

CASES 977-S-20 & 979-V-20

PRELIMINARY MEMORANDUM

AUGUST 5, 2020

Petitioners: Adam & Jodi Kimball

Request: Case 977-S-20

Authorize the construction and use up to 290 Self-Storage Warehouse Units with heat and utilities to individual units as a Special Use on land in the B-3 Highway Business Zoning District.

Case 979-V-20

Authorize the following variance on the Special Use Permit requested in related Zoning Case 977-S-20:

Part A: Authorize a variance for 60 parking spaces in lieu of the minimum required 97 parking spaces.

Part B: Authorize a variance for no loading berths in lieu of the minimum 3 loading berths required for commercial facilities with 40,000 to 99,999 square feet in floor area, per Section 7.4.2 C.5. of the Zoning Ordinance.

Part C: Authorize a variance for a front yard of 25 feet along a State highway in lieu of the minimum required 35 feet, per Section 4.3.2 of the Zoning Ordinance.

Part D: Authorize a variance from the Champaign County Stormwater Management and Erosion Control Ordinance, which requires a Stormwater Drainage Plan and review for a land disturbance greater than one acre in area.

Location: A 3.36-acre tract in the South Half of the Northeast Quarter of Section 9, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township, and commonly known as the tract just east of the residence with an address of 285 CR 1675N, Seymour.

Site Area: 3.36 acres

Time Schedule for Development: As soon as possible

Prepared by: Susan Burgstrom, Senior Planner
John Hall, Zoning Administrator

BACKGROUND

The petitioners have a contract to purchase the 3.36-acre subject property contingent upon approval of the proposed Special Use Permit and variance. They would like to construct self-storage warehouses of varying sizes, with development in phases based on consumer demand.

“Self-Storage Warehouse Units with heat and utilities to individual units” are allowed with a Special Use Permit in the B-3 Highway Business District.

The petitioners request a variance for number of required parking spaces and number of loading berths due to the nature of vehicle loading and unloading in self-storage warehouse establishments.

Variations are also requested for a reduced front yard along IL-47 and for not requiring a Storm Water Drainage Plan.

EXTRATERRITORIAL JURISDICTION

The subject property 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.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Agriculture	B-3 Highway Business
North	Agriculture	AG-1 Agriculture
East	Agriculture	B-3 Highway Business
West	Residential & Agriculture	AG-1 Agriculture and B-3 Highway Business
South	Agriculture	AG-1 Agriculture and B-3 Highway Business

PARKING AND LOADING BERTHS

Parking Spaces

The following evidence can be found under Item 9.B.(2) of the Summary of Evidence dated August 13, 2020:

- (2) Regarding parking on the subject property for the proposed Special Use:
 - a. For parking purposes, the Zoning Administrator has determined that Self-Storage Warehouses require one parking space per three storage units.
 - (a) For Phase 1 of the proposed development, Buildings 1 and 2 would have approximately 92 storage units, which would require 31 parking spaces, to include two accessible spaces.
 - (b) For full buildout of Phase 1 and Phase 2, the petitioner proposes up to 290 storage units, which would require 97 parking spaces, to include four accessible spaces.
 - (c) P&Z Staff created an annotated aerial showing potential parking spaces dated July 29, 2020, which has been added as a Document of Record.
 - b. The Revised Site Plan received July 28, 2020 provides 230 feet of length along each side of all buildings.
 - (a) With 20 feet minimum length required for each space, 11 parallel parking spaces would fit along one long side of the building, for a total of 44 parallel spaces in Phase 1.

-
- (b) On the north side of each Phase 1 building, there is 40 feet of width, which would allow for two accessible spaces and five standard 9 feet wide spaces, for a total of seven spaces.
 - (c) The proposed Phase 1 could provide 51 spaces, including two accessible spaces, which exceeds the minimum required 31 parking spaces.
 - (d) Proposed full buildout has not been finalized, but the petitioner's early estimate is for 290 units, which would require 97 parking spaces.
 - a. Four additional buildings could fit 88 more parking spaces along the 230 feet lengths, plus at least 14 spaces along the north ends of the buildings, for a total of 102 Phase 2 parking spaces. The sum of both phases, 153 spaces, thus exceeds the minimum required 97 parking spaces.
 - b. The variance for 60 parking spaces was added based on P&Z Staff's best estimate of available parking area with the original site plan. Variance part A is no longer required if the Board determines that there is sufficient parking onsite.
 - (e) The petitioner stated in his Site Plan notes that he believes only a couple of spaces per building would be sufficient given the use.

Parking must be compliant with the Illinois Accessibility Code; at least 4 accessible parking spaces are required for the proposed Special Use, and can be included in the count of required parking spaces for the self-storage units. These spaces must be paved, marked, and signed per the IAC.

Loading Berths

Paragraph 7.4.2 C.5. requires three loading berths of minimum 10 feet by 70 feet dimensions for commercial and industrial establishments of 40,000 to 99,999 square feet of floor area. The loading berths must be improved with a compacted base at least six inches thick and surfaced with at least two inches of some all-weather dustless material. The petitioner has requested a variance for having no loading berths because he considers the area outside of each unit to be a loading area, which does not require additional paved loading areas.

The following evidence was added to the Summary of Evidence dated August 13, 2020:

- 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, **“Without this variance there would be hardships on the developer to pay for paving that will not be used.”**
 - B. Regarding Part A of the proposed Variance, for fewer parking spaces:
 - (1) Without the proposed variance, the parking areas would require more impervious area on the lot, which would worsen drainage conditions.

- C. Regarding Part B of the proposed Variance, for no loading berths:
- (1) Without the proposed variance, the petitioner would be required to pave 2,100 square feet for berths that could not be counted toward parking requirements, and would reduce the number of potential 200 square feet storage units by 10.

BEST PRIME FARMLAND CONVERSION

The subject property has been in agricultural production for decades; it was part of the farmstead to the west until it was split off in 1990. The soil on the subject property consists of 152A Drummer silty clay loam and 154A Flanagan silt loam, and has an average LE of 100. Approximately 2.9 acres of the 3.36-acre subject property will be converted from agricultural production to construct the proposed Special Use.

All four quadrants around the I-72 interchange at I-47 were zoned B-3 Highway Business with the adoption of the Zoning Ordinance on October 10, 1973. The usual findings for a Special Use Permit regarding Best Prime Farmland only apply in CR, AG-1, and AG-2 districts, so the Board does not have to make findings regarding whether the proposed uses is “WELL SUITED OVERALL”, and whether existing public infrastructure and services are available to support the proposed development.

DRAINAGE CONCERNS

The proposed development would remove 2.9 acres of Best Prime Farmland from agricultural production, to be replaced by buildings, gravel, and pavement for accessible parking. This significant increase in impervious area will require stormwater detention, a Storm Water Drainage Plan, and review by P&Z’s consulting engineer.

The following evidence was added to the Summary of Evidence dated August 13, 2020:

- 8.B. Regarding surface drainage:
- (1) The subject property is relatively flat, and generally drains to the south.
 - (2) Per Site Plan notes received from the petitioner on July 28, 2020, water retention/detention will be designed in a “French drain” type system consisting of a trench along the south border of the property filled with large aggregate sized to handle runoff collection with release rates that meet code. This will be engineered and constructed in phase 2 and a part of the southern border 25 feet setback.
 - (3) The petitioners’ phased development plan would disturb just under one acre of land in Phase 1, which makes that part exempt from the Storm Water Drainage Plan. Phase 2 will pass the one-acre threshold and trigger the SWDP requirement.
 - (4) Part D of the requested variance is to forego the SWMEC Storm Water Drainage Plan requirement if the Board finds the French drain conceptual design sufficient for the proposed development.
 - (5) The Natural Resource Information Report received on July 27, 2020 from the Champaign County Soil and Water Conservation District includes the following:

- a. Soil on the subject property is 3.1 acres of 154A Flanagan silt loam, and 0.3-acre 152 Drummer silty clay loam. The Drummer soils are located in the southeast corner of the subject property.
 - (a) Soil limitations for small commercial buildings are “somewhat limited” in 154A Flanagan soils due to the depth to the saturation zone and shrink-swell potential. 152A Drummer soils are “very limited” due to ponding and the depth to the saturation zone.
 - (b) 152A Drummer soils are hydric soils, which by definition have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems.

SCREENING REQUIRED

Screening is not required for self-storage warehouses, but Type A screening for parking is required. A special condition has been added to ensure compliance.

PROPOSED SPECIAL CONDITIONS

- A. **A Change of Use Permit shall be applied for in conjunction with the Zoning Use Permit for Phase 1 construction.**

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

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

- B. **The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That the proposed uses are in compliance with the Zoning Ordinance.

- C. **The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning Compliance Certificate for the proposed Self-storage Warehouses until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code for each phase of development.**

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

That the proposed Special Use meets applicable State requirements for accessibility.

- D. **A Type A Screen must be installed along the west property line in order to receive a Zoning Compliance Certificate for Phase 1 construction. A self-storage building with no parking allowed on the west side may serve in lieu of the Type A Screen. Type A Screen is “Decorative opaque fence, shrubs or other vegetative material or a landscaped berm planted and maintained with a minimum HEIGHT of four feet as measured from the highest adjacent grade.”**

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

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

- E. **A septic system shall be installed on the subject property in conjunction with construction of the caretaker's residence, and:**
- (1) **A Zoning Use Permit for Phase 2 construction shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.**
 - (2) **The septic leach field shall be kept free of vehicular traffic and cannot be paved over.**

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

That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.

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

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

New commercial buildings shall be in conformance with Public Act 96-704.

- G. ***Note: only needed if Variance Part D is not approved.***
A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for Phase 2 construction, and all required certifications shall be submitted after construction of Phase 2 prior to issuance of the Zoning Compliance Certificate.

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

That the drainage improvements conform to the requirements of the Storm Water Management and Erosion Control Ordinance.

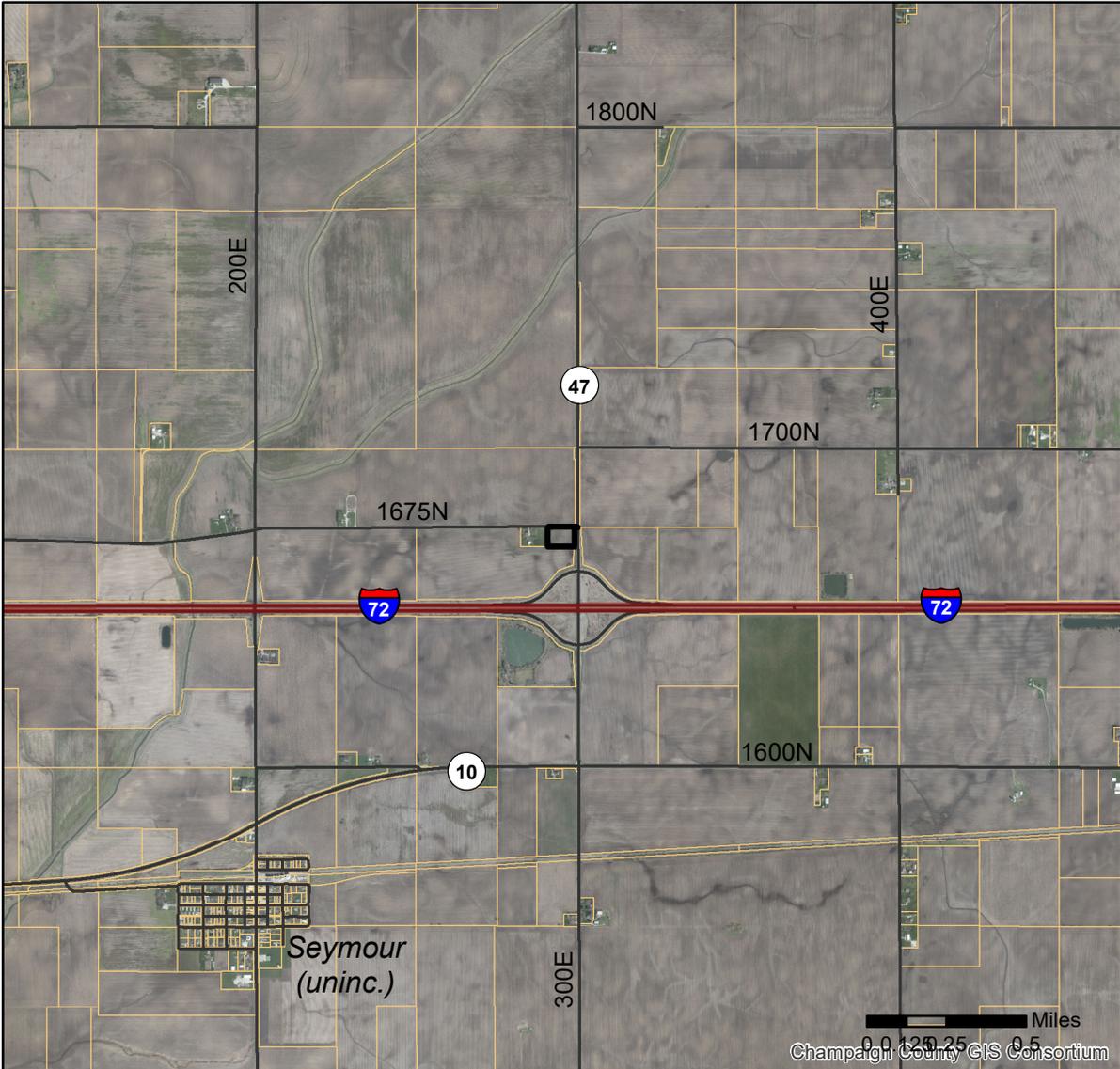
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Revised Site Plan and Notes received July 28, 2020
- C Annotated Aerial dated July 29, 2020 based on Site Plan and Notes received July 28, 2020
- D CCSWCD Natural Resources Information Report received July 27, 2020
- E Site Visit Photos taken July 22, 2020
- F Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated August 13, 2020

