locations</p>		<p>may be limited as required by the ZBA</p>	<p>an RHO is not authorized on lots fronting streets located wholly within a recorded subdivision or within 500 feet of a residential zoning DISTRICT</p>