

## **CASE NO. 868-S-17 and 874-V-17**

PRELIMINARY MEMORANDUM

May 4, 2017

**Petitioner:** Topflight Grain Coop, Inc. via agent Scott Docherty

**Request:** **Case 868-S-17**

Authorize the construction of 2 grain storage tanks with a height of 145 feet 2 inches as a Special Use in the AG-1 Agriculture and I-1 Light Industry Zoning Districts, per Section 4.3.1 of the Champaign County Zoning Ordinance.

**Case 874-V-17**

Part A: Authorize a variance for the construction of 2 grain storage tanks with a front yard of 11 feet and a setback of 30 feet from the centerline of a local street in lieu of the minimum required 25 feet and 55 feet, respectively, in the AG-1 Agriculture and I-1 Light Industry Zoning Districts, per Section 5.3 of the Champaign County Zoning Ordinance.

Part B: Authorize a variance for the construction of 1 grain storage tank with a rear yard of 15 feet for the portion of the western storage tank that is in the I-1 Zoning District in lieu of the minimum required 20 feet.

Part C: Authorize a variance for the construction of 1 grain storage tank with a rear yard of 11 feet for the portion of the western storage tank that is in the AG-1 Zoning District in lieu of the minimum required 25 feet.

Part D: Authorize a variance for the construction of 1 grain storage tank with a rear yard of 11 feet for the eastern storage tank that is entirely in the AG-1 Zoning District, in lieu of the minimum required 25 feet.

**Location:** A tract of land located in Seymour, bounded by Main Street to the west, Front Street to the south, and the railroad tracks to the north, in the Southwest Quarter of the Northwest Quarter of Section 16, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township and commonly known as the Topflight Grain Cooperative Elevator at 202 North Main Street, Seymour, Illinois.

**Site Area:** 2.25 acres

**Time Schedule for Development:** As soon as possible

**Prepared by:** **Susan Burgstrom**  
Senior Planner

**John Hall**  
Zoning Administrator

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## BACKGROUND

Topflight Grain Coop, Inc. plans to build 2 grain storage tanks with a height of 145 feet 2 inches on the subject property to replace an existing temporary flat grain storage facility in the same location on the subject property. Section 4.3.1 B. requires that silos and necessary mechanical appurtenances over 100 feet in height require a Special Use Permit, which is the reason for the petitioner's request.

The proposed storage tanks would have setbacks, front yards, and rear yards less than the minimums required by the Zoning Ordinance. A variance for height is not required because Section 4.3.1 B. specifies that "silos" over 100 feet in height require a SUP and thus do not require a variance. A variance for lot coverage for the east tract was discussed by P&Z Staff; they request a determination based on the information provided in the Maximum Lot Coverage section below.

In 2002, TopFlight Grain applied for a Zoning Use Permit to construct a temporary flat grain storage facility. P&Z Staff determined that a ZUP could not be approved until a Special Use Permit was approved because part of the proposed storage facility would be located in the AG-1 Zoning District, which requires a Special Use Permit for grain storage bins (Case 329-S-02). Further review showed the need for several variances, which were proposed in Case 328-V-02. The cases were complicated by drainage issues that prolonged the decision process with a drainage study, review, and design for a necessary drainage basin on the 3.16 acres east of the subject properties, also owned by TopFlight Grain. Case 360-V-02 was introduced to authorize a set of variances from the *Interim Storm Water Management Policy* so that the dry-bottom detention basin could be built. Case 396-V-03 was to authorize a variance for an existing office building with setbacks adjusted from previous Case 226-I-00, front yards less than the minimum required, and encroachment into the corner visibility triangle. All four cases were approved on October 30, 2003. No record can be found of an approved Zoning Use Permit for the temporary flat grain storage facility, which should have been completed after the zoning cases were approved.

The flat grain storage facility to be replaced by the proposed permanent tanks had significant issues with grain dust, noise, and odor, based on comments received during Cases 329-S-02, 328-V-02, 360-V-02, and 396-V-03. The proposed permanent storage tanks should have more positive impacts on adjacent residential areas in terms of property values, health, safety, and general welfare.

Please see the section below regarding unresolved issues.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Grain elevator and storage facility (Zoning Cases 190-V-99, 191-V-99, 226-I-02, 328-V-02, 329-S-02, 360-V-02, 396-V-03, 847-AV-16)	AG-1 Agriculture and I-1 Light Industry
North	Railroad ROW, then residential to the north	R-2 Residential
East	Agriculture, TopFlight detention basin	AG-1 Agriculture
West	TopFlight grain storage	I-1 Light Industry
South	Residential and Business	R-2 Residential and B-5 Central Business

## EXTRATERRITORIAL JURISDICTION

The subject property is in the unincorporated village of Seymour; it is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.

The subject property is located within Scott Township, which does not have a Plan Commission.

## MAXIMUM LOT COVERAGE – VARIANCE REQUIRED?

Maximum lot coverage in the AG-1 Zoning District is 20%. After the legal advertisement was placed, staff noted that the proposed storage tanks would comprise 35% of the 0.78 acre Tract B, which is in the AG-1 District. While the proposed storage tanks are by definition buildings because they are enclosed, they are not used for human or animal occupancy, which is part of the definition of a BUILDING in the Zoning Ordinance. Staff believes that this is sufficient gray area not to require an addition to the variance.

Staff requests that the Board determine whether the case should be re-advertised to include the maximum lot coverage as part of the variance. The petitioners would not be charged for re-advertisement.

## UNRESOLVED ISSUES

No Zoning Use Permit Application for the temporary grain storage bin constructed in 2001 has been found on record. An as-built drawing for the drainage basin that was the subject of Case 360-V-02 has also not been found. Staff has included a proposed Special Conditions regarding these issues.

## PROPOSED SPECIAL CONDITIONS

The following are proposed special conditions of approval for Special Use Permit Case 868-S-17:

- A. **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.**

- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed storage tanks until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate on the subject property until the petitioners submit a revised site plan that includes the storm water detention area.**

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

**That there will be a complete site plan for approval.**

- D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate on the subject property until the petitioners submit as-built drawings of the detention basin that was the subject of Case 360-V-02.**

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

**That drainage issues were mitigated as approved in Case 360-V-02.**

- E. **The petitioners must include the construction of the temporary grain storage facility and pay corresponding fees in the Zoning Use Permit Application for the 2 storage tanks.**

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

**That all structures on the subject property are property permitted.**

There are no proposed special conditions of approval for Variance Case 874-V-17.

#### **ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Revised Site Plan and Storage Tank Expansion Illustration received March 13, 2017
- C Site Plan from Cases 329-S-02, 328-V-02, and 360-V-02 received May 16, 2003
- D Natural Resources Report received February 15, 2017, from Champaign County Soil and Water Conservation District
- E Site Visit Photos taken April 4, 2017
- F Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated May 11, 2017