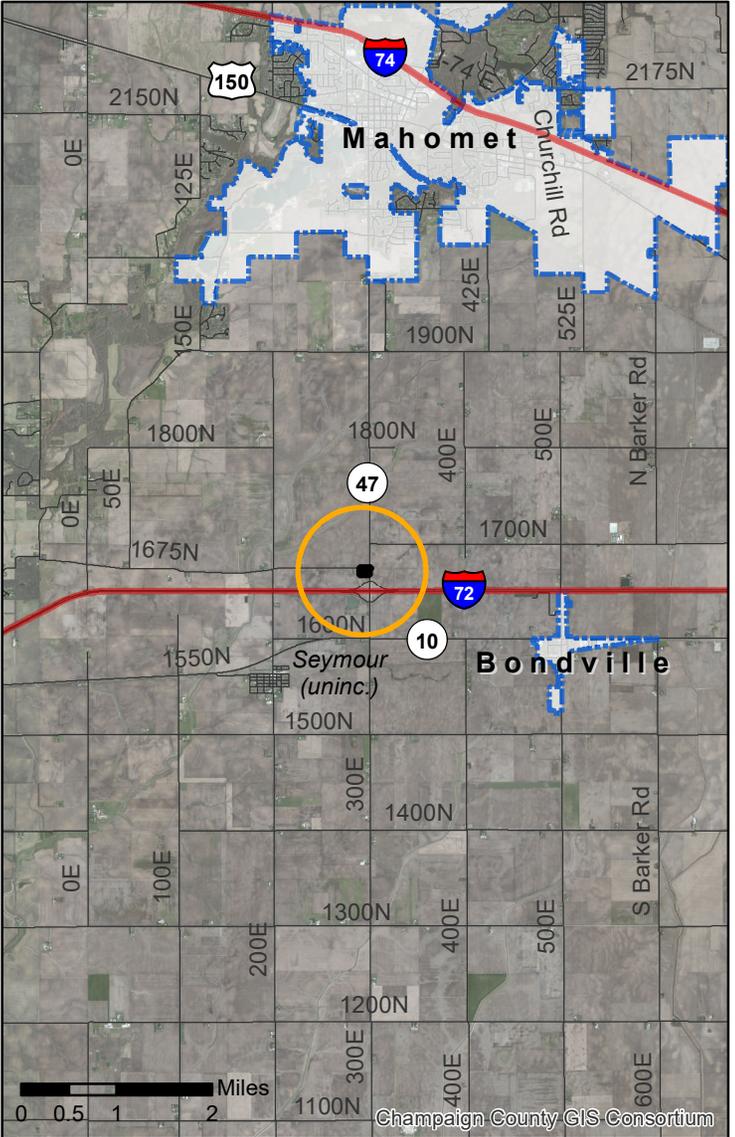
Location Map

Case 977-S-20
August 13, 2020

Subject Property



Property location in Champaign County



Legend

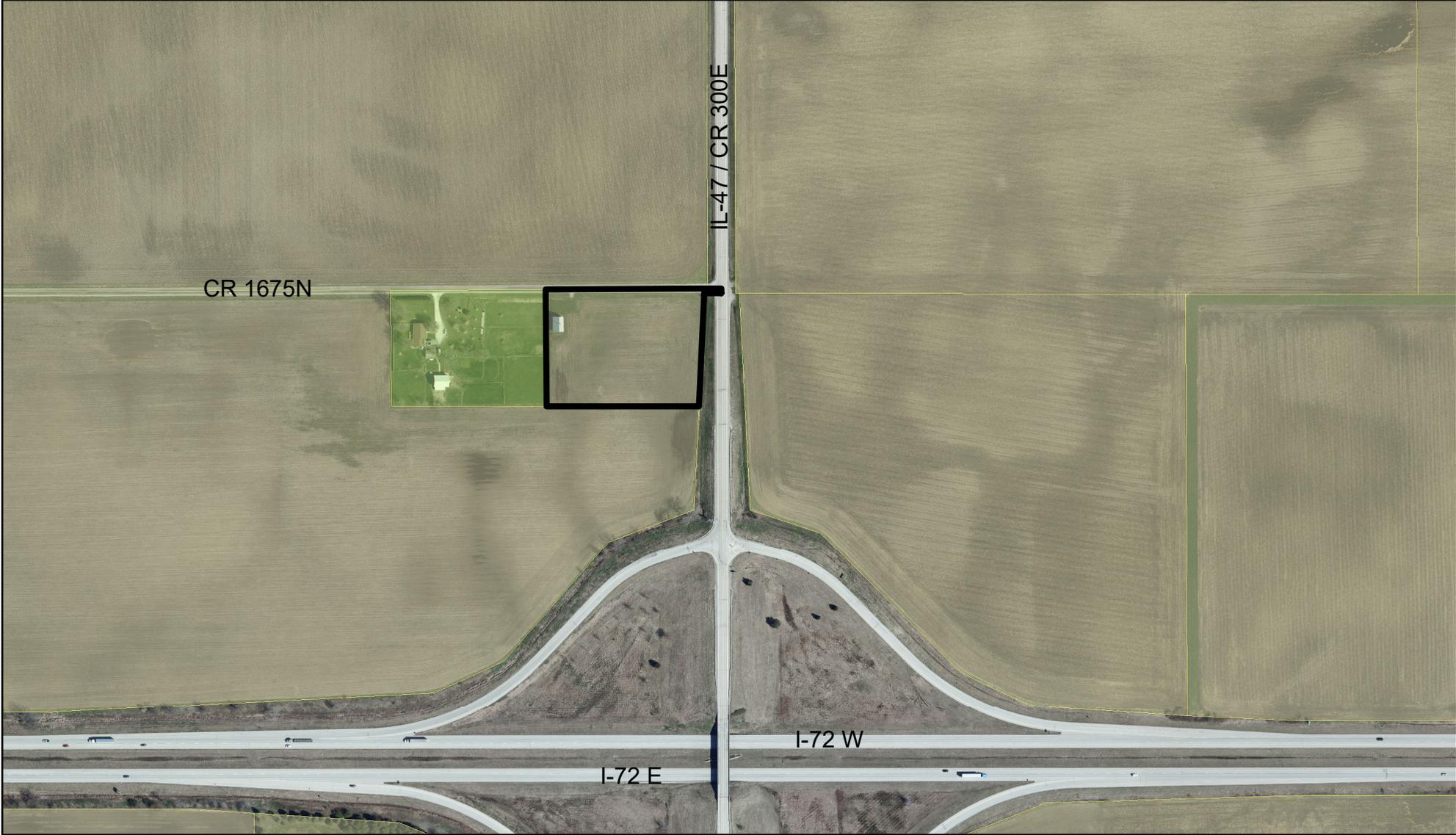
-  Subject Property
-  Municipal Boundary
-  Streets
-  Parcels



Champaign County
Department of
**PLANNING &
ZONING**

Land Use Map

Case 977-S-20
August 13, 2020



Legend

 Subject Property	 Agriculture
 Parcels	 Ag/Residential
 Streets	

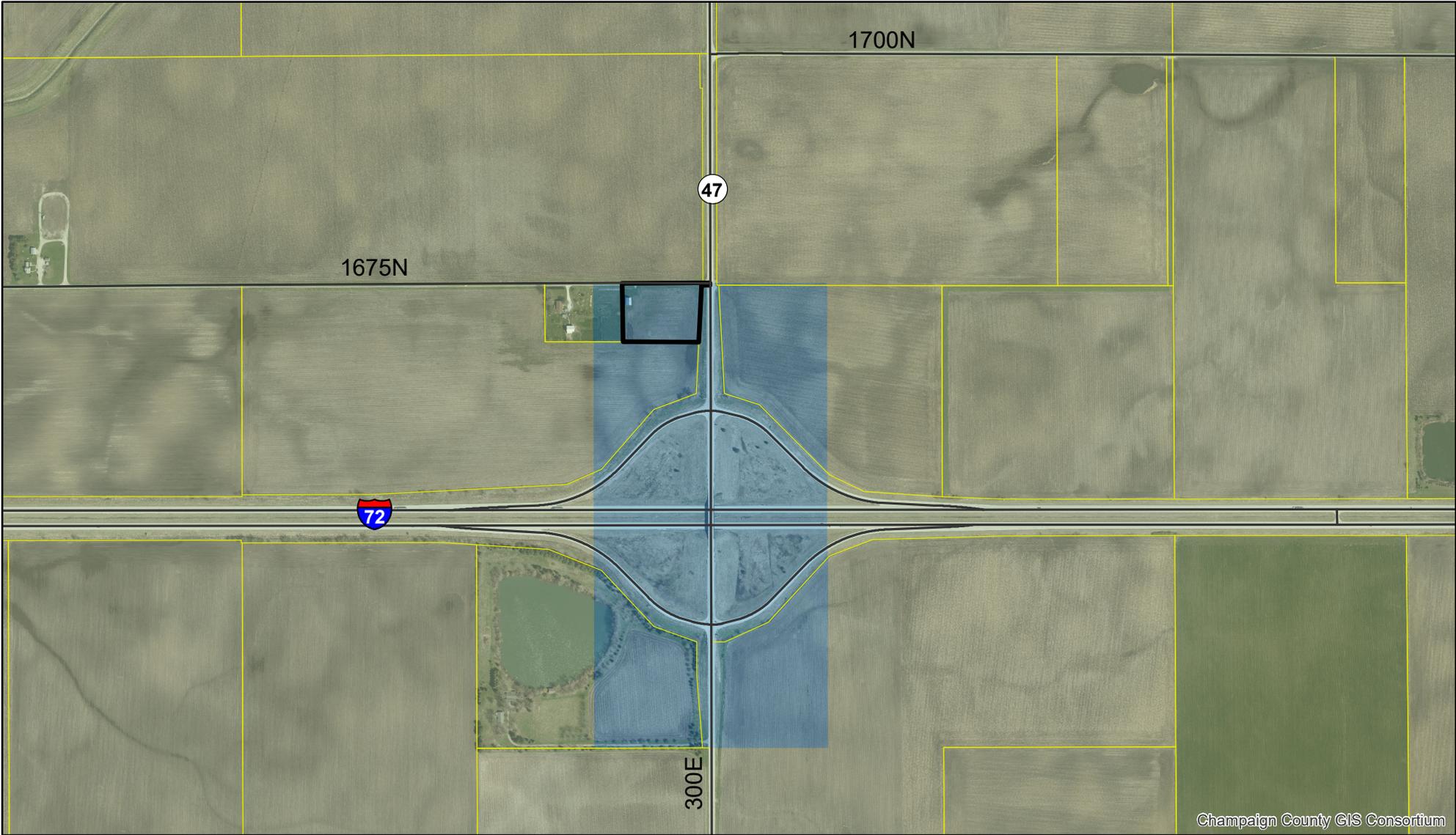
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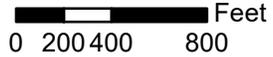
Zoning Map

Case 977-S-20
August 13, 2020

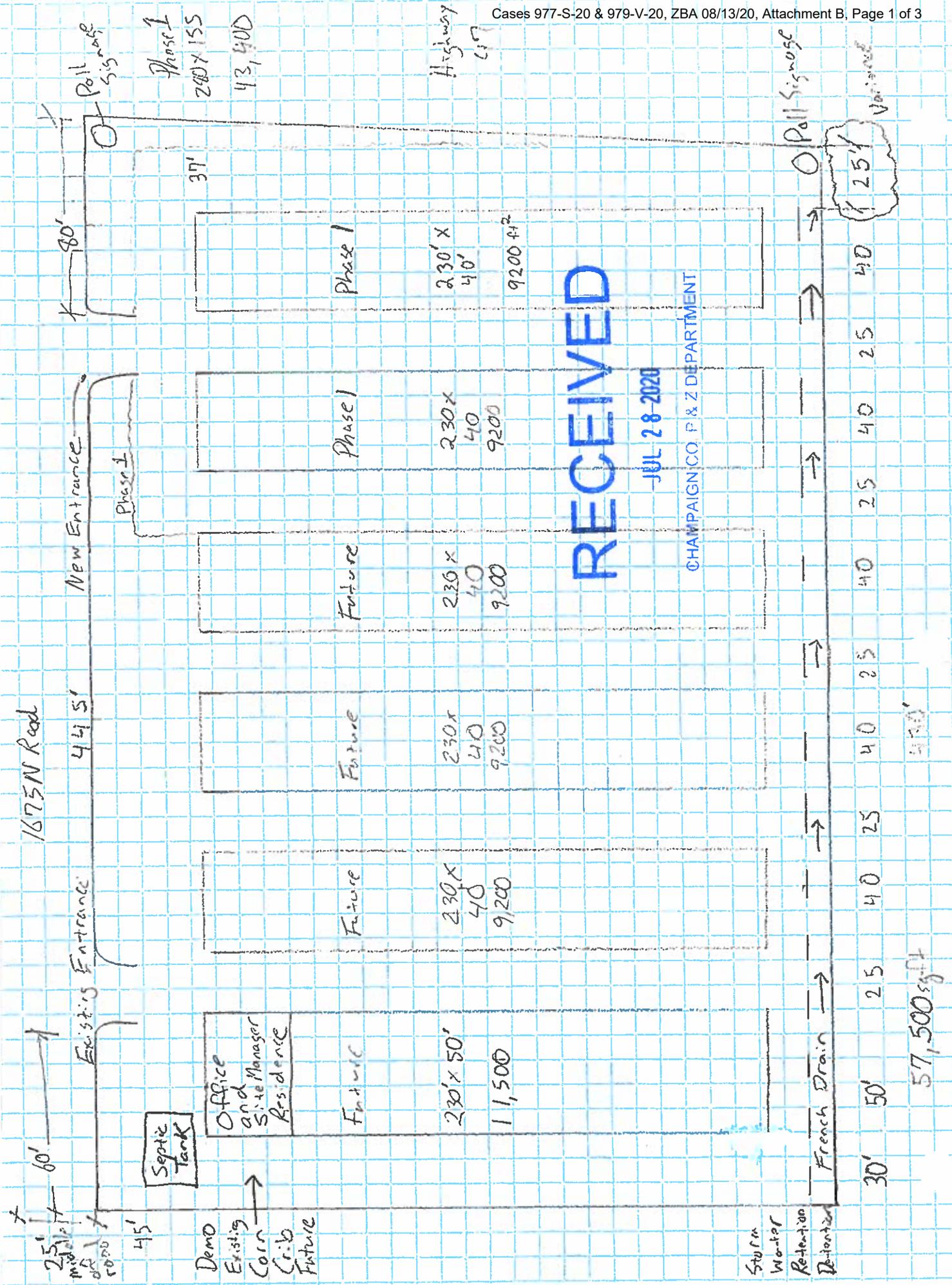


Legend

- Subject Property
- Parcels
- AG-1 Agriculture
- B-3 Highway Business



Champaign County
Department of
**PLANNING &
ZONING**



RECEIVED

- JUL 28 2020

CHAMPAIGN CO. P & Z DEPARTMENT

57,500 sq ft

Phase 1 Construction

County Road

New Entrance

Culvert $\sigma = = \rho$

Rock

Basin

Phase
base

Phase
Top
Soil

Concrete
Slab
Metal
Building
40
x 230

Concrete
Slab
Metal
Building
40x
230

43,400 sq ft

155 x 280

RECEIVED

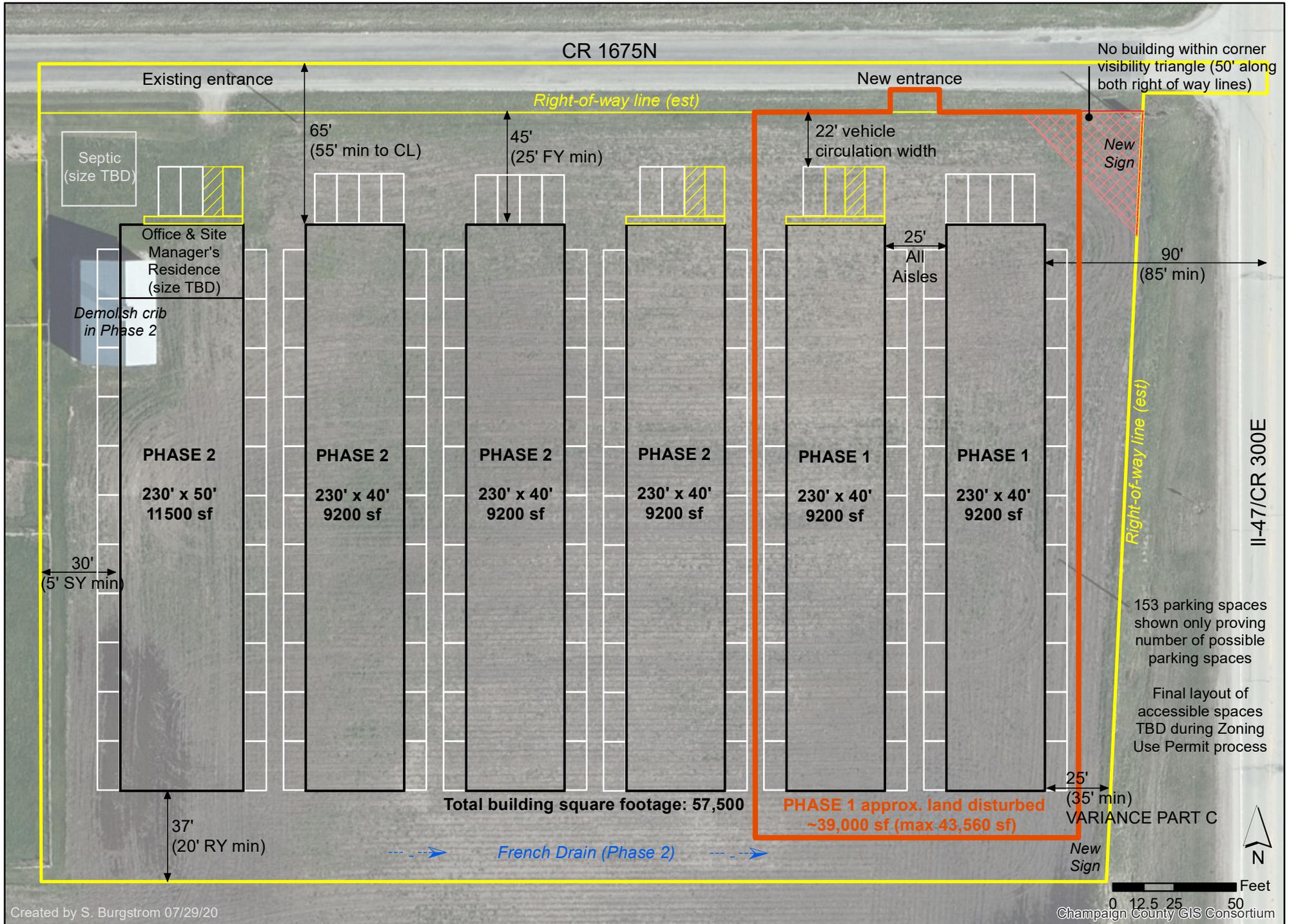
JUL 28 2020

CHAMPAIGN CO. P & Z DEPARTMENT

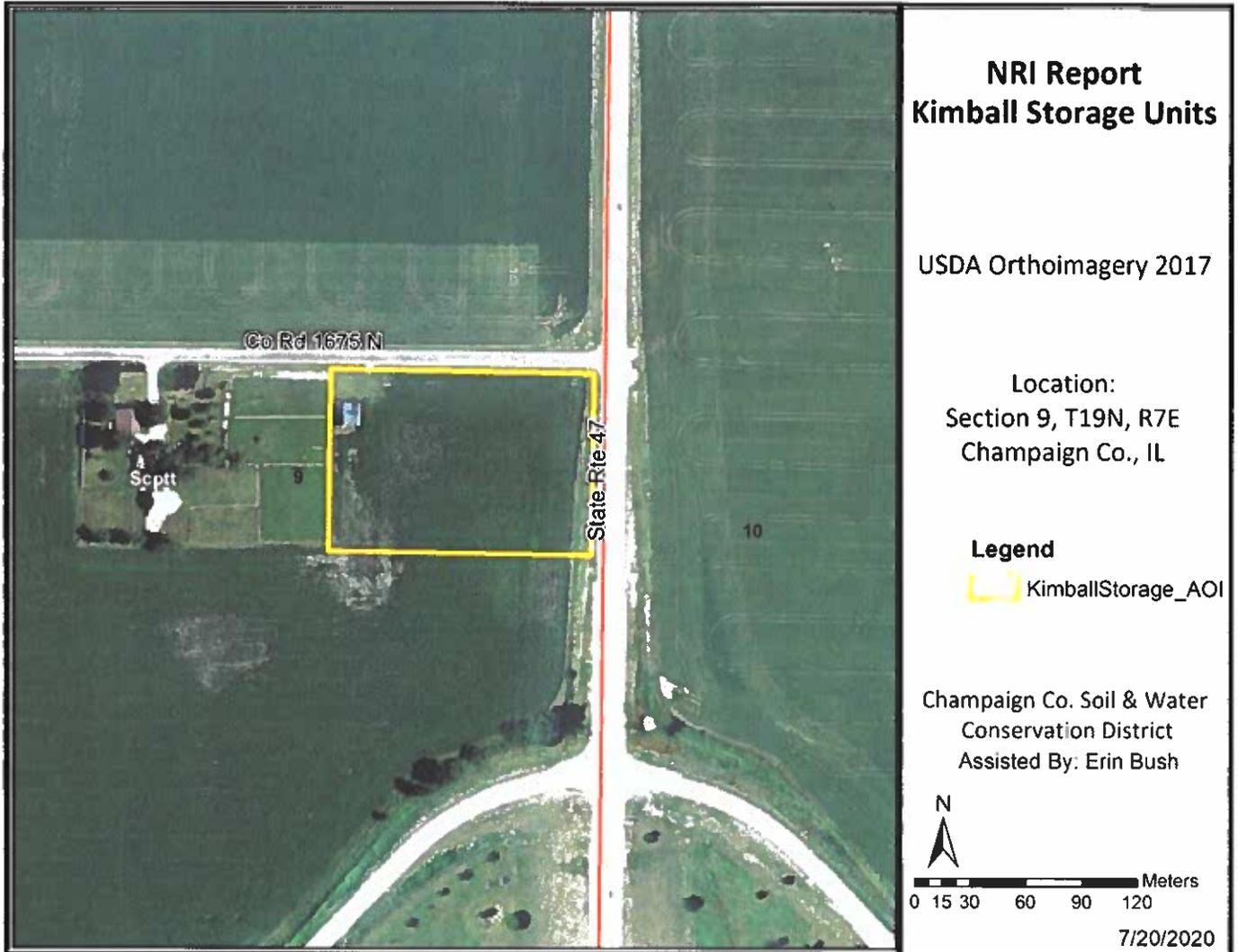
SUP Sketch Notes/Assumptions/Clarification for ZBA**RECEIVED****JUL 28 2020****CHAMPAIGN CO. P & Z DEPARTMENT**

1. Borders are estimated property lines (Survey will confirm final dimensions)
2. Northern east to west dimension is 445'
3. Southern east to west dimension is 430'
4. North to south dimension is 300'
5. Eastern building setback 25'
6. Northern building setback is 45' from property line and 70' from middle of road 1675N
7. Southern building setback is 25'
8. Western setback is 37' on intersection with buildings northern face and 25' setback from buildings southern face.
 - a. NOTE: due to the property not being square we are asking for the variance to have the southern face of the most western building setback requirements to be allowed at 25' versus the 35' requirement.
 - i. We estimate the center of highway 47 to be an additional 50' from property line giving and 87' building setback from center of 47 on the norther face of the western building and a 100' setback on the southern face of the western building. This exceeds requirement of 85'.
9. All isles are 25'
10. Development consists of ~6 buildings at ~57,500 sq. ft. Estimated allowable building footprint in 40% of land which calculated ~58,545.
11. Units will comply with accessibility requirements 5% of units under 200 units and 10% units over 200 units.
12. Phase 1 will be just shy of 1 acre and consist of ~2 buildings ~18,000 sq. ft.
13. Topsoil from phase 1 will be temporarily stored on phase 2 and given to the neighbor farmers and or community as their need arise.
14. Water retention/detention will be designed in a "French drain" type system consisting of a trench along the south border of the property filled with large aggregate sized to handle runoff collection with release rates that meet code. This will be engineered and constructed in phase 2 and a part of the southern border 25' setback. Vehicles will be able to drive on this.
 - a. There is currently 15' available to shift buildings north to still provide the 55' from center of road and 25' from property line required setback if the "French drain" style retention/detention system requires more space or if it is not able to be driven on.
 - i. In this scenario you would have up to a 40' setback on the south end of the property.
 - b. Surface water from rain would drain on the site rock from north to south in between buildings and flow into the "French drain" retention/detention system along the south side of the property and then would flow east towards the storm ditch system along highway 47 that was installed with Highway 72 came thru and is immediately adjacent to the property.
15. Existing Corn Crib will be demolished in Future phases
16. Phase 1 dimensions 155' on the north boarder, 280' north to south ~ 43,400 sq. ft.
17. There will be poll signage on the east side of property
18. At some phase in the development there will be an office and a property manager residence.
 - a. This will need water and septic installed per code requirements.
19. Ameren will be providing a transformer and electrical services to development.
20. Development is requesting a variance for loading berths to zero and a reasonable minimum parking spaces considering the use of the space. I would think 2 spaces per building would be a reasonable minimum requirement considering the use of space. There will be a rocked area of the development of open space along the norther boarder that can be used for parking if needed that is ~20' x 400'.