# Location Map

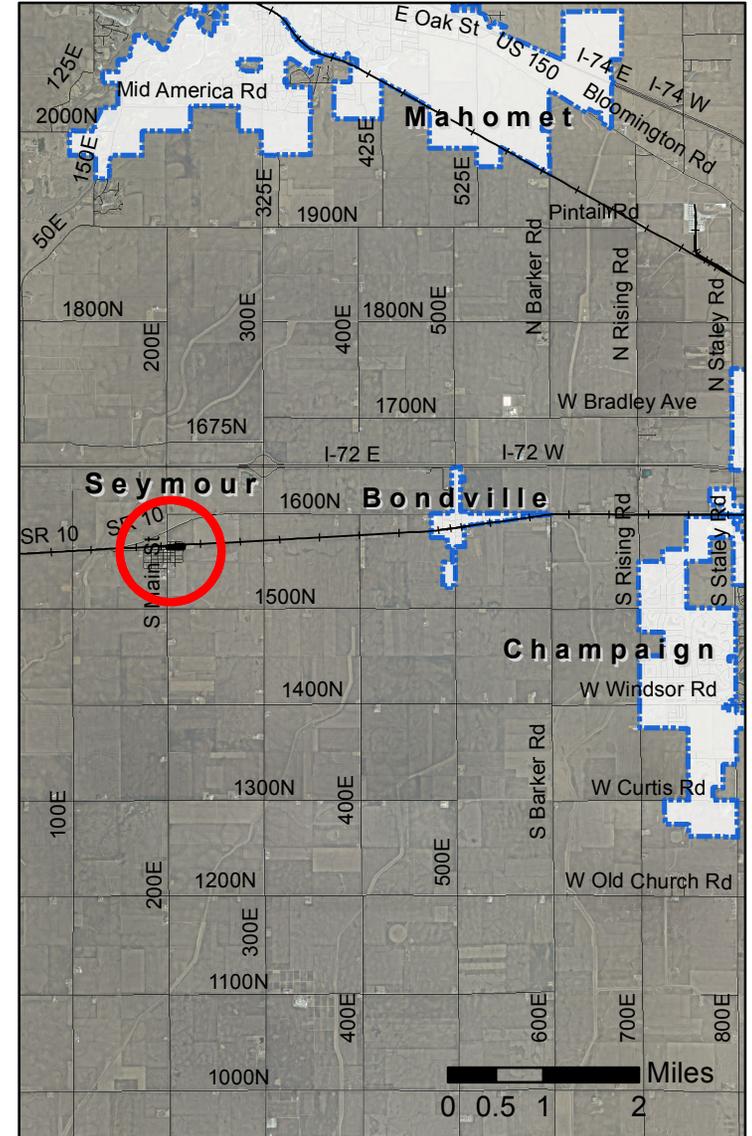
Cases 868-S-17/874-V-17  
May 11, 2017

## Community of Seymour (Unincorporated)



**Legend**  
[Black Rectangle] Subject Properties

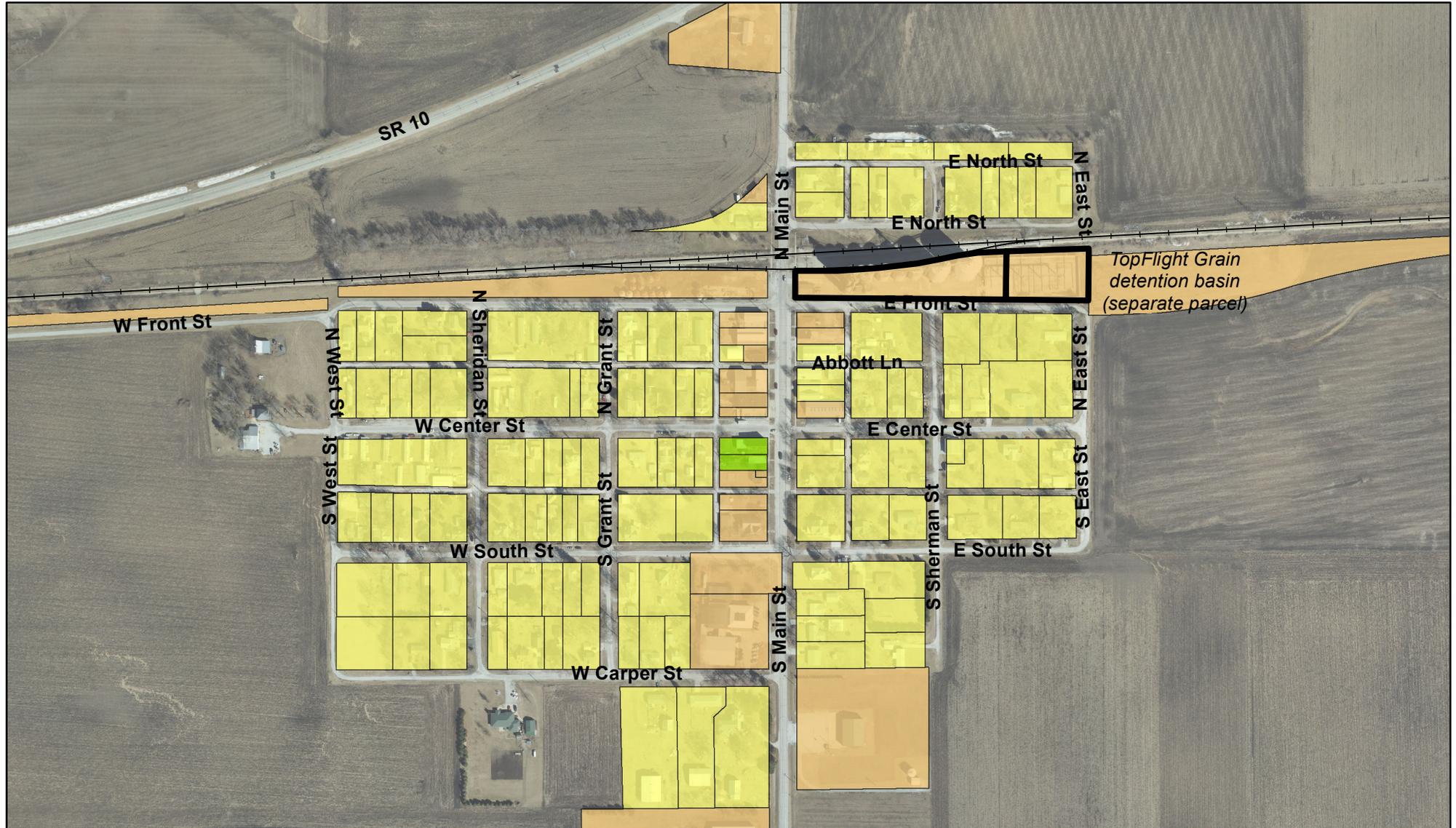
## Seymour location in Champaign County



Champaign County  
Department of  
**PLANNING &  
ZONING**

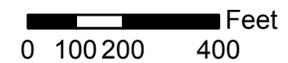
# Land Use Map

Cases 868-S-17/874-V-17  
May 11, 2017



## Legend

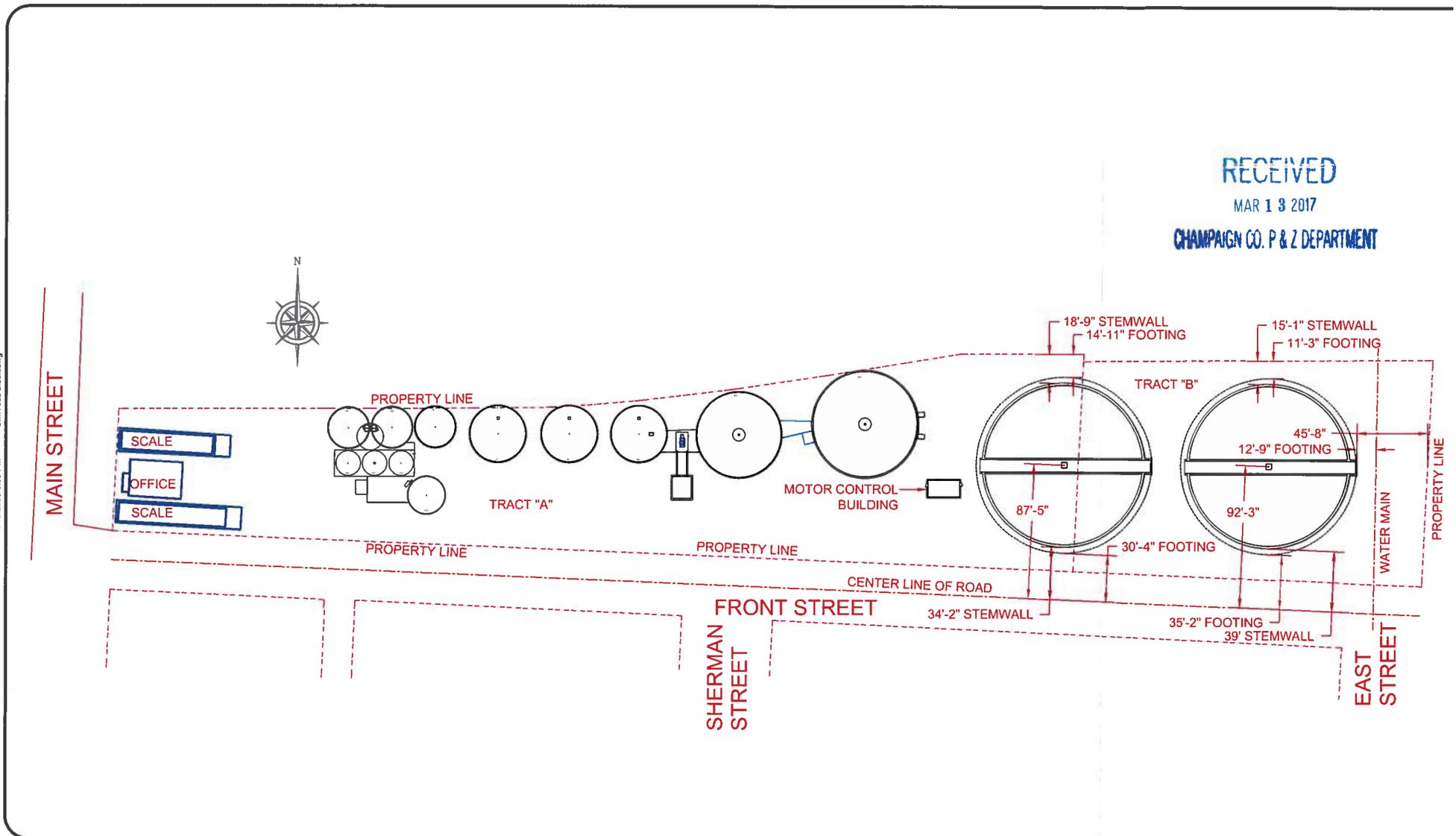
-  Subject Properties
-  Commercial, Institutional
-  Multi Family
-  Single Family
-  Railroad





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 MAR 13 2017  
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NO.	REVISION DESCRIPTION	DATE	BY

NOTES

PROJECT  
**TOPFLIGHT GRAIN COOPERATIVE**  
 105 FT DIAMETER STORAGE TANKS  
 SEYMOUR, IL

SHEET TITLE  
 OVERALL SITE PLAN DRAWING

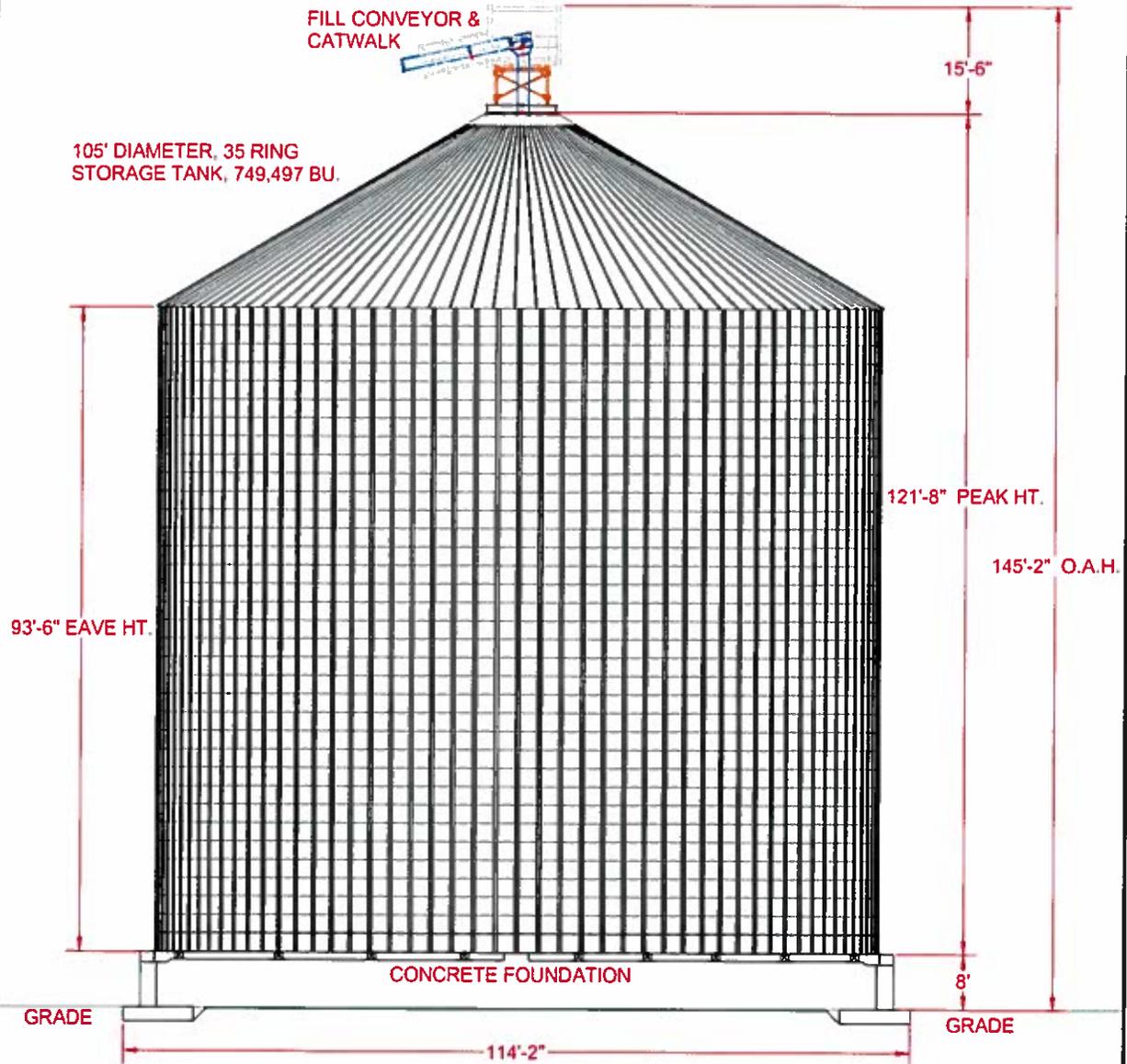
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CHKD. BY XXX	REV. NO. 0	
SCALE 1" = 60 FT.	DATE 06/09/2016	
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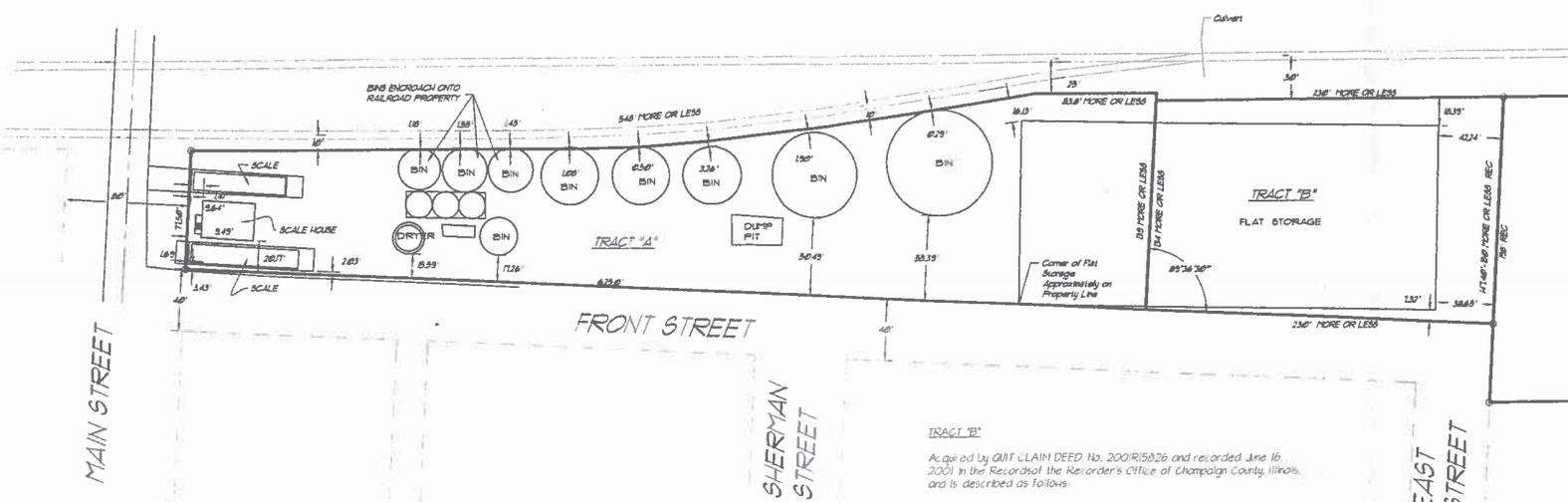
PROJECT: **TOPFLIGHT GRAIN COOPERATIVE**  
**105 FT. DIAMETER STORAGE TANK EXPANSION**  
 SEYMOUR, IL