Annotated Aerial based on 07/28/20 Site Plan & Notes



JULY 27, 2020



NATURAL RESOURCE INFORMATION (NRI)
RECEIVED REPORT 22.02

JUL 27 2020

PETITIONER: ADAM & JODI KIMBALL

CHAMPAIGN CO. P & Z DEPARTMENT

PREPARED BY: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT
 2110 W PARK CT, STE C, CHAMPAIGN, IL 61821
 (217) 352-3536 EXT 3 | WWW.CCSWCD.COM

Champaign County Soil and Water Conservation District Natural Resource Information Report (NRI)
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Date District Board Reviewed Application	22 July 2020
Applicant's Name	Adam and Jodi Kimball
Contact Person	Adam Kimball
Size of Subject Property	3.36
Present Zoning	B-3 Highway Business
Proposed Zoning	B-3 Highway Business
Present Land Use	Agriculture
Proposed Land Use	Storage units

*Acreage in this report will be to 2.5 acres.

<i>Copies of this report or notification of the proposed land-use change were provided to:</i>	Yes	No
The Applicant	x	
The Contact Person	n/a	n/a
The Local/Township Planning Commission	n/a	n/a
The Village/City/County Planning & Zoning Department	x	
The Champaign County Soil & Water Conservation District Files	x	

Report Prepared By: Erin Bush, Resource Conservationist

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Forward

Soil and Water Conservation Districts are required to prepare Natural Resource Information (NRI) Reports under the Illinois Soil and Water Conservation Act of 1977, Illinois Revised Statutes, Chapter Five.

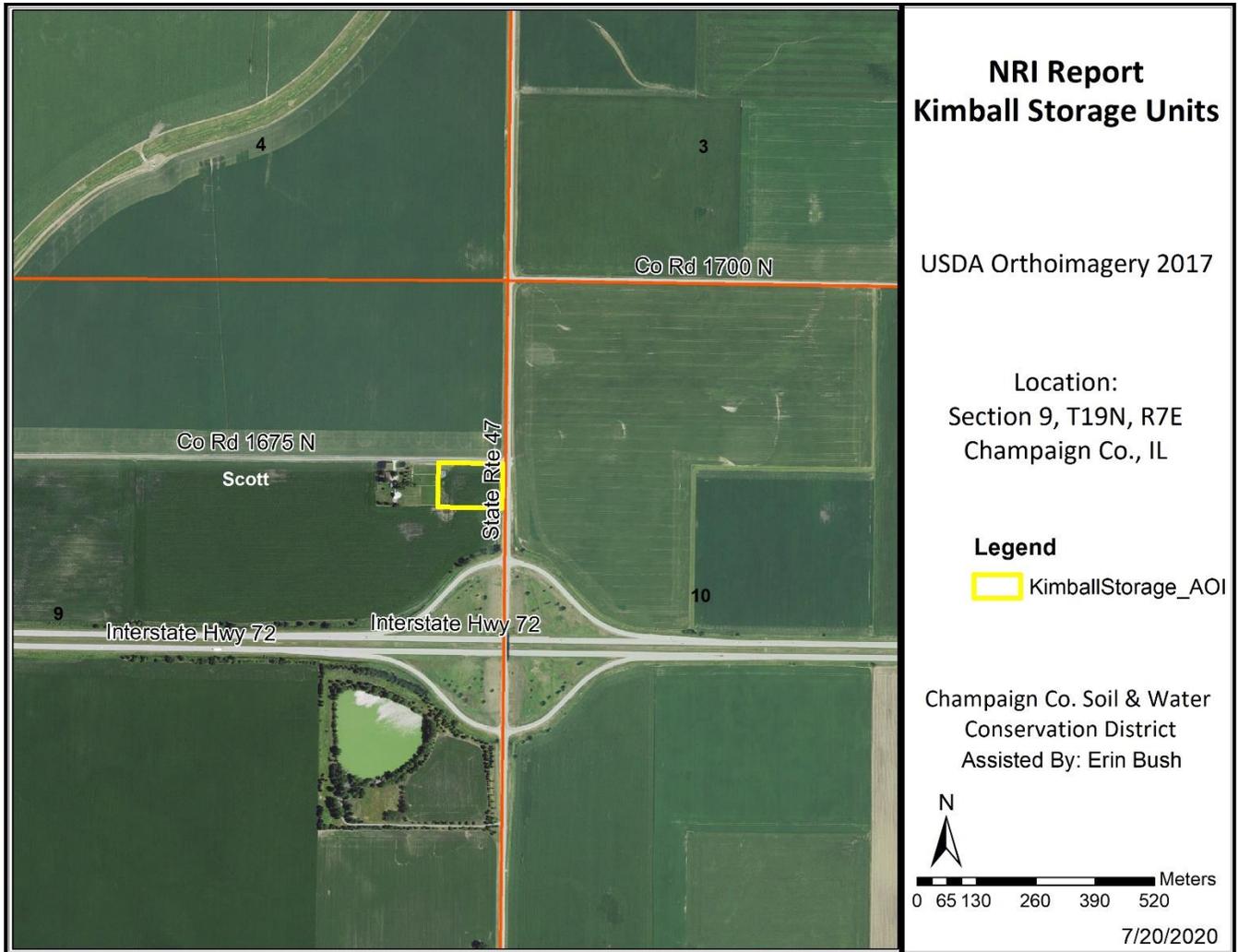
Section 22.02a The Soil and Water Conservation District shall make all natural resource information available to the appropriate county agency or municipality in the promulgation of zoning, ordinances or variances. Any person who petitions any municipality or county agency in the district for variation, amendment, or other relief from municipality's or county's zoning ordinance or who proposes to sub-divide vacant or agricultural lands therein shall furnish a copy of such petition or proposal to the Soil and Water Conservation District. The Soil and Water Conservation District shall be given not more than thirty days from the time of receipt of the petition or proposal to issue its written opinion concerning the petition or proposal and submit the same to the appropriate county agency or municipality for further action. Added by Act approved December 3, 1971.

This report provides technical data necessary to evaluate the natural resources of a specific area and the impacts or limitations associated with the proposed land use change. The report is limited to information researched by the Champaign County Soil and Water Conservation District staff. (Technical information is obtained from several different sources and may be subject to modification based on detailed site investigations or new technical information.) The information gathered in this report comes from several key reference materials and are cited throughout this report and listed in the Reference section. Any questions on the information contained in this report can be directed to:

Champaign County Soil and Water Conservation District
2110 W. Park Court, Suite C
Champaign, IL 61821
Phone 217-352-3536 ext. 3

Subject Property Location

Location Map for Natural Resources Information Report for the Kimball storage units. The property is located in the southeast ¼ of the northeast ¼ of Section 9, Township 19N, Range 7E in Champaign County, Illinois.



Summary and Concerns of the Board

The Champaign County Soil and Water Conservation District has reviewed the proposed land use change and has the following concerns relevant to the impact on the area's natural resources.

1. Some soils on the subject property are not suitable sanitary facilities or dwellings. It is advised to perform onsite investigations with a professional to determine construction strategy before moving forward. See pages 7-9.
2. A majority of the soils on the subject property are not suitable for dwellings or small commercial buildings. It is advised to consult with a professional to determine safety and quality of current and future construction projects. See page 9.
3. The subject property is in the 7. *Camp Creek Special* drainage district. Please contact drainage district commissioners for drainage questions.
4. The average Land Evaluation (LE) score for this site is: 100, which indicates high productivity farmland. See page 13.

Soil Information

The soil information comes from the United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS) Soil Survey of Champaign County. This information is important to all parties involved in determining the suitability of the proposed land use change. Each polygon is given a number with letters, which represents its soil type, slope, flooding, etc., and is then called a map unit. Each soil map unit has limitations for a variety of land uses, which are explained using interpretations.

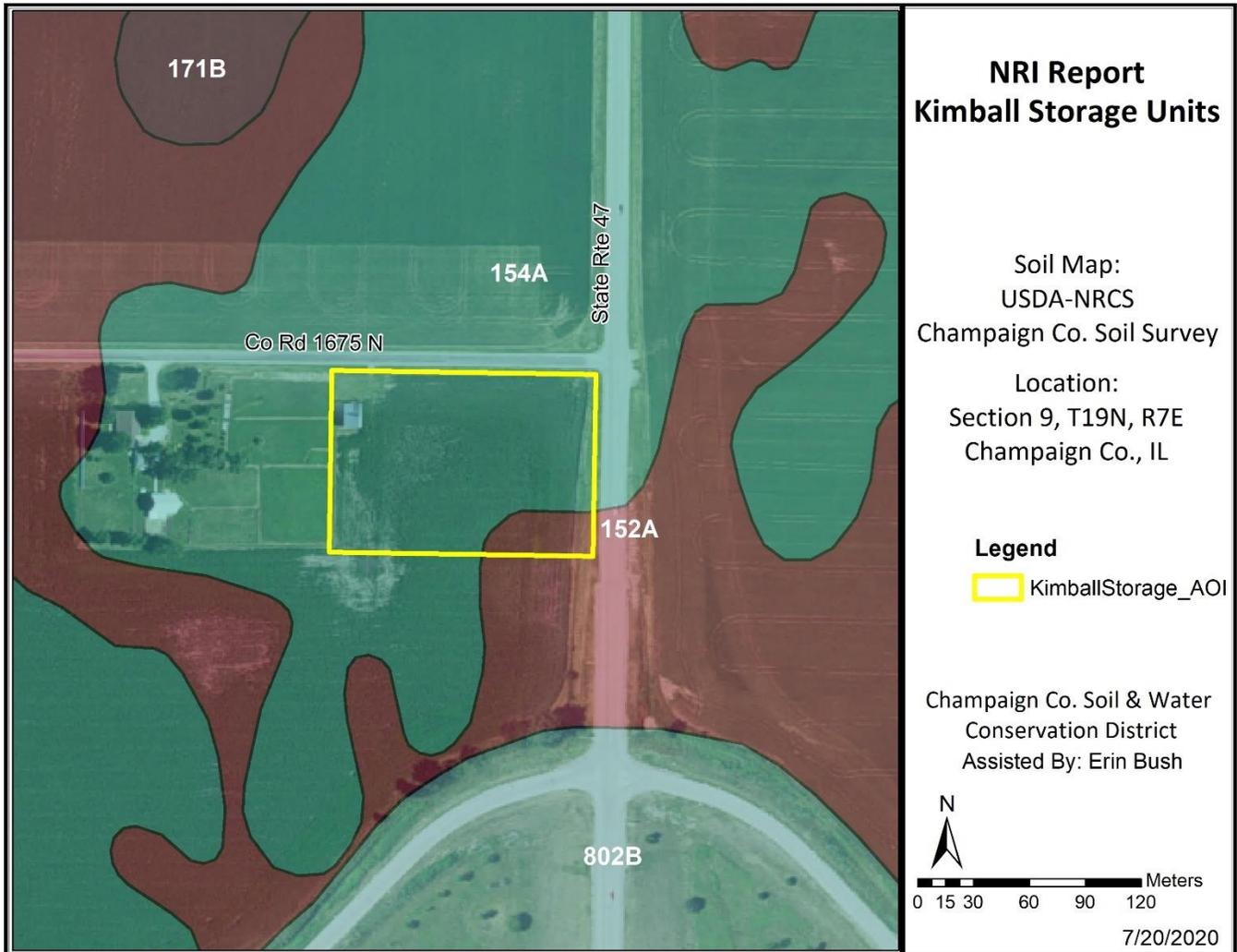


Table 1. Soil map unit descriptions.