SHEET TITLE: **STORAGE TANK DIMENSIONS**

DRAWN BY XXX	JOB NO. 0
CHKD BY WLO	REV NO. 0
SCALE 1" = 20 FT.	DATE 03/13/2017

DWG. FILE: **PERMIT DRAWING 6 031317 DWG**

SHEET NO. **1** OF 1



**TRACT "A"**

Beginning at the intersection of the North line of the 40.00 foot wide Front Street with the East line of the 80.00 foot wide Main Street in Seymour, Illinois, running thence East along the said North line of Front Street for 625.00 feet, thence Northerly forming an angle to the left of 84° 36' 30" with the Eastern extension of the last described course for 134.00 feet, more or less, to a line parallel with and 25.00 feet normally distant Southerly from the centerline of the GRANTOR's main track, thence Westerly along said parallel line for 83.00 feet, more or less, to a point of intersection with a line parallel to and/or concentric with and 10.00 feet normally distant Southerly from the centerline of the Illinois Central Railroad House track, thence Westerly along the said parallel and/or concentric line for 548.00 feet, more or less, to a point on the East line of Main Street, thence South along the said East line of Main Street for 775.00 feet to the point of beginning, containing 141 acres, more or less.

**TRACT "B"**

Acquired by QUIT CLAIM DEED No. 2001R15026 and recorded June 16, 2001 in the Records of the Recorder's Office of Champaign County, Illinois, and is described as follows:

A parcel of land being a portion of the Illinois Central Railroad Company's Seymour District Station ground property in Seymour, Illinois, located in the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section 16, Township 14 North Range 7 East of the Third (3rd) Principal Meridian at Seymour, Champaign County, Illinois, and described as follows:

Commencing at the point of intersection of the North line of the 40.00 foot wide Front Street and the East line of the 80.00 foot wide Main Street in Seymour, Illinois, as per the recorded plat thereof, running thence East along the North line of Front Street for a distance of 625.00 feet to a point marking the Southeast corner of a parcel of land conveyed by the Illinois Central Gulf Railroad Company to the Monticello Grain Company by Correction Deed dated, May 28, 1985, and this being the TRUE POINT OF BEGINNING, thence Northerly along a line forming an angle to the left of 84° 36' 30" with the Eastern extension of the last described course, also being along the East line of the said Monticello Grain Company parcel a distance of 134.00 feet, more or less, to a point on a line parallel and/or concentric with and 30.00 feet normally distant Southerly from the centerline of the Grantor's Seymour District Main track, as now located and constructed, thence Easterly along the last said parallel and/or concentric line a distance of 230.00 feet, more or less, to a point on the Northerly extension of the East line of East Street in Seymour, Illinois, as per the recorded plat thereof, thence Southerly along the last said East line, and Northerly extension thereof, a distance of 150.00 feet, more or less, to a point on the North line of Front Street, thence Westerly along the said North line of Front Street a distance of 230.00 feet, more or less, to the point of beginning, containing 0.76 acres of land, more or less.



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I do hereby certify that in the month of May 2003 a survey of the above described property was made under my direction and the plat hereon drawn is a correct representation of said survey.

51503 Robert G. Krimeel  
Date: Illinois Professional Land Surveyor No. 1983

PROJECT		STRUCTURE LOCATIONS TOP FLIGHT GRAIN FACILITY	
SCALE		1" = 40'	
NO.	DATE	APPROV.	DESCRIPTION
DRAWN BY		RDK	
CHECKED BY		RDK	
DATE		X	
PROJECT		SEYMOUR CHAMPAIGN COUNTY, ILLINOIS	
PROJECT NO.		28423	
DATE STAMP		MAY 15 2003	
SHEET NUMBER		1/1	

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# Champaign County

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

## NATURAL RESOURCE REPORT

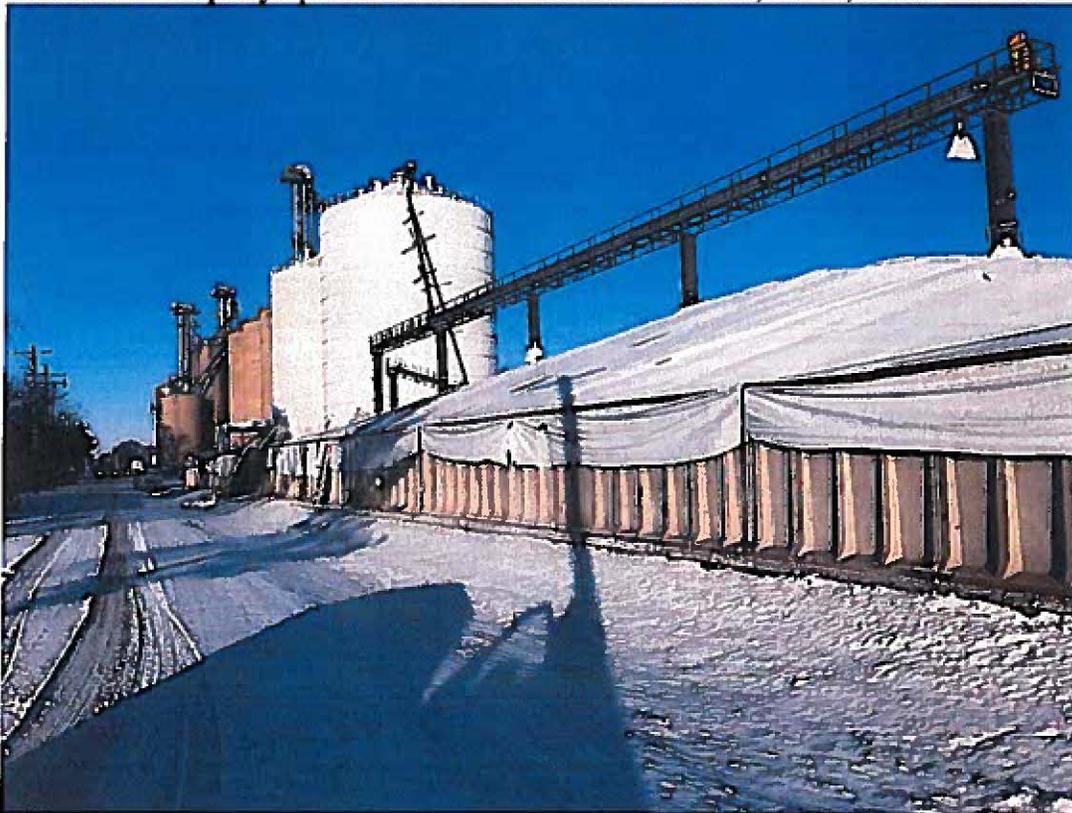
**Development Name:** Topflight Grain Coop INC

**Date Reviewed:** February, 8th, 2017

**Requested By:** Scott Docherty

**Address:** 420 W. Marion St.  
Monticello, IL 61856

**Location of Property:** part of the SW ¼ of sec.16 in T. 19 N., R.7 E., of the 3<sup>rd</sup>. P.M.



The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on February 9th, 2017.

February 9, 2017

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# Champaign County

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

## SITE SPECIFIC CONCERNS

1. The area that is and to be developed has 2 soil types (Flanagan Silt Loam 154A, Drummer Silty Clay Loam 152A) that are slight to severe ponding for dwellings with a basement.

## SOIL RESOURCE

### a) Prime Farmland:

This tract is considered best prime farmland for Champaign County by the LE calculation.

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

### b) Soil Characteristics:

There are 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 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			
154A	Flannigan Silty Clay Loam	0-2%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness	high	moderate
152A	Drummer Silty Clay Loam	0-2%	Severe: ponding	Severe: ponding	Severe: ponding	Severe: ponding	high	moderate

### c) Erosion:

This area that still may be developed, 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 has very little slope which could allow erosion during construction and heavy rainfall events. The area is currently being used for grain storage on the ground at the time of inspection, erosion control measures must be installed before construction starts.



# Champaign County

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## 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>.

A new small lots plan can be found at this website location:

<http://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>

## 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, evapotranspiration 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](http://www.epa.gov/owow/nps/lid/costs07).



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## **d) Sedimentation:**

A complete erosion and sedimentation control plan should be developed and implemented on this site prior to and during major construction activity. This plan should also have information for the land owner to continue Sedimentation control after.

Example: When will inlets for storm drains need to be cleaned out or how often? All sediment-laden runoff should be routed through sediment basins before discharge. 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.aisxcd.org/IUM/>

This link has a resource to help develop a SWPPP for small lots:

<http://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>

## **WATER RESOURCE**

### **a) Surface Drainage:**

The site has a slit slope. The developed areas seem to have good drainage. The water from the site will leave by way of surface drainage.

Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much as possible should be considered for any future development.

### **b) Subsurface Drainage:**

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

Severe ponding, along with wetness may be a limitation associated with the soil types 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.



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## 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. The soil types will support trees such as Bur Oak, Norway Spruce, Black Oak, and Silky Dogwood. For areas to be restored to a more natural area several groups in the area may be able to help with seed.

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

Signed by Steve Stierwalt Prepared by Jonathon Manuel  
Steve Stierwalt Jonathon Manuel  
Board Chairman Resource Conservationist

# Topflight Grain

Date: 2/8/2017

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

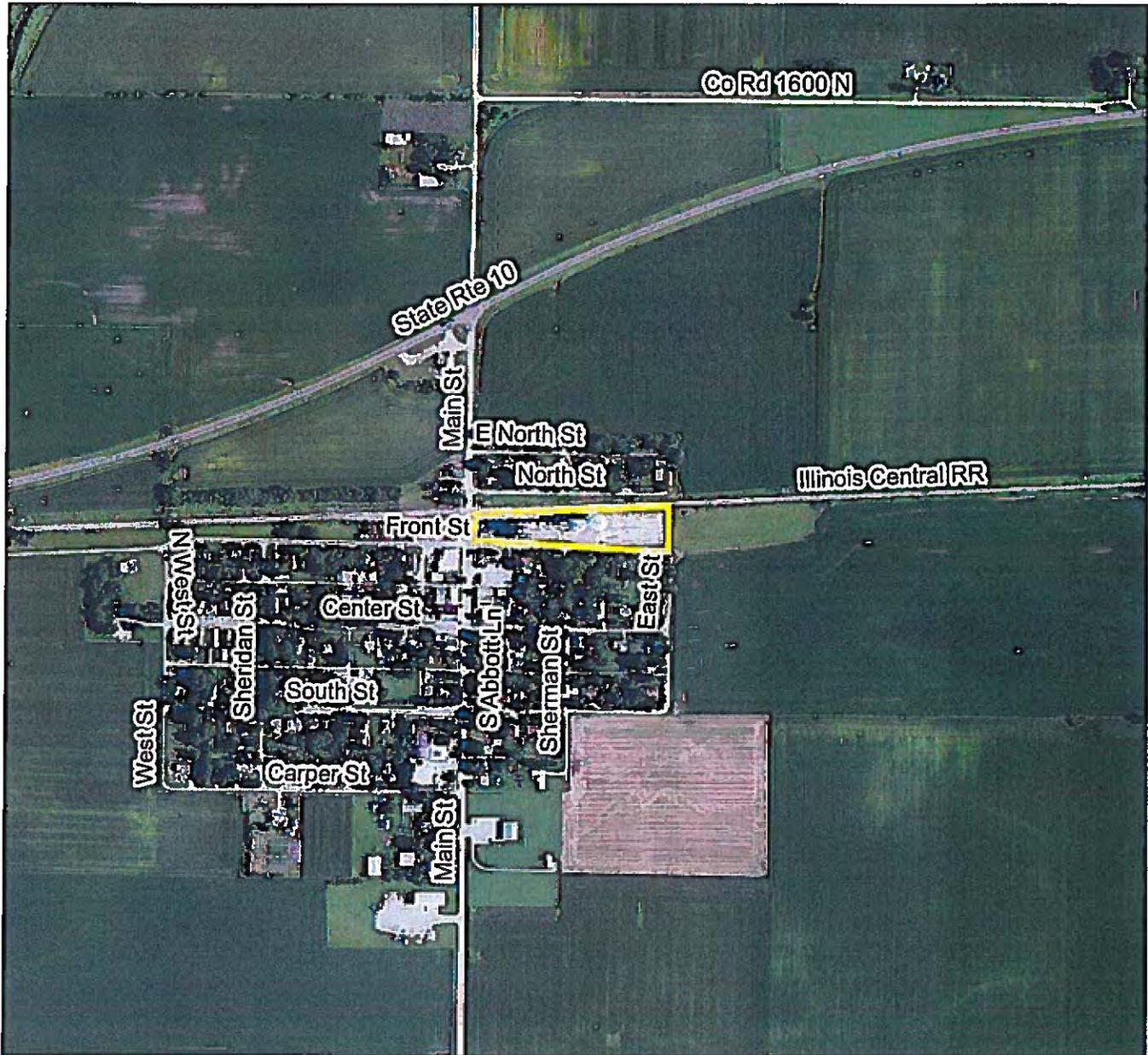
Assisted By: JONATHON MANUEL

2015 Aerial

State and County: IL, Champaign County, Illinois

Legal Description: SW 1/4 of Section 16, T19N, R7E

Agency: Champaign County Soil and Water Conservation District



Prepared with assistance from USDA-Natural Resources Conservation Service



### Legend

-  Topflight Grain
- fe\_2007\_17019\_edges



# Topflight Grain

Date: 2/8/2017

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2015 Aerial

State and County: IL, Champaign County, Illinois

Legal Description: SW 1/4 of Section 16, T19N, R7E

Agency: Champaign County Soil and Water Conservation District



Prepared with assistance from USDA-Natural Resources Conservation Service

### Legend

### Soils Map

### MUSYM

152A

154A

Topflight Grain

fe\_2007\_17019\_edges



## LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
154A	Flanagan	1	100	1.6	160.0
152A	Drummer	2	100	1.4	140.0
					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= 300**