Map Unit Symbol	Description	Acres	Percent of Area
154A	Flanagan silt loam, 0-2% slopes	3.1	90.9%
152A	Drummer silty clay loam, 0-2% slopes	0.3	9.1%

Introduction to Soil Interpretations

Non-agricultural soil interpretations are ratings that help engineers, planners, and others understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features. Other features may need treatment to overcome soil limitations for a specific purpose.

Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. However, most of these practices are costly. The final decision in selecting a site for a land use generally involves weighing the costs for site preparation and maintenance.

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of slight, moderate, and severe are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common type of building limitation this report gives limitations ratings for is septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Organic soils, when present on the subject property, are referenced in the hydric soils section of the report.

The area of development 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 needs to be established as soon as possible.

Limitation Ratings

1. *Not limited*- This soil has favorable properties for the intended use. The degree of limitation is minor and easy to overcome. Those involved can expect good performance and low maintenance.
2. *Somewhat limited*- This soil has moderately favorable properties for the intended use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated "*not limited*."
3. *Very limited*- This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonally high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

Soil Interpretations

Sanitary Facilities

The table below shows the degree and kind of soil limitations that affect septic tank absorption fields and sewage lagoons.

Septic Tank Absorption Fields: Areas in which effluent from a septic tank is distributed into the soil through subsurface tiles or perforated pipe. The ratings are based on soil properties, site features, and observed performance of the soils. Permeability, high water table, depth to bedrock or a cemented pan, and flooding affect absorption of the effluent. Large stones and bedrock or a cemented pan interfere with installation. Unsatisfactory performance of septic tank absorption fields, including excessively slow absorption of effluent, surfacing of effluent, and hillside seepage can affect public health. There must be unsaturated soil material beneath the absorption field to filter the effluent effectively.

Table 2. Septic tank absorption fields.

Map Unit Symbol	Septic Tank Absorption Fields	Acres	Percent of Area
154A	Very limited: depth to saturated zone, slow water movement	3.1	90.9%
152A	Very limited: ponding, depth to saturated zone	0.3	9.1%

For the subject property: 100% of the soils on the property are very limited for the use of septic tank absorption fields and special design is required for any septic tank absorption field.

Building Site Development

The table below shows the degree and the kind of soil limitations that affect dwellings with or without basements and small commercial buildings.

Dwellings and Small Commercial Buildings: Structures built on a shallow foundation on undisturbed soil that are three stories or less. The ratings are based on soil properties, site features, and observed performance of the soils. High water table, depth to bedrock or to a cemented pan, large stones, slope, and flooding effect the ease of excavation, construction, and maintenance.

Table 3. Dwellings and small commercial buildings limitations.

Map Unit Symbol	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Acres	Percent of Area
154A	Very limited: depth to saturated zone, shrink-swell	Somewhat limited: depth to saturated zone, shrink-swell	Somewhat limited: depth to saturated zone, shrink-swell	3.1	90.9%
152A	Very limited: ponding, depth to saturated zone	Very limited: ponding, depth to saturated zone	Very limited: ponding, depth to saturated zone	0.3	9.1%

Soil Water (Wetness) Features

This section gives estimates of various soil water (wetness) features that should be taken into consideration when reviewing engineering for a land use project.

Hydrologic Soil Groups (HSGs): The groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

- Group A: Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- Group B: Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.
- Group C: Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- Group D: Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Note: if a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D) the first letter is for drained areas and the second is for undrained areas.

Surface Runoff: Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate, and vegetative cover and indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from the irregularities in the ground surface is minimal). The classes are: negligible, very low, low, medium, high, and very high.

Water Table: Refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles, called redoximorphic features) in the soil. Note: a saturated zone that lasts for less than a month is not considered a water table.

Ponding: Refers to standing water in a closed depression and the data indicates duration and frequency of ponding.

- Duration: expressed as *very brief* if less than 2 days, *brief* if 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.
- Frequency: expressed as *none* (ponding is not possible), *rare* (unlikely but possible under unusual weather conditions), *occasional* (occurs, on average, once or less in 2 years), *frequent* (occurs, on average, more than once in 2 years).

Flooding: The temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

- Duration: Expressed as *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.
- Frequency: Expressed as *none* (flooding is not probable), *very rare* (very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year)), *rare* (unlikely but possible under unusual weather conditions (chance of flooding is 1 to 5% in any year)), *occasional* (occurs infrequently under normal weather conditions (chance of flooding is 5 to 50% in any year but is less than 50% in all months in any year)), and *very frequent* (likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year)).

Note: The information is based on evidence in the soil profile. In addition, consideration is also given to local information about the extent and levels of flooding and the relation of each soil on the landscape to historic floods. Information on the extent of flooding based on soil data is less specific than that provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.

Table 5. Soil water (wetness) features.

Map Unit Symbol	HSG	Surface Runoff	Depth to Water Table (ft)			Ponding		Flooding	
			Upper Limit	Lower Limit	Kind	Duration	Frequency	Duration	Frequency
154A	C/D	Low	1.0-2.0	3.7-5.9	Perched	-	None	-	None
152A	B/D	Neg.	0.0-1.0	6.0	Apparent	0.0-0.5	Frequent	-	None

Hydric Soils

Hydric soils by definition have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems. All hydric soils range from poorly suited to unsuitable for building. Soil maps may not be small enough to show inclusions of hydric soils, so it is important to consult a soil scientist if building residential areas on hydric soils or soils with hydric inclusions.

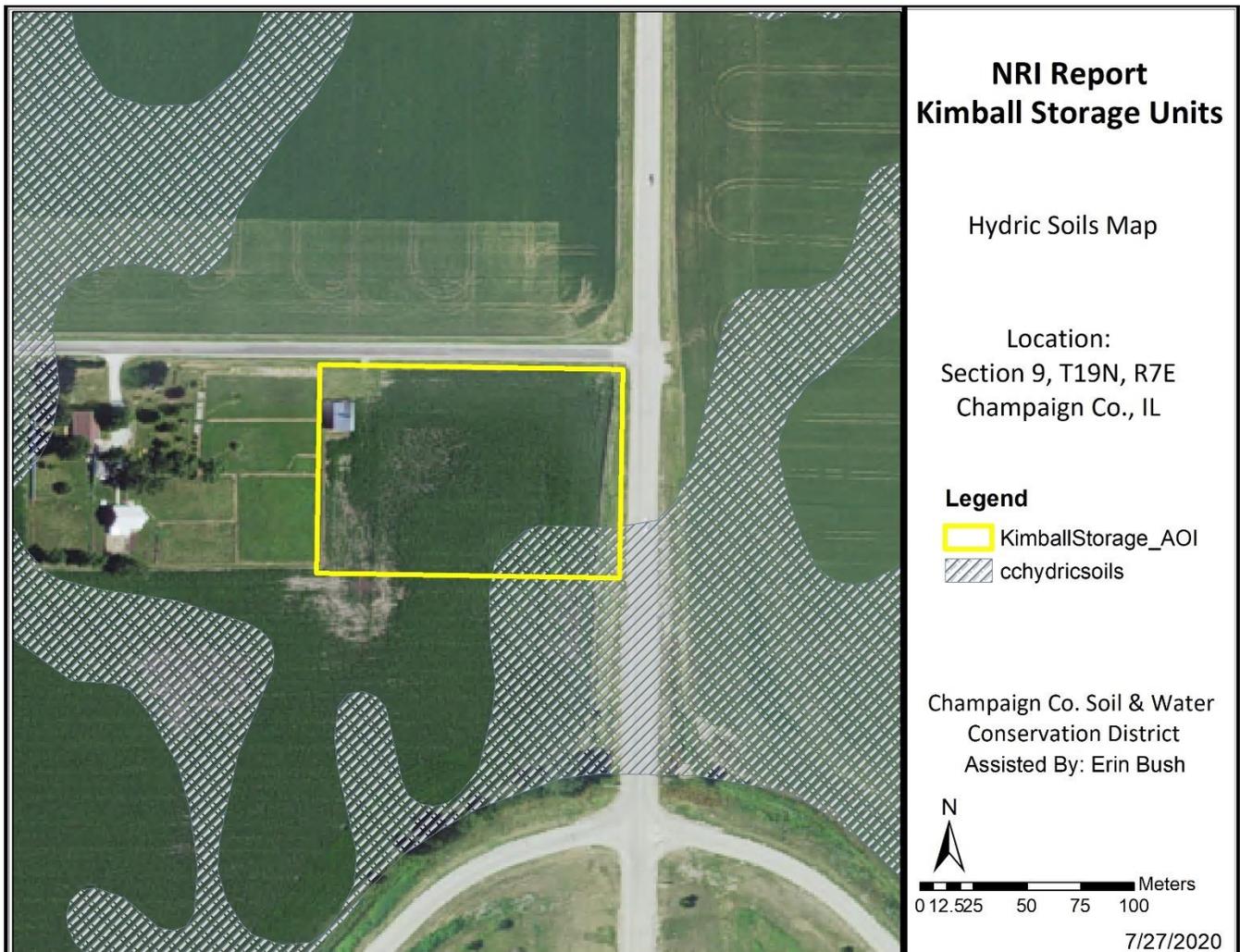
On most agricultural soils in the county that are poorly or somewhat poorly drained, subsurface agriculture drainage tile occurs. This expedites drainage but must be maintained and undisturbed so the soil does not return to its original hydrologic condition.

The Champaign County SWCD recommends the following for an intense land use, such as a subdivision:

1. A topographical survey with 1-foot contour intervals to define the flood area.
2. An intensive soil survey to define locations of hydric inclusions.
3. A drainage tile survey to locate tiles that must be preserved.

Table 6. Hydric soils.

Map Unit Symbol	Drainage Class	Hydric Designation	Acres	Percent of Area
154A	Somewhat poorly drained	Non-hydric	3.1	90.9%
152A	Poorly drained	Hydric	0.3	9.1%
		Percent Hydric		9.1%



Soil Erosion and Sediment Control

Erosion is the wearing away of the soil by water, wind, and other forces and a soil's erodibility is mainly determined by the following properties: soil texture, slope, soil structure, soil organic matter content. Soil erosion threatens the nation's soil productivity and contributes to pollutants in waterways. Sediment entering creeks, rivers, and lakes degrade water quality and reduce capacity, which increases the risk of flooding and disrupts ecosystems. Sediment also carries other possible pollutants, such as chemicals and metals, by adhering to the sediment's surface.

Erosion Control at Construction Sites

Construction sites can experience 20 to 200 tons/acre/year of soil loss, which is greater than other land uses, like agriculture, averaging 4-5 tons/acre/year. It is extremely important that the developer employ Best Management Practices, like the ones listed below, to help reduce soil erosion and protect water quality during and after construction.

- **Silt Fencing:** A woven geotextile fabric stretched across and attached to supporting posts used to intercept sediment-laden runoff from small drainage areas of disturbed soil. The purpose is to filter out sediment from runoff before it enters a water body.
- **Construction Road Stabilization:** The stabilization of temporary construction access routes, subdivision roads, on-site vehicle transportation routes, and construction parking areas with stone immediately after grading the area to reduce erosion.
- **Vegetative Cover:** One of the most important means to control runoff is to plant temporary vegetation around the perimeter of the construction site. This provides a natural buffer to filter sediment and chemicals. The CCSWCD recommends that temporary grass be planted (i.e. smooth bromegrass, oats, cereal rye) to help protect soil from erosion during construction.

EPA Stormwater Pollution Prevention Plan (SWPPP) Reference Tool

EPA requires a plan to control storm water 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 to obtain NPDES permit coverage for their storm water discharges. More information at the following website:

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

Table 7. Soil erosion potential.

Map Unit Symbol	Slope	Rating	Acres	Percent of Area
154A	0.9%	Slight	3.1	90.9%
152A	0.5%	Slight	0.3	9.1%

Prime Farmland Soils

Prime farmland soils are an important resource to Champaign County. Some of the most productive soils in the world occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Urban or built-up land on prime farmland soils is not prime farmland.

Table 8. Prime farmland designation.

Map Unit Symbol	Prime Designation	Acres	Percent of Area
154A	Prime farmland	3.1	90.9%
152A	Prime farmland if drained	0.3	9.1%
Percent Prime Farmland			100%

The Land Evaluation and Site Assessment System

Decision-makers in Champaign County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the USDA-NRCS and takes into consideration local conditions, such as physical characteristics of the land, compatibility of surrounding land uses, and urban growth factors. The LESA system is a two-step procedure:

- Land Evaluation (LE) – the soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agricultural use. The best group is assigned a value of 100 and is based on data from the Champaign County Soil Survey. The Champaign County LE designates soils with a score of 91 to 100 as best prime farmland, as reported in Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils. Best Prime Farmland consists of:
 - a) Soils identified as agricultural value groups 1, 2, 3, and/or 4
 - b) Soils that, in combination on a subject site, have an average LE of 91 or higher
 - c) Any site that includes a significant amount (10% or more of the area proposed to be developed) of agriculture value groups 1, 2, 3, and/or 4
- Site Assessment (SA) – the site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives.

The Champaign County LESA system is designed to provide officials with a systematic objective means to numerically rate a site in terms of its agricultural importance.

- To assist officials in evaluating the proposed conversion of farmland on a parcel or site in zoning cases that include farmland conversion to a non-agricultural land use.
- To assist in the review of state and federal projects for compliance with the Illinois Farmland Preservation Act and the Federal Farmland Protection Policy Act in terms of their impact on important farmland.

Note: A land evaluation (LE) score will be compiled for every project property, but a site assessment score is not applicable in most cases, making the full LESA score unavailable.

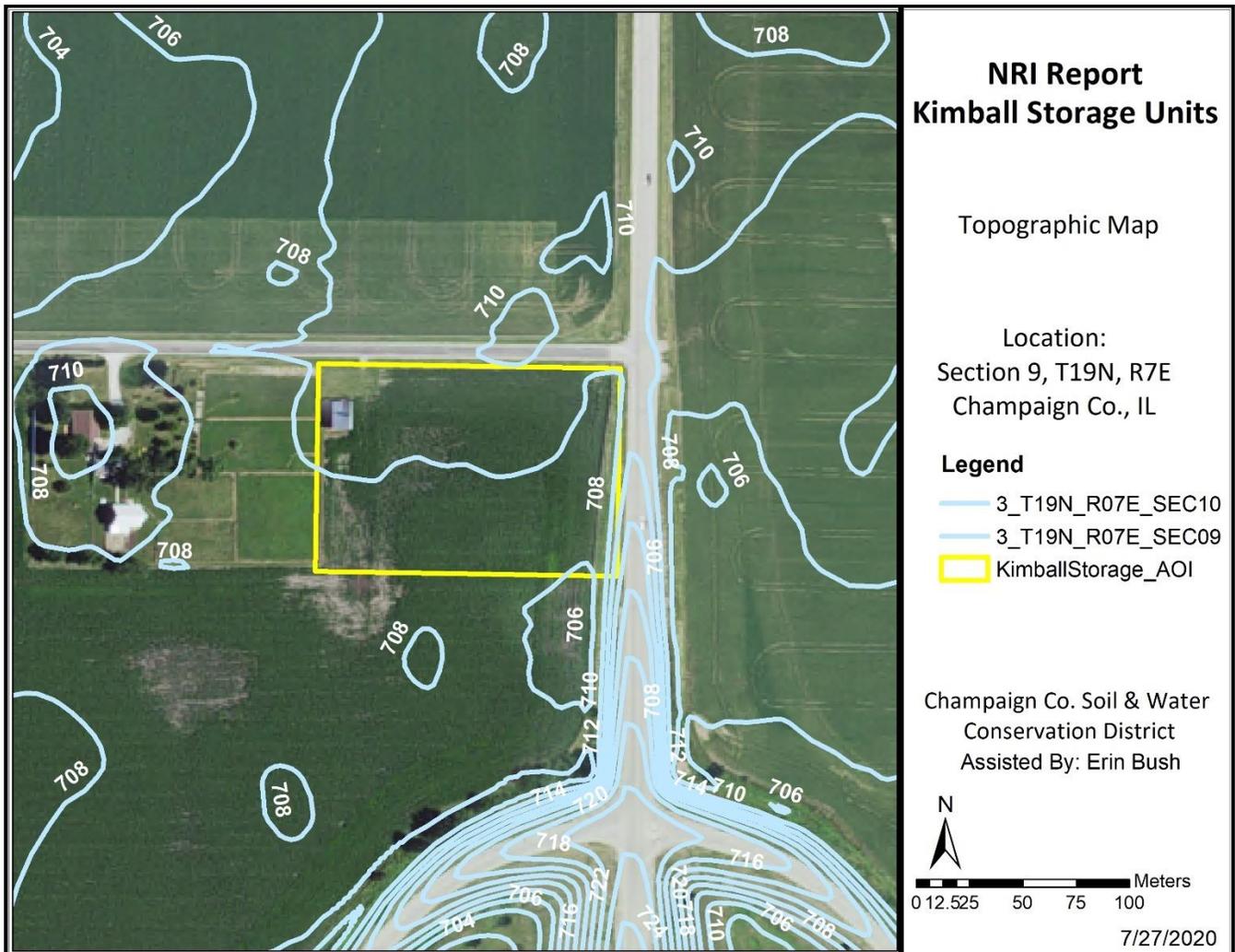
Table 9. Land Evaluation and Site Assessment System score.

Map Unit Symbol	Value Group	Relative Value	Acres	Product (Relative Value*Acres)
154A	1	100	3.1	310
152A	2	100	0.3	30
Totals			3.4	340
LE Score		LE=340/3.4		LE = 100

For the subject property: the overall Land Evaluation (LE) score is 100.

Topographic Information

United States Geologic Survey (USGA) topographic maps give information on elevation, which are important mostly to determine slope, drainage direction, and watershed information. Elevation determines the area of impact of floods. Slope information determines steepness and erosion potential. Drainage directions determine where water leaves the subject property, possibly impacting surrounding natural resources.



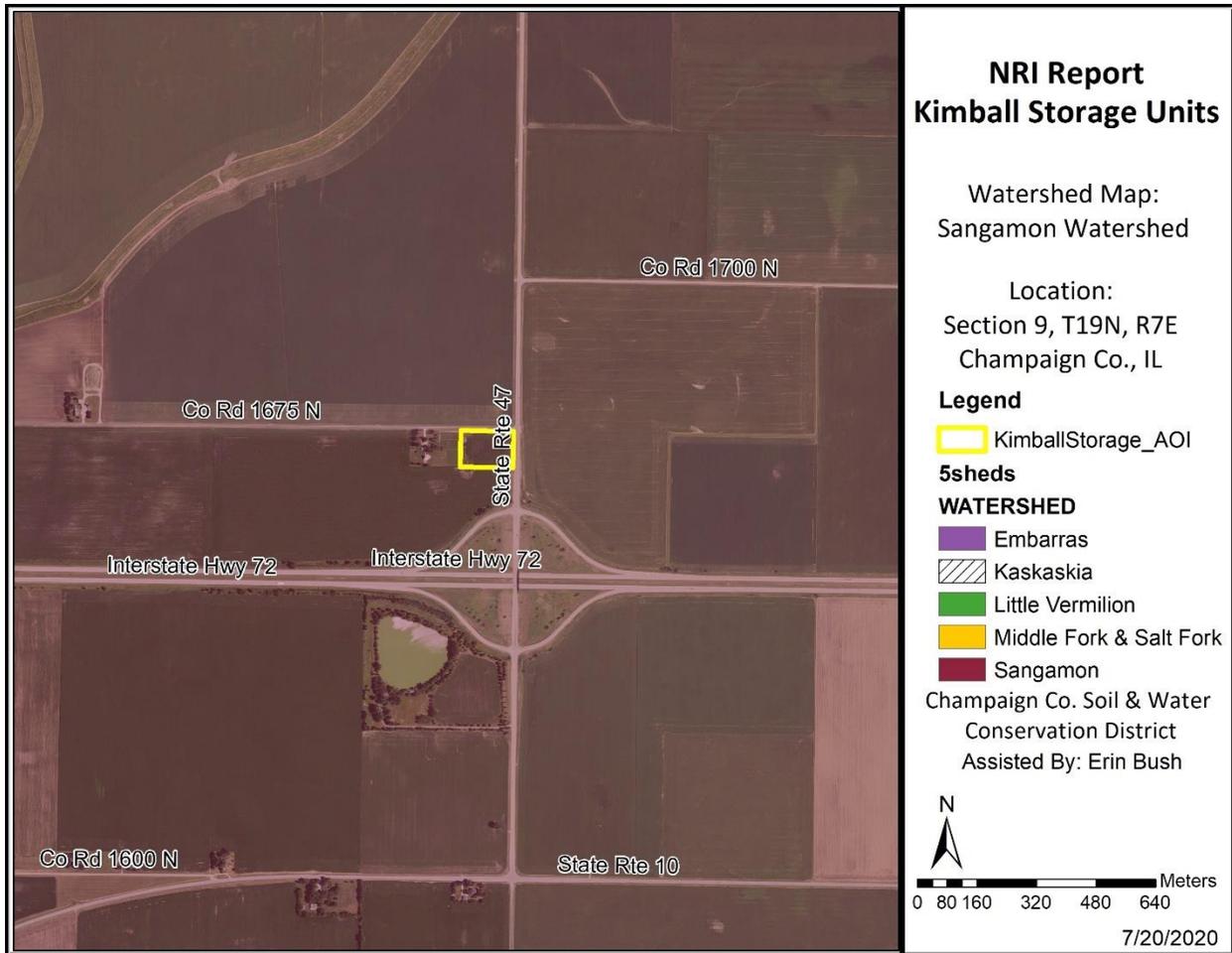
Watershed Information

Watershed information is given when land use is changed to a subdivision type of development on parcels greater than 10 acres. A watershed is an area of land that drains to an associated water resource, such as a wetland, river, or lake. Rainwater carries pollutants through watersheds, impacting natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and implications of their activities.

The following are recommendations to developers for protection of watersheds:

- Preserve open space
- Maintain wetlands as part of development
- Use natural water management
- Prevent soil from leaving construction sites
- Protect subsurface drainage
- Use native vegetation
- Retain natural features
- Mix housing and style types
- Decrease impervious surfaces
- Reduce area disturbed by mass grading
- Treat water where it falls

For the subject property: the property is located in the Sangamon River Watershed.



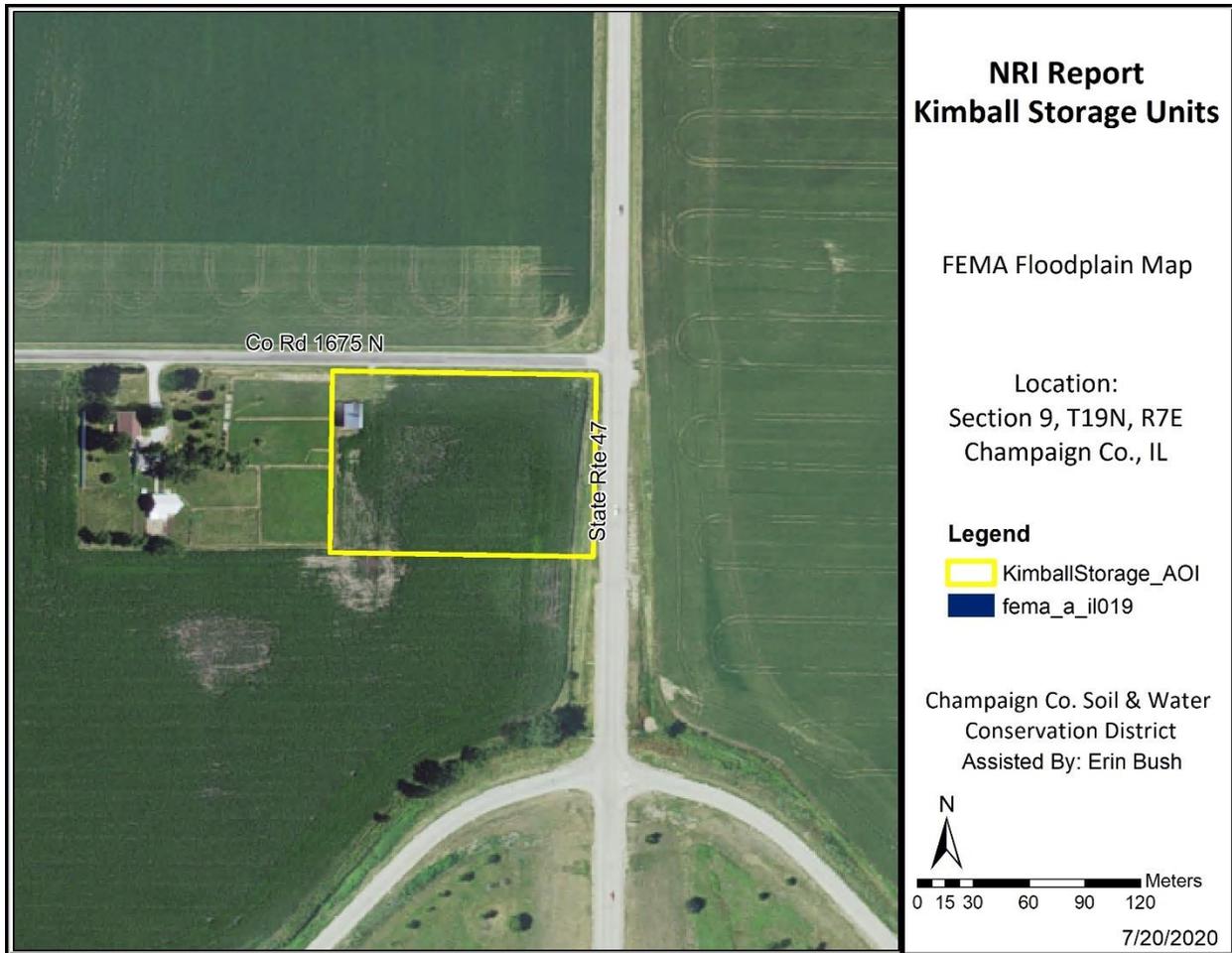
Floodplain and Wetland Information

Floodplain Information

A floodplain is defined as land adjoining a watercourse (riverine) or an inland depression (non-riverine) that is subject to periodic inundation by high water. Floodplains are important areas that demand protection since they have water storage and conveyance functions that affect upstream and downstream flows, water quality and quantity, and suitability of the land for human activity. Since floodplains play distinct and vital roles in the hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

Flooding is dangerous to people and destructive to their properties. The following map can help developers and future homeowners to “sidestep” potential flooding or ponding problems. The Flood Insurance Rate Map (FIRM) was produced by the Federal Emergency Management Agency (FEMA) to define flood elevation adjacent to tributaries and major bodies of water that are superimposed onto a simplified USGS topographic map.