**Acreage= 3**

**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

# Topflight Grain

Date: 2/8/2017

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

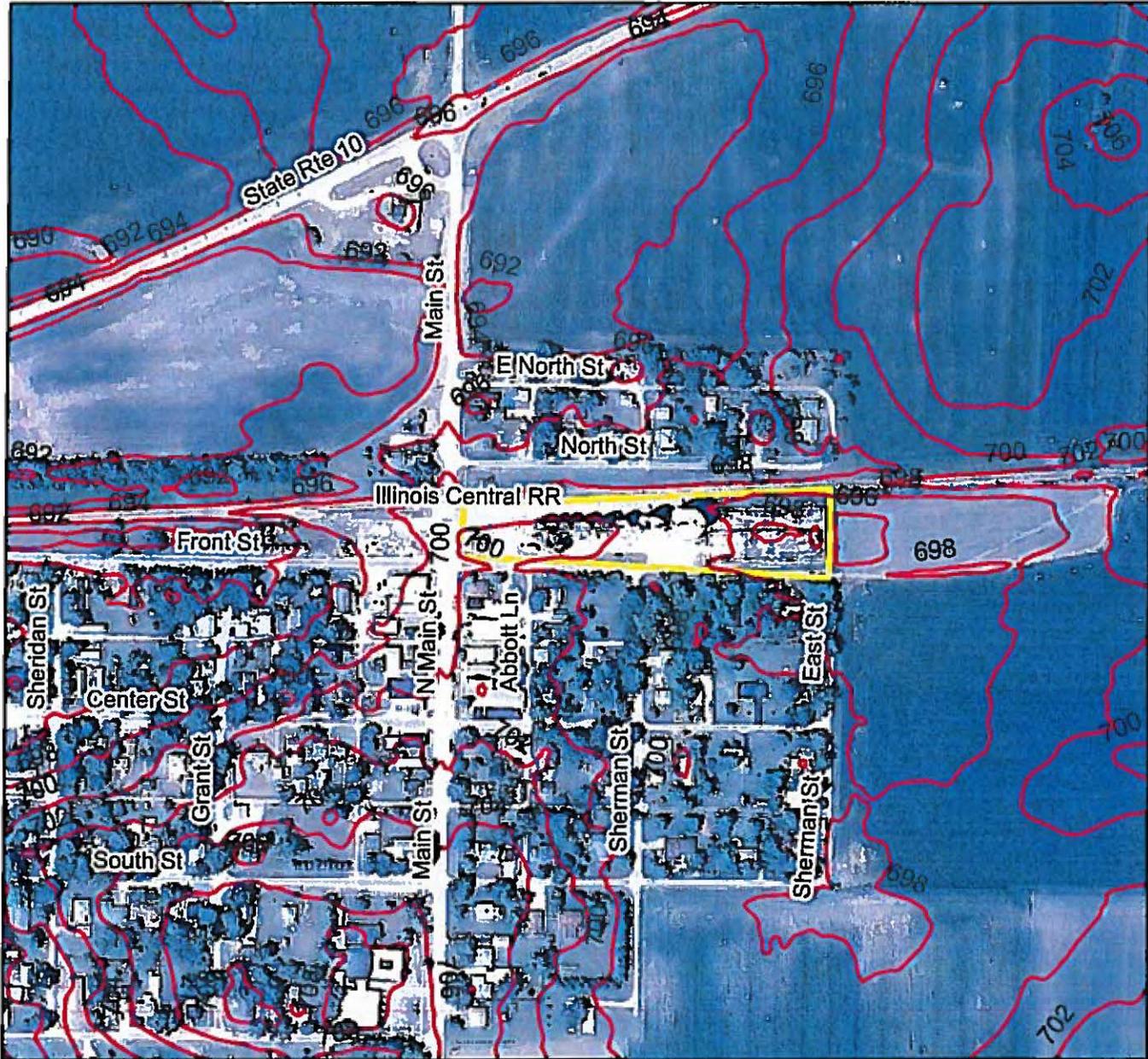
Assisted By: JONATHON MANUEL

2015 Aerial

State and County: IL, Champaign County, Illinois

Legal Description: SW 1/4 of Section 16, T19N, R7E

Agency: Champaign County Soil and Water Conservation District



Prepared with assistance from USDA-Natural Resources Conservation Service



### Legend

— 3\_T19N\_R07E\_SEC17

— 3\_T19N\_R07E\_SEC16

■ Topflight Grain

fe\_2007\_17019\_edges



# Topflight Grain

Date: 2/8/2017

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

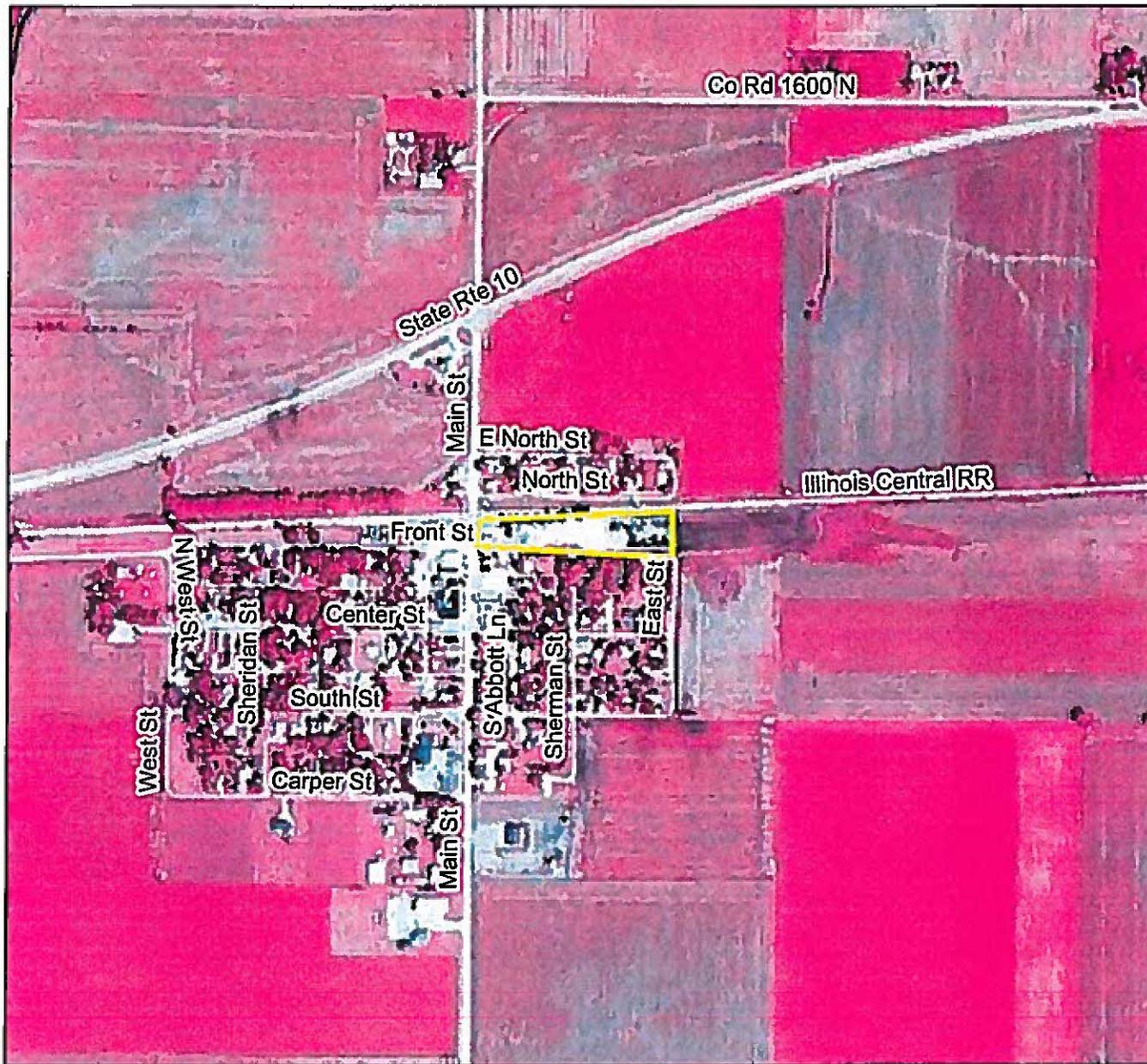
Assisted By: JONATHON MANUEL

2004 Aerial

State and County: IL, Champaign County, Illinois

Legal Description: SW 1/4 of Section 16, T19N, R7E

Agency: Champaign County Soil and Water Conservation District



Prepared with assistance from USDA-Natural Resources Conservation Service



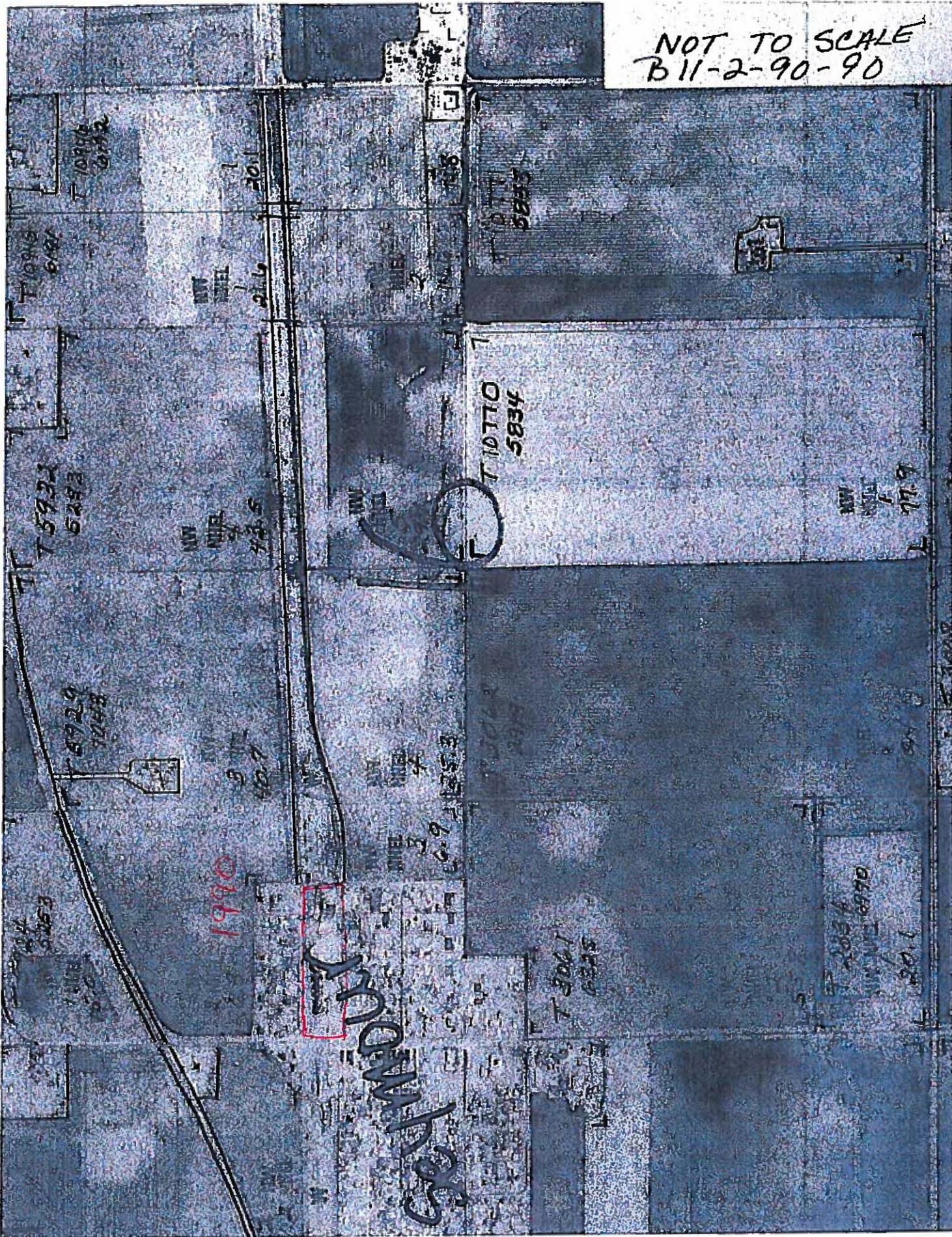
### Legend

Topflight Grain

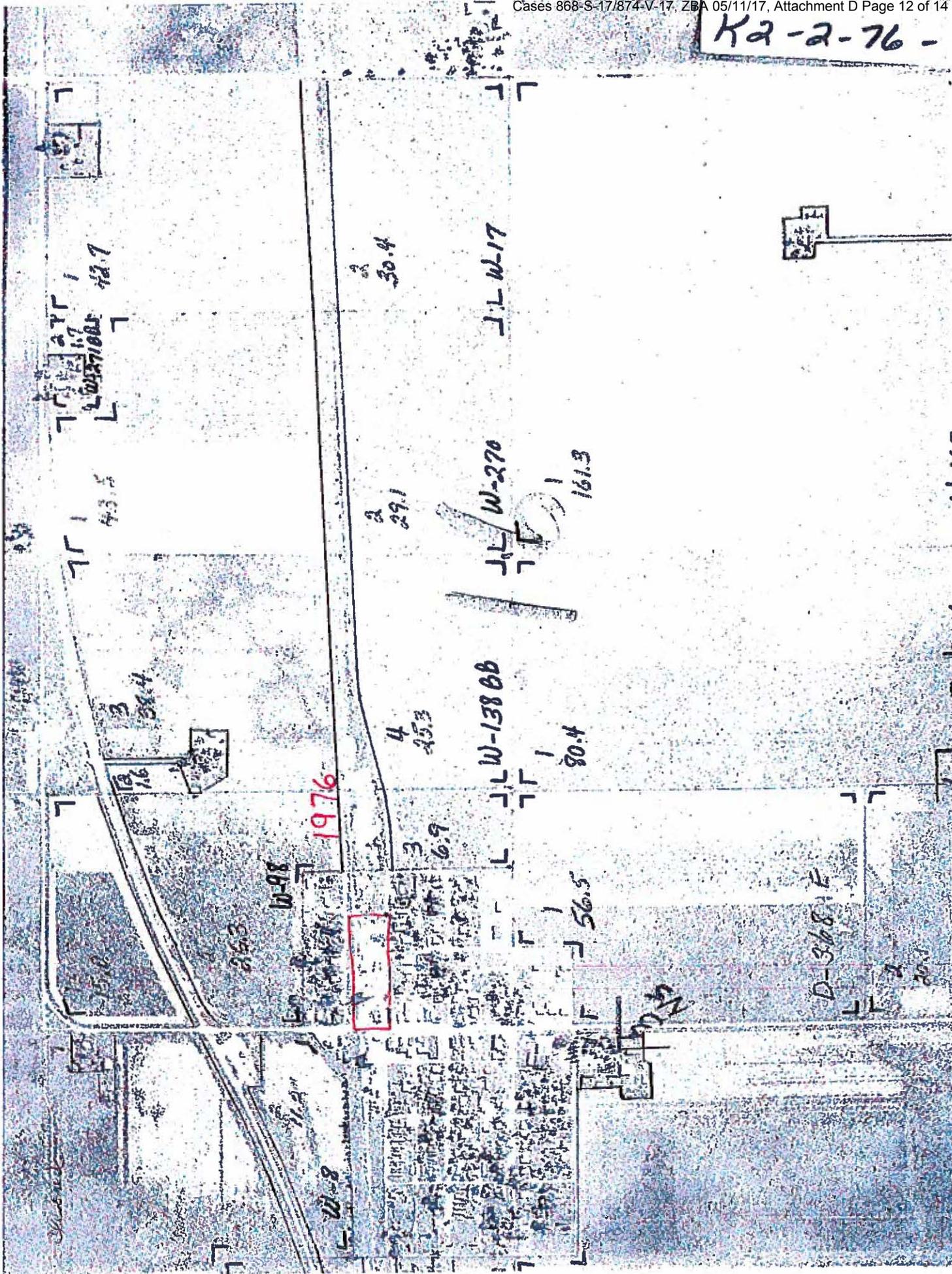
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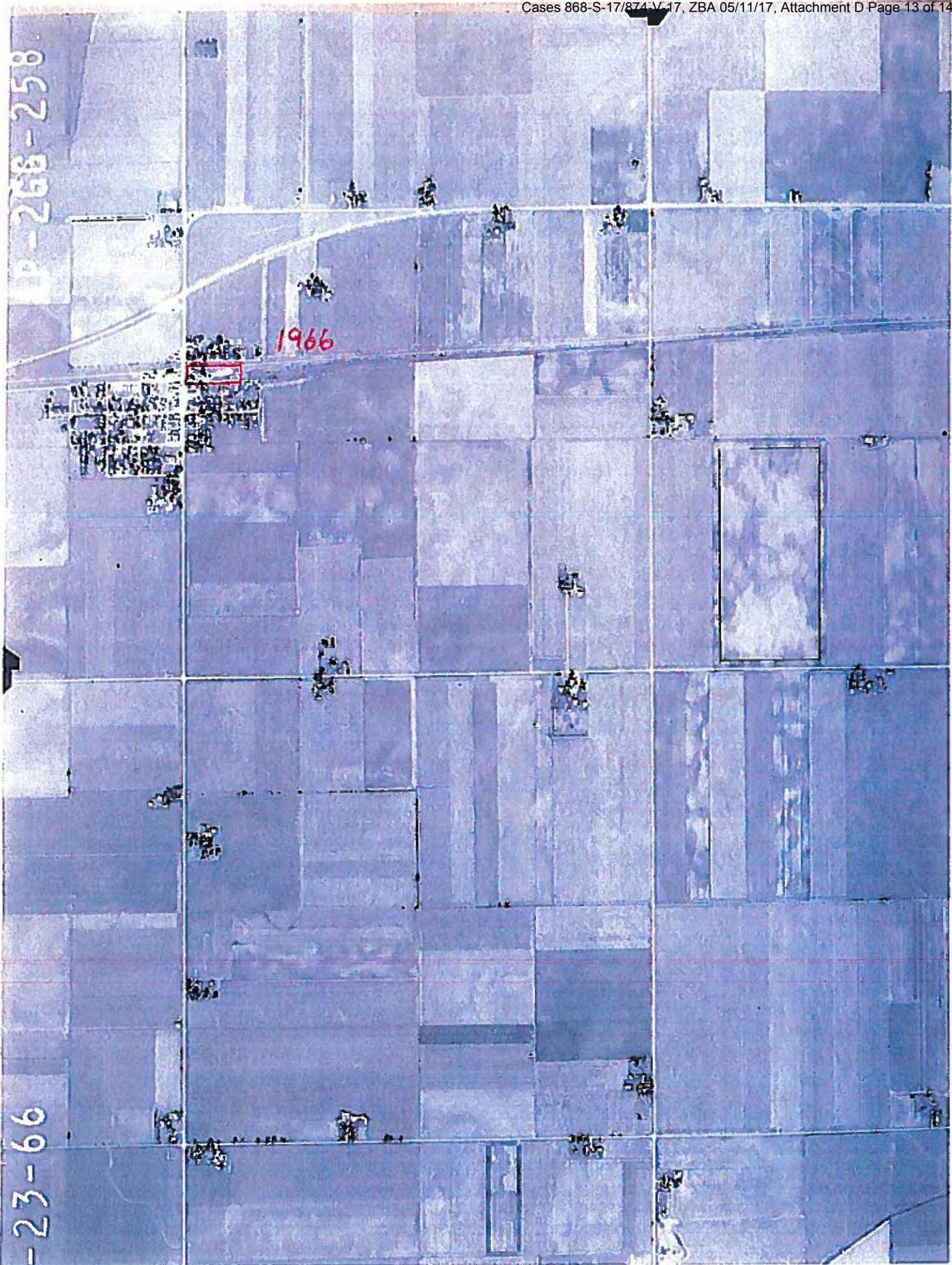
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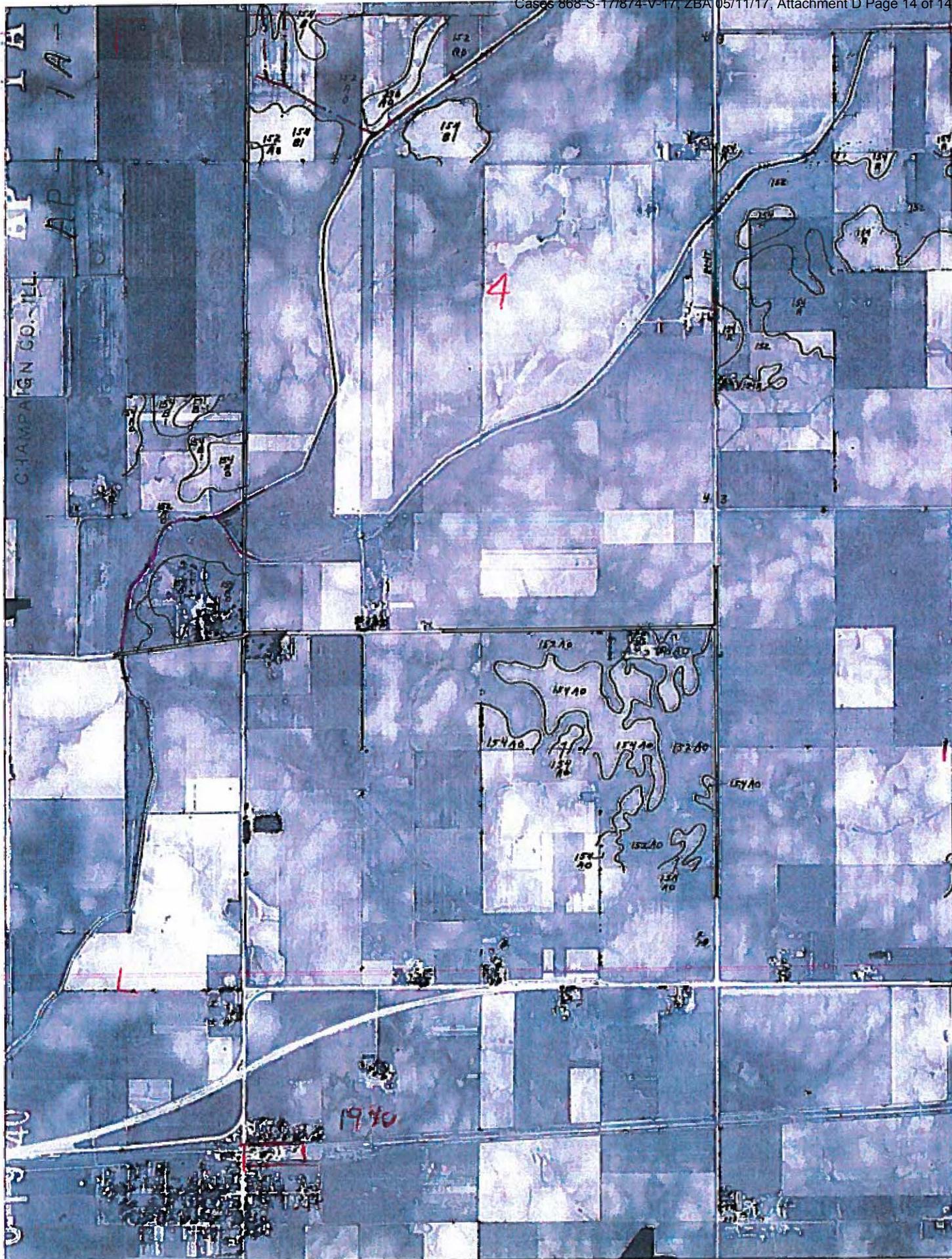


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1966

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CHAMPAIGN CO. ILL.  
AP - 1A - C

1990

1990

4

**Cases 868-S-17 and 874-V-17 Images**



**From Front Street, west end of Topflight Grain, facing east**



**From Front Street, south of existing grain bins, facing east – structure with 5 posts is where proposed storage bins would be built**

**Cases 868-S-17 and 874-V-17 Images**



**From Front Street, west end of proposed storage bin area, facing east**



**From Front Street, east end of proposed storage bin area, facing west**

**Cases 868-S-17 and 874-V-17 Images**



**From Front Street, adjacent to proposed storage bin area, facing west**



**From North Street (north of Topflight Grain), facing east**

**PRELIMINARY DRAFT**

**868-S-17 and 874-V-17**

**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: *{May 11, 2017}*

Petitioners: **Topflight Grain Coop, Inc. via agent Scott Docherty**

Request: **Case 868-S-17**

Authorize the construction of 2 grain storage tanks with a height of 145 feet 2 inches as a Special Use in the AG-1 Agriculture and I-1 Light Industry Zoning Districts, per Section 4.3.1 of the Champaign County Zoning Ordinance.

**Case 874-V-17**

Part A: Authorize a variance for the construction of 2 grain storage tanks with a front yard of 11 feet and a setback of 30 feet from the centerline of a local street in lieu of the minimum required 25 feet and 55 feet, respectively, in the AG-1 Agriculture and I-1 Light Industry Zoning Districts, per Section 5.3 of the Champaign County Zoning Ordinance.

Part B: Authorize a variance for the construction of 1 grain storage tank with a rear yard of 15 feet for the portion of the western storage tank that is in the I-1 Zoning District in lieu of the minimum required 20 feet.

Part C: Authorize a variance for the construction of 1 grain storage tank with a rear yard of 11 feet for the portion of the western storage tank that is in the AG-1 Zoning District in lieu of the minimum required 25 feet.

Part D: Authorize a variance for the construction of 1 grain storage tank with a rear yard of 11 feet for the eastern storage tank that is entirely in the AG-1 Zoning District, in lieu of the minimum required 25 feet.

**Table of Contents**

**General Application Information.....2 - 3**  
**Specific Ordinance Requirements.....4 - 8**  
**Special Use Evidence .....9 - 21**  
**Documents of Record.....22**  
**Cases 868-S-17 and 874-V-17 Findings of Fact.....23 - 25**  
**Case 868-S-17 Final Determination.....26**  
**Case 874-V-17 Final Determination .....27**

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 11, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. Topflight Grain Coop, Inc. owns the subject property. Officers of Topflight Grain Coop are: Kyle Johnson, President, 12311 Cemetery Road, Argenta, IL; Greg Briggs, Vice-President, 13006 Friends Creek Park Rd, Cisco, IL; and Cary Hinton, Secretary, 983 E 1150 North Rd, Bement, IL. Scott Docherty, General Manager of Topflight Grain, is the agent for these zoning cases.
2. The subject property is a 2.25 acre tract comprised of 2 lots located in Seymour, bounded by Main Street to the west, Front Street to the south, and the railroad tracks to the north, in the Southwest Quarter of the Northwest Quarter of Section 16, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township and commonly known as the Topflight Grain Cooperative Elevator at 202 North Main Street, Seymour, Illinois.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
  - B. The subject property is located within Scott Township, which does not have a Plan Commission.

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

4. Regarding land use and zoning on the subject property and in the vicinity of the subject property:
  - A. The western 1.47 acre lot is zoned I-1 Light Industry and is part of the grain elevator and storage facility.
  - B. The eastern 0.78 acre lot is zoned AG-1 Agriculture and is part of the grain elevator and storage facility.
  - C. Land south of the subject property is zoned R-2 Single Family Residence and B-5 Central Business along Main Street and is in use as single family residences and businesses.
  - D. Land north of the subject property is zoned R-2 Single Family Residence and is in use as single-family residences (north of the railroad tracks).
  - E. Land east of the subject property is zoned AG-1 Agriculture and owned by TopFlight Grain; it is the location of the dry-bottom detention basin that was the subject of Case 360-V-02.
  - F. Land west of the subject property is zoned I-1 Light Industry and is in use as a grain elevator and storage.

**GENERALLY REGARDING THE PROPOSED SPECIAL USE**

5. Regarding the site plan for the proposed Special Use:
  - A. The Site Plan received March 13, 2017, indicates the following:
    - (1) Existing features include:
      - a. 12 grain bins of various sizes;

- b. 1 office surrounded by 2 platform scales;
  - c. 1 motor control building; and
  - d. 1 grain dump.
- (2) Proposed features include:
- a. 2 grain storage tanks, each 145 feet 2 inches in height, and approximately 105 feet in diameter.
    - (a) The western proposed storage tank would sit partially on the part of the tract that is in the I-1 Zoning District, and partially on the part of the tract that is in the AG-1 Zoning District.
    - (b) The eastern proposed storage tank would sit entirely on the part of the tract that is in the AG-1 Zoning District.
- B. Previous Zoning Use Permits on the subject property are the following:
- (1) ZUPA #087-77-01 was approved for Monticello Grain Company on April 6, 1977, for a grain storage tank.
  - (2) ZUPA #215-87-02 was approved for Monticello Grain Company on August 10, 1987, to demolish a vacated grain elevator.
  - (3) ZUPA #134-99-02 was approved for Monticello Grain Company on May 13, 1999, to move a garage onto the property to be used for storage.
  - (4) ZUPA #146-99-01 was approved for Monticello Grain Company on May 26, 1999, to place a new scale on the property.
  - (5) ZUPA #214-99-01 was approved for Monticello Grain Company on August 24, 1999, to construct a scale house and office.
  - (6) ZUPA #154-16-02 was approved for TopFlight Grain on July 19, 2016, to construct a motor control center for a grain elevator.
  - (7) ZUPA #294-16-01 was approved for TopFlight Grain on November 4, 2016, to construct a structure to cover an existing grain dump.
- C. Previous Zoning Cases on the subject property are the following:
- (1) Case 190-V-99 was approved for Monticello Grain Company on July 8, 1999, to permit the construction and use of a detached garage with a front yard setback of 5 feet in lieu of the minimum required 25 feet in the AG-1 Zoning District.
  - (2) Case 191-V-99 was approved for Monticello Grain Company on July 8, 1999, to permit the construction of an office with front yard setbacks of 10 feet and 22 feet in lieu of the minimum required 25 feet in the AG-1 Zoning District.
  - (3) Case 226-I-02 was an administrative case amended on April 20, 2000 that clarified contradicting front yard and setback measurements for Zoning Case 191-V-99.

**PRELIMINARY DRAFT**

- (4) The following cases were approved for TopFlight Grain Coop on October 30, 2003:
- a. Case 328-V-02 was a variance for an accessory structure with a front yard of 0 feet in lieu of 25 feet; a setback of 0 feet from the property line and 20 feet from the street centerline in lieu of 25 feet and 55 feet, respectively; and a rear yard of 15 feet in lieu of 20 feet.
  - b. Case 329-S-02 was to authorize an existing Temporary Grain Storage Facility that is an accessory structure to an existing grain elevator, as a Special Use in the AG-1 portion of the subject property.
  - c. Case 360-V-02 was to authorize a set of variances from the *Interim Storm Water Management Policy*.
  - d. Case 396-V-03 was to authorize a variance for an existing office building with setbacks adjusted from previous Case 226-I-00, front yards less than the minimum required, and encroachment into the corner visibility triangle.
  - e. No record could be found of an approved Zoning Use Permit for the temporary flat grain storage facility, which should have been completed after the zoning cases were approved.
- (5) Case 847-AV-16 was administratively approved on October 25, 2016, for construction of an accessory building with a setback of 50 feet 10 inches from street centerline in lieu of the minimum 55 feet.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances over 100 feet in HEIGHT as a Special Use in the B-1 Agriculture Zoning District in the *Zoning Ordinance*:
- A. Paragraph 4.3.1B. requires that spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances over 100 feet in HEIGHT are authorized as a Special Use in all zoning districts.
  - 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 establishes the following standard conditions for Spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances over 100 feet in HEIGHT:
- (a) Spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances shall conform to the standards of the Federal Aviation Administration and the Illinois Department of Transportation, Division of Aeronautics.
- 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) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
  - (2) "ACCESSORY STRUCTURE" is a STRUCTURE on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
  - (3) "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.

- (4) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (5) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
- (6) “HEIGHT” as applied to a story is the vertical measurement between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the vertical measurement between the surface of the floor and the ceiling next above it.

As applied to a BUILDING is the vertical measurement from GRADE to a point midway between the highest and lowest points of the roof.

As Applied to an Enclosed or Unenclosed STRUCTURE:

STRUCTURE, DETACHED: The vertical measurement from the average level of the surface of the ground immediately surrounding such STRUCTURE to the uppermost portion of such STRUCTURE.

STRUCTURE, ATTACHED: Where such STRUCTURE is attached to another STRUCTURE and is in direct contact with the surface of the ground, the vertical measurement from the average level of the surface of the ground immediately adjoining such STRUCTURE to the uppermost portion of such STRUCTURE shall be the HEIGHT. Where such STRUCTURE is attached to another STRUCTURE and is not in direct contact with the surface of the ground, the vertical measurement from the lowest portion of such STRUCTURE to the uppermost portion shall be the HEIGHT.

- (7) “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.
- (8) “PARCEL” is a designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.
- (9) “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.
- (10) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (11) “SPECIAL USE” is a USE that may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (12) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY that affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS

are identified on the Official Zoning Map according to type of USE, and generally as follows:

- (a) MAJOR STREET: Federal or State highways.
- (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
- (c) MINOR STREET: Township roads and other local roads.

- (13) “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.
- (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) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance that the Hearing Officer or the Zoning BOARD of Appeals are permitted to grant.

D. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:

- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
  - a. That special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district.
  - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
  - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
  - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
  - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.

E. 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:

**PRELIMINARY DRAFT**

- (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.
- 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.
- G. Regarding the proposed variance:
- (1) Minimum front yard in both the AG-1 and I-1 Zoning Districts is established in Section 4.3.2 of the Zoning Ordinance as 25 feet.
  - (2) Minimum setback from the centerline of a minor street is established in Section 4.3.2 of the Zoning Ordinance as 55 feet.
  - (3) Minimum rear yard in the I-1 Zoning District is established in Section 5.3 of the Zoning Ordinance as 20 feet.
  - (4) Minimum rear yard in the AG-1 Zoning District is established in Section 5.3 of the Zoning Ordinance as 25 feet.

***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, **“Topflight Grain needs additional permanent storage instead of temporary grain storage.”**
  - B. Topflight Grain, and previously Monticello Grain, has been located on the subject property for decades.

***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 current location and property is used for the same reason, grain elevator, drying and storage.”**
  - B. Regarding surface drainage:
    - (1) The Champaign County Soil and Water Conservation District Natural Resource Report received October 3, 2016, states, “The site has a slit slope. The developed areas seem to have good drainage. The water from the site will leave by way of surface drainage. Best Management Practices that minimize the volume of storm water flowing offsite and attempt to filter it as much as possible should be considered for any future development.”
    - (2) A Drainage Report for the existing flat grain storage area was completed by SKS Engineers, Inc. and received by the P&Z Department on May 30, 2002. It was revised for the August 15, 2002 public hearing, and received in final form by the P&Z Department on December 10, 2002. Highlights of that analysis include:
      - a. Prior to construction of the flat grain storage area, the site was a low grassy area which was subject to periodic flooding. A portion of the site was occupied by a foundation of an old grain storage ring. The preconstruction drainage across the site was primarily from the southeast to the northwest toward a 36-inch diameter cast-iron pipe culvert under the railroad. The immediate area was flat with little relief and acted as a natural storm water detention area.
      - b. In construction of the flat storage area, fill materials were placed to raise the finished grade of the facility to match the top of the foundation wall for the old grain ring. Other grading directed storm water around the east end of the new structure in new ditches with the ultimate outflow at the 36-inch diameter culvert under the railroad.
      - c. The petitioner purchased 3.16 acres of abandoned railroad right-of-way east of the flat storage facility for use as a storm water detention basin. The basin as proposed would provide compensatory storage for that lost due to the construction of the flat storage area as well as new additional detention

**PRELIMINARY DRAFT**

storage. Several variances from the provisions of the *Interim Storm Water Management Policy* in order to complete the design as presented (resulting in Case 360-V-02, approved October 30, 2003).

- (3) The variances in Case 360-V-02 were necessary to achieve an overall improvement to drainage in the area, despite the drainage plan not being in strict accordance with the *Interim Storm Water Management Policy*.
  - (4) No as-built drawings have been found for the drainage basin; a Special Condition has been added to verify that the drainage improvements were made as approved in Case 360-V-02.
  - (5) Regarding the *Storm Water Management and Erosion Control Ordinance*:
    - a. The proposed storage tanks will not increase the impervious area on the site, so the project is exempt from requiring a Storm Water Drainage Plan, per the *Champaign County Storm Water Management and Erosion Control Ordinance*, which superseded the *Interim Policy*.
    - b. The proposed storage tanks are exempt from the Land Disturbance and Erosion Control (LDEC) permit requirement because the subject property is not within the MS-4 Jurisdictional Area.
- C. Regarding traffic in the subject property area:
- (1) The subject property has one access on North Main Street (CR 200E), and several access points along East Front Street (CR 1550N).
  - (2) East Front Street (CR 1550N) is approximately 14 feet wide and comprised of oil and chip.
  - (3) North Main Street (CR 200E) is approximately 20 feet wide next to the subject property and is a marked two-lane road with gravel shoulders.
  - (4) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2011 near the subject property. East Front Street had an ADT of 125 south of the subject property. North Main Street (CR 200E) had an ADT of 1,750 south of Front Street.
  - (5) The Scott Township Road Commissioner has been notified of this case and no comments have been received.
- D. Regarding fire protection on the subject property, the subject property is located 0.2 miles from the Seymour Fire Department. The Fire Chief was notified of this case and no comments have been received.
- E. The subject property is not located within a Special Flood Hazard Area, per FEMA Panel 17019CO400D, effective date October 2, 2013.

- F. The subject property is considered Best Prime Farmland. The soil on the subject property consists of Drummer silty clay loam 152A and Flanagan silty clay loam 154A, and has an average Land Evaluation Factor of 100, per the Natural Resource Report received from the Champaign County Soil and Water Conservation District on February 15, 2017.
- a. The subject property has been a grain elevator since 1883. It is surrounded on 3 sides by residential and business uses.
- G. Regarding outdoor lighting on the subject property: the Petitioner did not include information on the Site Plan.
- H. Regarding wastewater treatment and disposal on the subject property: there is no septic system shown on the Site Plan.
- I. Regarding neighborhood concerns:
- a. No comments have been received to date.
- J. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
    - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
    - (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
    - (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
    - (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
    - (e) Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
    - (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance

**PRELIMINARY DRAFT**

with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.

- (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
  - (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
  - (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
  - (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- K. Illinois Public Act 96-704 requires that in a non-building code jurisdiction, no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
- (1) The 2006 or later editions of the following codes developed by the International Code Council:
    - a. International Building Code;
    - b. International Existing Building Code; and
    - c. International Property Maintenance Code
  - (2) The 2008 or later edition of the National Electrical Code NFPA 70.
- L. Other than as reviewed in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:

- A. The Petitioner has testified on the application: **“The current use is for grain storage both permanent and temporary.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) Section 4.3.1 requires that spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances over 100 feet in HEIGHT are authorized as a Special Use in all zoning districts.
  - (2) Section 5.2: Table of Authorized Principal Uses authorizes a Grain Storage Elevator and Bins by-right in the I-1 Light Industry Zoning District and as a Special Use in the AG-1 Agriculture Zoning District.
  - (3) A variance for height is not required because Section 4.3.1 B. of the Zoning Ordinance specifies that “silos” over 100 feet in height require a Special Use Permit and thus do not require a variance.
  - (4) Regarding maximum lot coverage:
    - a. Maximum lot coverage in the AG-1 Zoning District is 20%.
    - b. The proposed storage tanks would comprise 35% of the 0.78 acre Tract B, which is in the AG-1 District. While the proposed storage tanks are by definition buildings because they are enclosed, they are not used for human or animal occupancy, which is part of the definition of a BUILDING in the Zoning Ordinance.
  - (3) Regarding Best Prime Farmland, the subject property is considered Best Prime Farmland. The soil on the subject property consists of Drummer silty clay loam 152A and Flanagan silty clay loam 154A, and has an average Land Evaluation Factor of 100, per the Natural Resource Report received from the Champaign County Soil and Water Conservation District on February 15, 2017.
    - a. The subject property has been a grain elevator since 1883. It is surrounded on 3 sides by residential and business uses.
- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*:
- (1) The proposed storage tanks will not increase the impervious area on the site, so the project is exempt from requiring a Storm Water Drainage Plan.
  - (2) The proposed storage tanks are exempt from the Land Disturbance and Erosion Control (LDEC) permit requirement because the subject property is not within the MS-4 Jurisdictional Area.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in Champaign County’s subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:

- (1) The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
  - (2) Section 5.2: Table of Authorized Principal Uses authorizes a Grain Storage Elevator and Bins as a Special Use in the AG-1 Agriculture Zoning District.
- G. Regarding the requirement that the Special Use preserve the essential character of the I-1 Light Industry Zoning District:
- (1) The I-1, Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
  - (2) Section 5.2: Table of Authorized Principal Uses authorizes a Grain Storage Elevator and Bins by-right in the I-1 Light Industry Zoning District.
- H. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
  - A. Section 4.3.1 requires that spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances over 100 feet in HEIGHT are authorized as a Special Use in all zoning districts.
  - B. Section 5.2: Table of Authorized Principal Uses authorizes a Grain Storage Elevator and Bins by-right in the I-1 Light Industry Zoning District.
  - C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
    - (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 Agriculture 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) Subsection 5.1.14 of the Ordinance states the general intent of the I-1 Light Industry DISTRICT and states as follows (capitalized words are defined in the Ordinance):

The I-1, Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.

- (3) Section 5.2: Table of Authorized Principal Uses authorizes a Grain Storage Elevator and Bins as a Special Use in the AG-1 Agriculture Zoning District.
  - (4) Section 5.2: Table of Authorized Principal Uses authorizes a Grain Storage Elevator and Bins by-right in the I-1 Light Industry Zoning District.
  - (5) The types of uses authorized in the AG-1 and I-1 Districts are in fact the types of uses that have been determined to be acceptable in the AG-1 and I-1 Districts. 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.
  - (6) Section 6.1.3 Schedule of Standard Conditions states, “Spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances shall conform to the standards of the Federal Aviation Administration and the Illinois Department of Transportation, Division of Aeronautics.”
    - a. The proposed storage tanks are less than 200 feet in height, and therefore do not require approval of the FAA or IDOT.
- D. 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 zoning regulations and standards that have been adopted and established is to secure 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 comply with those requirements, contingent upon approval of the proposed variance in case 874-V-17.
    - b. The flat grain storage facility to be replaced by the proposed permanent tanks had significant issues with grain dust, noise, and odor. The proposed permanent storage tanks should have fewer impacts on the adjacent residential areas.
  - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
    - a. It is not clear whether the proposed special use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
    - b. The existing grain elevator has been in operation since 1883 and the requested Special Use Permit should not decrease the value of nearby properties.

**PRELIMINARY DRAFT**

- c. The proposed permanent storage tanks should conserve if not improve the value of land, buildings and structures surrounding the subject property because they are replacing a temporary flat storage structure which created negative impacts on those properties due to dust, noise, and odor.
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed Special Use is unlikely to increase traffic; the petitioners have been using temporary storage on the site for some time.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or floodwaters.
- a. Regarding erosion concerns, the Natural Resource Report completed by the Champaign County Soil and Water Conservation District received February 15, 2017, states, “This area that still may be developed, 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 has very little slope which could allow erosion during construction and heavy rainfall events. The area is currently being used for grain storage on the ground at the time of inspection, erosion control measures must be installed before construction starts.”
  - b. The subject property is exempt from the *Storm Water Management and Erosion Control Ordinance*.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
- 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.
  - c. The flat grain storage facility to be replaced by the proposed permanent tanks had significant issues with grain dust, noise, and odor. The proposed permanent storage tanks should have fewer impacts on the adjacent residential areas.
  - d. No comments have been received to date.
- (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 comply with those limits contingent upon approval of the Special Use Permit and Variance.

- (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.
- a. The flat grain storage facility to be replaced by the proposed permanent tanks had significant issues with grain dust, noise, and odor. The proposed permanent storage tanks should have fewer impacts on the adjacent residential areas, and will thus be more compatible with the character of the surrounding Districts.
  - b. 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 any problematic conditions.
- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.
- This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.
- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

**PRELIMINARY DRAFT**

b. The subject property is not in agricultural production.

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

The subject property does not contain any natural features, per the Natural Resource Report received February 15, 2017.

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

The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

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

The subject property is not in agricultural production.

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

The proposed Special Use will not hinder the development of renewable energy sources.

**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: **“The addition and use of permanent grain bins will be less dusty and less noise to surrounding property owners.”**
  - B. The existing use on the property is not a nonconforming use.

**RELATED TO THE VARIANCE, GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT**

12. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district:

- A. The Petitioner has testified on the application, **“The proposed bin diameter is 105’ and the property is 139’ wide. The property is narrow and has township road on south and CN Railroad on north.”**
- B. Regarding the proposed variance:
  - (1) A temporary grain storage structure has been located where the proposed bins would be constructed, with approximately the same setback and yards.

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

- 13. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
  - A. The Petitioner has testified on the application, **“Topflight would eliminate Temporary Storage 120’ x 270’ and replace with permanent storage bin 105’ diameter and 93’6” eave height.”**
  - B. Regarding the proposed Variance:
    - (1) Without the proposed variance, the storage bins would have to be smaller, which could be economically impractical for the petitioners.

***RELATED TO THE VARIANCE, GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT***

- 14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
  - A. The Petitioner has testified on the application, **“No, Topflight Grain considers proposed construction of permanent grain bin to improve site and area.”**

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

- 15. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
  - A. The Petitioner has testified on the application, **“The granting of variance will be consistent with the existing property and facility.”**
  - B. Regarding Part A of the proposed variance, for a setback of 30 feet in lieu of the minimum required 55 feet and a front yard of 11 feet in lieu of 25 feet: the requested variance for setback is 55% of the minimum required, for a variance of 45%, and the requested variance for the front yard is 44% of the minimum required, for a variance of 56%.
    - (1) The Zoning Ordinance does not clearly state the considerations that underlie the minimum setback and front yard requirements. Presumably, they are intended to ensure the following:
      - a. Adequate separation from roads.
      - b. Allow adequate area for road expansion and right-of-way acquisition.
      - c. Parking, where applicable.

**PRELIMINARY DRAFT**

- d. There are no known developments or road improvements that would trigger road expansion or additional right-of-way needs.
  - e. The existing flat grain storage facility is approximately 270 feet by 120 feet (32,400 square feet) with 9 feet tall concrete walls and a 35 feet tall catwalk.
  - f. The proposed tanks would have a total footprint of approximately 17,320 square feet with a maximum height of 145 feet 2 inches.
- C. Regarding Part B of the proposed variance, the requested variance for a rear yard of 15 feet in the I-1 Zoning District is 75% of the minimum required 20 feet, for a variance of 25%.
- D. Regarding Parts C and D of the proposed variance, the requested variance for a rear yard of 11 feet in the AG-1 Zoning District is 44% of the minimum required 25 feet, for a variance of 56%.
- (1) The Zoning Ordinance does not clearly state the considerations that underlie the rear yard requirements. In general, the rear yard is presumably intended to ensure the following:
- a. Adequate light and air: The subject property is in commercial use. The surrounding properties are in residential use or agricultural production.
  - b. Separation of structures to prevent conflagration: The subject property is approximately 0.2 road miles from Seymour Fire Station. The nearest structure on adjacent property to the proposed storage tanks is a detached garage that is approximately 40 feet away.
  - c. Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.

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

16. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioner has testified on the application: **“By allowing the grain bin to be built will improve grain handling with less fan usage (noise) and less grain dust versus using the current temporary storage.”**
  - B. The Scott Township Road Commissioner has been notified of this variance and no comments have been received.
  - C. The Scott Fire Protection District, which runs the Seymour Fire Station, has been notified of this variance and no comments have been received.
  - D. The nearest building on neighboring property is a detached shed that is approximately 40 feet south of the subject property and across the road.

**GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE**

17. Generally regarding any other circumstances that justify the Variance:
- A. The Petitioner has testified on the application: **“Topflight Grain views the granting of variance will improve the grain handling for customers and neighbors to our facility.**

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

18. No special conditions are proposed for the Variance case. Regarding proposed special conditions of approval for the Special Use:
- A. **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.**

- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed storage tanks until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate on the subject property until the petitioners submit a revised site plan that includes the storm water detention area.**

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

**That there will be a complete site plan for approval.**

- D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate on the subject property until the petitioners submit as-built drawings of the detention basin that was the subject of Case 360-V-02.**

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

**That drainage issues were mitigated as approved in Case 360-V-02.**

- E. **The petitioners must include the construction of the temporary grain storage facility and pay corresponding fees in the Zoning Use Permit Application for the 2 storage tanks.**

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

**That all structures on the subject property are property permitted.**

**DOCUMENTS OF RECORD**

1. Application for Special Use Permit received January 9, 2017, with attachments:
  - A Site Plan received January 9, 2017 (replaced by Revised Site Plan received March 13, 2017)
  - B Legal description
  - C Boundary Survey by SKS Engineers
  - D Google Maps aerial photo
2. Application for Variance received April 3, 2017, with attachments:
  - A 2016-2017 Board of Directors for Topflight Grain
  - B Site Plan (same as version received March 13, 2017)
3. Email from Scott Docherty received March 13, 2017, with attachments:
  - A Revised Site Plan
  - B Storage Tank Expansion illustration
4. Site Plan from Cases 329-S-02, 328-V-02, and 360-V-02 received May 16, 2003
5. Natural Resources Report received February 15, 2017, from Champaign County Soil and Water Conservation District
6. Preliminary Memorandum dated May 4, 2017, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Revised Site Plan and Storage Tank Expansion Illustration received March 13, 2017
  - C Site Plan from Cases 329-S-02, 328-V-02, and 360-V-02 received May 16, 2003
  - D Natural Resources Report received February 15, 2017, from Champaign County Soil and Water Conservation District
  - E Site Visit Photos taken April 4, 2017
  - F Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated May 11, 2017

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **868-S-17** and **874-V-17** held on **May 11, 2017**, 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.
  - 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/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because\*}*:
  - h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because\*}*:
  - i. Existing public infrastructure together with the proposed development *{IS/IS 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.)*

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

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
  - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
  - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
  - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
  - a. The Special Use is authorized in the District.
  - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.

- c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
  - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *IS NOT* an existing nonconforming use.
6. Regarding the variance:
- a. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
  - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
  - c. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
  - d. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
  - e. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
  - f. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
7. *{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED 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 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.**
  - B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed storage tanks until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

The special condition stated above is required to ensure the following:  
**That the proposed Special Use meets applicable state requirements for accessibility.**

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate on the subject property until the petitioners submit a revised site plan that includes the storm water detention area.**

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

**That there will be a complete site plan for approval.**

- D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate on the subject property until the petitioners submit as-built drawings of the detention basin that was the subject of Case 360-V-02.**

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

**That drainage issues were mitigated as approved in Case 360-V-02.**

- E. **The petitioners must include the construction of the temporary grain storage facility and pay corresponding fees in the Zoning Use Permit Application for the 2 storage tanks.**

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

**That all structures on the subject property are property permitted.**

**FINAL DETERMINATION FOR CASE 868-S-17**

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 **868-S-17** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, Topflight Grain Coop, Inc., to authorize the following as a Special Use on land in the I-1 Light Industry Zoning District:

**Authorize the construction of 2 grain storage tanks with a height of 145 feet 2 inches as a Special Use in the I-1 Light Industry Zoning District, per Section 4.3.1 of the Champaign County Zoning Ordinance.**

*{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }*

- A. **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.**
- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed storage tanks until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate on the subject property until the petitioners submit a revised site plan that includes the storm water detention area.**
- D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate on the subject property until the petitioners submit as-built drawings of the detention basin that was the subject of Case 360-V-02.**
- E. **The petitioners must include the construction of the temporary grain storage facility and pay corresponding fees in the Zoning Use Permit Application for the 2 storage tanks.**

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

SIGNED:

ATTEST:

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

**FINAL DETERMINATION FOR CASE 874-V-17**

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

The Variance requested in Case **874-V-17** are hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, Topflight Grain Coop, Inc., to authorize the following variance in the I-1 Light Industry Zoning District:

Authorize the construction of 2 grain storage tanks with a setback of 30 feet from the centerline of a local street in lieu of the minimum required 55 feet in the I-1 Light Industry Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

***{ 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:

ATTEST:

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date