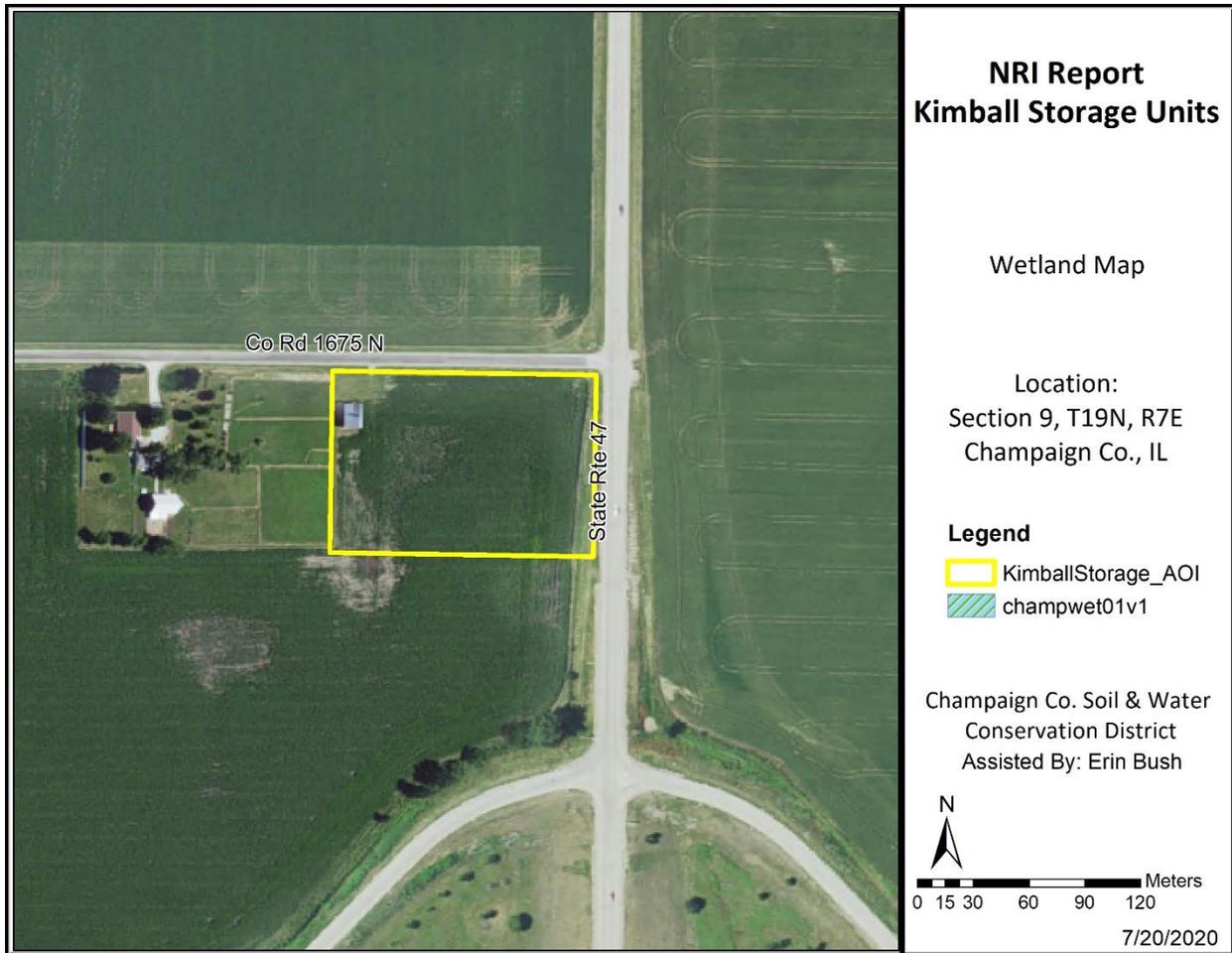
For the subject property: none of the property is in the floodplain.



Wetland Information

Wetlands function in many ways to provide numerous benefits to society and the environment, including flood control, cleanse water, recharge groundwater, and provide a wildlife habitat. However, approximately 95% of the wetlands that were historically present in Illinois have been destroyed. It is crucial that we take steps to conserve current wetlands and reestablish new wetlands where once destroyed. Wetland determinations are made by a certified NRCS staff.

For the subject property: a wetland is not present on the subject property.



Wetland and Floodplain Regulations

Please read the following if you are planning to do any work near a stream, lake, wetland, or floodway, including: dredge, fill, rip rap, or otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, sluice, dam, piling, wall, fence, utility, flood plain, or floodway subject to State or Federal regulatory jurisdiction.

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against flood way encroachments, maintenance and enhancement of water quality, protection of fish and wildlife habitat and recreational resources, and, in general, the protection of total public interest. Unregulated use of the waters within the State of Illinois could permanently destroy and adversely impact the public. Therefore, please contact the proper authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

Regulatory Agencies:

- Wetlands or U.S. Waters: U.S. Army Corps of Engineers

- Floodplains: Illinois Department of Natural Resources/Office of Water Resources, Natural Resources Way, Springfield, IL
- Water Quality/Erosion Control: Illinois Environmental Protection Agency

Coordination: we recommend early coordination with the agencies BEFORE finalizing work plans. This allows the agencies to recommend measures to mitigate or compensate for adverse impacts. This could reduce time required to process necessary approvals and reduce expense.

Cultural and Animal Resources

Cultural Resources

The most common cultural resources found during changes in land use are historical properties or non-structural archaeological sites. These sites often extend below the soil surface and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are non-renewable because there is no way to grow a site to replace a disrupted site. Landowners with historical properties on their land have ownership of that historical property. However, the State of Illinois owns all of the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains. Non-grave artifacts from archaeological sites and historical buildings are the property of the landowner. The landowner may choose to disturb a historical property but may not receive federal or state assistance to do so. If an earth-moving activity disturbs human remains, the landowner must contact the county coroner within 48 hours.

The Illinois Historic Preservation Agency may require a Phase 1 Archaeological review to identify any cultural resources that may be on the site. The IHPA has not been contacted by the Champaign County SWCD. The applicant may need to contact the IHPA according to current Illinois law.

Animal Resources

According to the Illinois Endangered Species Protection Act & Illinois Natural Areas Preservation Act, state agencies or local units of government must consult Illinois Department of Natural Resources (IDNR) 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 and animals or for adversely modifying a Nature Preserve or a Land and Water Preserve. Home rule governments may delegate this responsibility through duly enacted ordinances to the parties seeking authorization or funding of the action.

Ecologically Sensitive Areas

Biodiversity is the sum of total of all the plants, animals, fungi, and microorganisms in the world, or in a particular area that make up the fabric of the Earth and allow it to function. Biodiversity must be protected, as it is diminishing, which weakens entire natural systems. It is intrinsically valuable for an ecosystem to be biologically diverse to sustain ecosystem health and support life.

As part of the Natural Resources Information Report, staff checks if any nature preserves are in the general vicinity of the subject property. If there is a nature preserve in the area, then that resource will be identified as part of the report. The SWCD recommends that every effort be made to protect

that resource. Such efforts should include but are not limited to erosion control, sediment control, stormwater management, and groundwater monitoring.

For the subject property: as shown on the below EcoCAT, there is no record of sensitive areas in the vicinity of the property.



Applicant: NRCS Champaign County Field Office
Contact: Taylor Shedd
Address: 2110 W. Park court suite C
Champaign , IL 61821

IDNR Project Number: 2101121
Date: 07/21/2020

Project: Kimball Storage
Address: Champaign, IL

Description: Kimball Storage

Natural Resource Review Results

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

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

Location

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

County: Champaign

Township, Range, Section:

19N, 7E, 9
19N, 7E, 10



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

Government Jurisdiction
U.S. Department of Agriculture

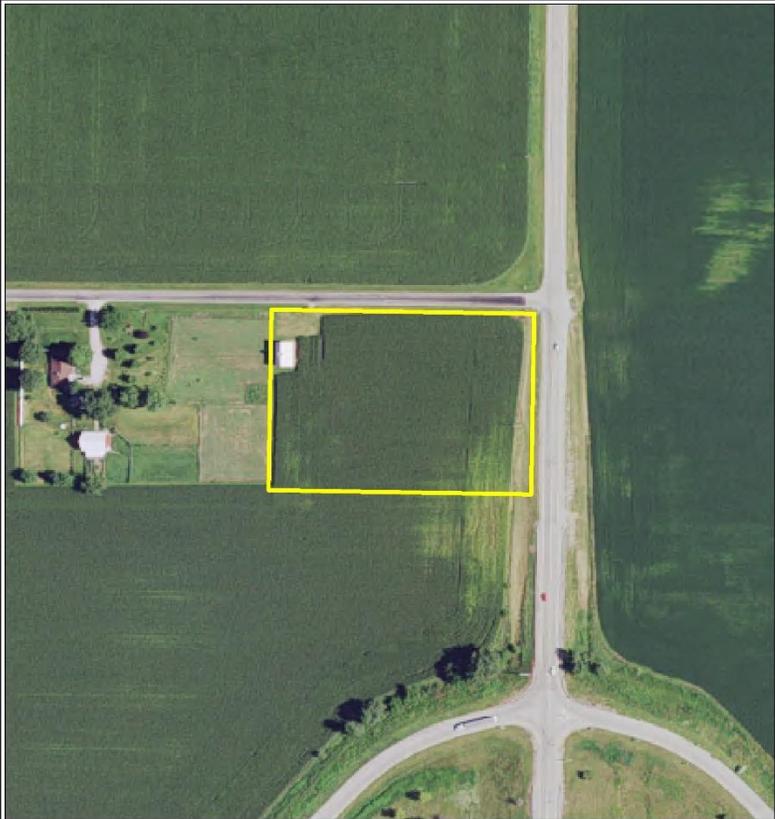
Disclaimer

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

Terms of Use

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

Historic Aerial Photos



**NRI Report
Kimball Storage Units**

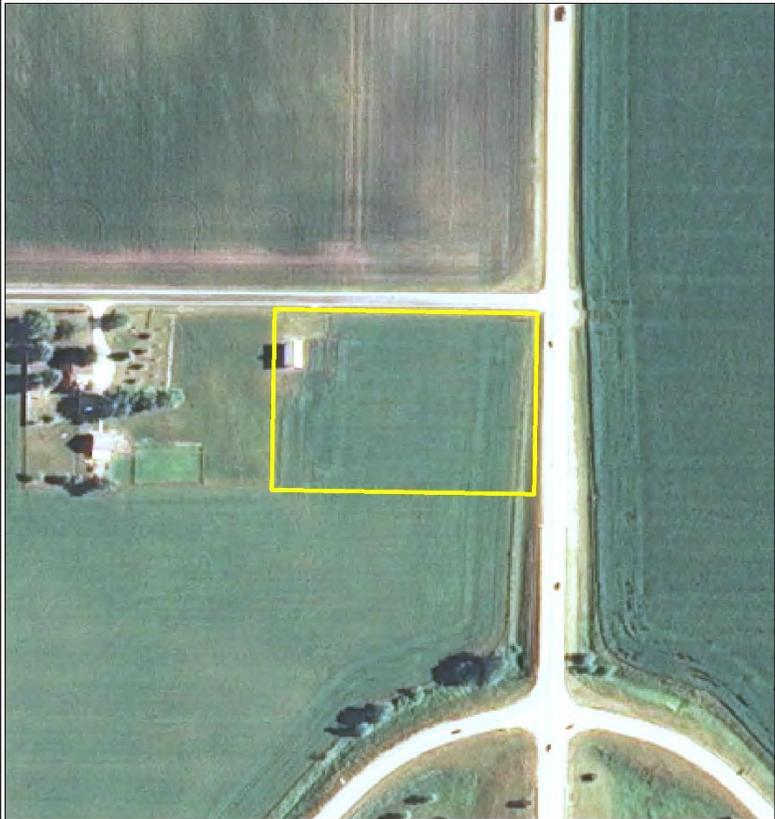
USDA Orthoimagery 2015

Location:
Section 9, T19N, R7E
Champaign Co., IL

Legend
KimballStorage_AOI

Champaign Co. Soil & Water
Conservation District
Assisted By: Erin Bush

N
0 12.525 50 75 100 Meters
7/27/2020



**NRI Report
Kimball Storage Units**

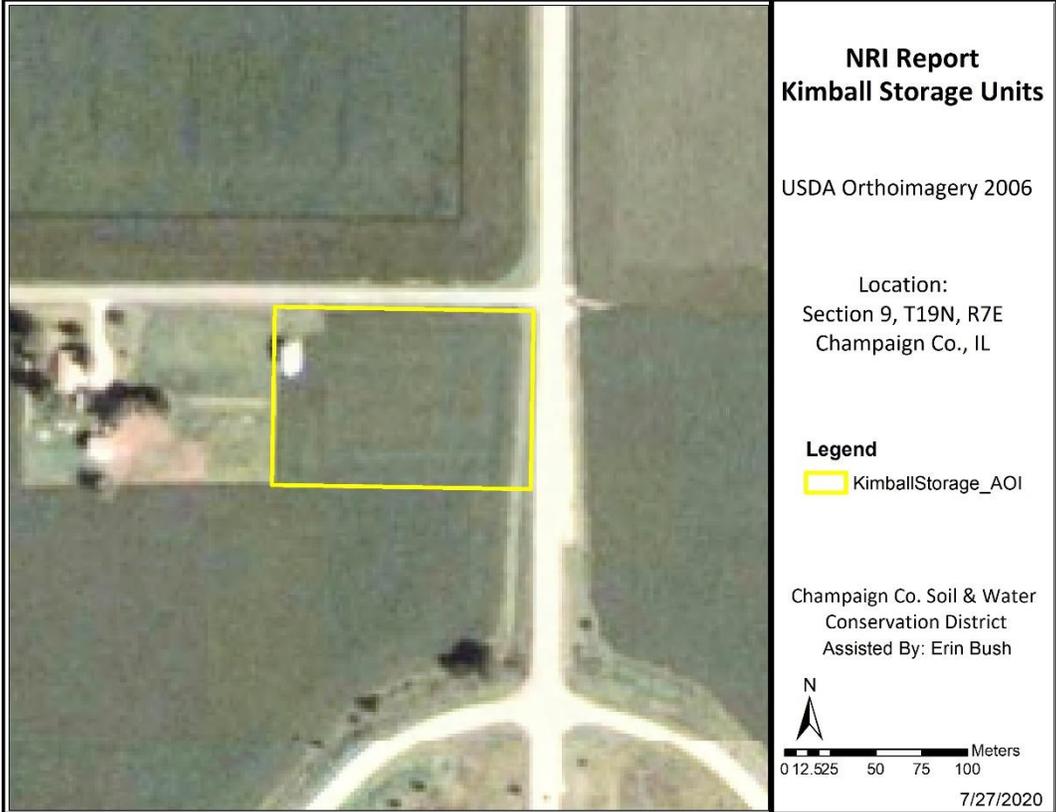
USDA Orthoimagery 2012

Location:
Section 9, T19N, R7E
Champaign Co., IL

Legend
KimballStorage_AOI

Champaign Co. Soil & Water
Conservation District
Assisted By: Erin Bush

N
0 12.525 50 75 100 Meters
7/27/2020



Glossary and Acronyms

Agriculture – The growing, harvesting, and storing of crops, including legumes, hay, grain, fruit; and truck or vegetables, including dairy, poultry, swine, sheep, beef cattle, pony and horse, fur, and fish and wildlife; 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, or 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 around hired farm workers.

ADT – average daily traffic that a local road normally receives, based upon records by the County Superintendent of Highways.

B.G. – below grade. Under the surface of the Earth.

Bedrock – indicates depth at which bedrock occurs. Also lists hardness as rippable or hard.

Flooding – indicates frequency, duration, and period during year when floods are likely to occur.

High Level Management – the application of effective practices adapted to different crops, soils, and climatic conditions. Such practices include providing for adequate soil drainage, protection from flooding, erosion and runoff control, near optimum tillage, and planting the correct kind and amount of high-quality seed. Weeds, diseases, and harmful insects are controlled. Favorable soil reaction and near-optimum levels of available nitrogen, phosphorus, and potassium for individual crops are maintained. Efficient sue is made of available crop residues, barnyard manure, and/or green manure crops. All operations, when combined efficiently and timely, can create favorable growing conditions and reduce harvesting losses (within limits imposed by weather).

High Water Table – a seasonal highwater table is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian.

Water Table, Apparent – a thick zone of free water in the soil indicated by the level at which water stands in an uncased

borehole after adequate time is allowed for adjustment in the surrounding soil.

Water Table, Artesian – a water table under hydrostatic head, generally beneath an impermeable layer. When layer is penetrated, the water level rises in the uncased borehole.

Water Table, Perched – a water table standing above an unsaturated zone, often separated from a lower wet zone by a dry zone.

Delineation – (for wetlands) a series of orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

Determination – (for wetlands) a polygon drawn on a map using map information that gives an outline of a wetland.

Hydric Soil – soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service, 1987).

Intensive Soil Mapping – mapping done on a small, intensive scale than a modern soil survey to determine soil properties of a specific site, i.e. mapping for septic suitability.

Land Evaluation Site Assessment (L.E.S.A.) – LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

Modern Soil Survey – a soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent is shown on a map. An accompanying report describes, defines, classifies, and interprets the soils. Interpretations predict the behavior of soils under different uses and the soils' response to management. Predictions are made for areas of soil at specific places. Soil information collected in a soil survey are useful in developing land use plans and alternatives.

Palustrine – name given to inland fresh water wetlands.

Permeability – values listed estimate the range of time it takes for downward movement of water in the major soil layers when saturated but allowed to drain freely. The estimates are based on soil texture, soil structure, available data on permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

PIQ – parcel in question

Potential Frost Action – damage that may occur to structures and roads due to ice lens formation, causing upward and lateral soil movement. Based primarily on soil texture and wetness.

Prime Farmland – lands that are best suited for food, feed, forage, fiber, and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban, built up land, or water areas. When well-managed, the soil qualities and moisture supply provide a sustained high yield of crops with minimum inputs of energy and economic resources in the least damage to the environment. Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated with water for long periods and is not frequently flooding during the growing season. The slope ranges from 0 to 5 percent. (USDA Natural Resources Conservation Service)

Productivity Indexes – express the estimated yields of the major grain crops in Illinois as a single percentage of the average yields obtained under basic management from several of the more productive soils in the state (Muscatine, Ipava, Sable, Lisbon, Drummer, Flanagan, Littleton, Elburn, Joy soil series). See Circular 1156 from the Illinois Cooperative Extension Service.

Seasonal – when used in reference to wetlands, indicates the area flooded only during a portion of the year.

Shrink-Swell Potential – indicates volume changes to be expected for the specific soil material with changes in moisture content.

Soil Mapping Unit – collection of soil and miscellaneous areas delineated in mapping. Generally, an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for tax and in terms of ranges of tax adjuncts and inclusions.

Soil Series – a group of soils formed from a type of parent material, having horizons that, except for texture of the surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color, texture, structure, reaction, consistence, mineralogy, and chemical composition.

Subsidence – applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

Terrain – the area or surface over which a particular rock or group of rocks is prevalent.

Topsoil – portion of the soil profile where higher concentrations of organic material, fertility, bacterial activity, and plant growth take place. Depths of topsoil vary between soil types.

Watershed – an area of land that drains to an associated water resource, such as a wetland, river, or lake. Depending on the size and topography, watersheds can contain numerous tributaries, such as streams, ditches, and ponding areas, such as detention structures, natural ponds, or wetlands.

Wetland – an area that has a predominance of hydric soils that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophilic vegetation typically adapted for life in saturated soil conditions.

References

Field Office Technical Guide. Natural Resources Conservation Service.

Flood Insurance Rate Map. National Flood Insurance Program, Federal Emergency Management Agency.

Illinois Urban Manual. 2016. Association of Illinois Soil & Water Conservation Districts.

Soil Survey of Champaign County. USDA – Natural Resources Conservation Service.

Wetlands Inventory Maps. Department of the Interior.

Potential for Contamination of Shallow Aquifers in Illinois. Illinois Department of Energy and Natural Resources, State Geological Survey Division.

Land Evaluation and Site Assessment System. The Kendall County Department of Planning, Building, and Zoning, and the Champaign County Soil and Water Conservation District. In cooperation with: USDA – Natural Resources Conservation Service.

977-S-20 & 979-V-20 Site Images



From CR 1675N facing SE to subject property (crib to be demolished)



From intersection of I-47 and CR 1675N facing west to subject property

977-S-20 & 979-V-20 Site Images



View from existing driveway facing west down CR 1675N



View from existing driveway facing east down CR 1675N

977-S-20 & 979-V-20 Site Images



Farmstead located west of subject property



House on farmstead located west of subject property

977-S-20 & 979-V-20 Site Images



View from IL-47 facing west to subject property



View from intersection of IL-47 at CR 1675N facing SW to subject property

PRELIMINARY DRAFT

977-S-20 & 979-V-20

**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: *{August 13, 2020}*

Petitioners: **Adam & Jodi Kimball**

Request: **CASE 977-S-20**

Authorize the construction and use of up to 290 Self-Storage Warehouse Units with heat and utilities to individual units as a Special Use on land in the B-3 Highway Business Zoning District.

CASE 979-V-20

Authorize the following variance on the Special Use Permit requested in related Zoning Case 977-S-20:

Part A: Authorize a variance for 60 parking spaces in lieu of the minimum required 97 parking spaces.

Part B: Authorize a variance for no loading berths in lieu of the minimum 3 loading berths required for commercial facilities with 40,000 to 99,999 square feet in floor area, per Section 7.4.2 C.5. of the Zoning Ordinance.

Part C: Authorize a variance for a front yard of 25 feet along a State highway in lieu of the minimum required 35 feet, per Section 4.3.2 of the Zoning Ordinance.

Part D: Authorize a variance from the Champaign County Stormwater Management and Erosion Control Ordinance, which requires a Stormwater Drainage Plan and review for a land disturbance greater than one acre in area.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 13, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Adam & Jodi Kimball have a contract to purchase the subject property, contingent upon receiving zoning approval for the Special Use Permit and variance. The petitioners do not yet have a business name.
 - A. James & Paula Nibling own the subject property.
2. The subject property is a 3.36-acre tract in the South Half of the Northeast Quarter of Section 9, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township, and commonly known as the tract just east of the residence with an address of 285 CR 1675N, Seymour.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial of a municipality with zoning.
 - B. The subject property is located in Scott Township, which does not have a Plan Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity adjacent to the subject property are as follows:
 - A. The 3.36-acre subject property is zoned B-3 Highway Business and is in agricultural production. The property is about 300 feet north of the I-72 interchange on the west side of IL Route 47.
 - B. Land to the north is zoned AG-1 Agriculture and is in agricultural production.
 - C. Land to the east is zoned B-3 Highway Business and is in agricultural production.
 - D. Land to the west is split-zoned AG-1 Agriculture and B-3 Highway Business, and is residential and agricultural in use.
 - E. Land to the south is split-zoned AG-1 Agriculture and B-3 Highway Business, and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The Revised Site Plan received July 28, 2020 includes the following existing and proposed features:
 - (1) The only existing structure is one 28 feet by 40 feet crib built prior to approval of the Zoning Ordinance on October 10, 1973. This crib would be demolished.
 - (2) Proposed features in Phase 1 include two buildings set on concrete slabs, without heat and utilities:
 - a. Both buildings are proposed to be 40 feet by 230 feet (9,200 square feet).

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- b. A new entrance would be created east of the existing entrance, approximately 80 feet west of the intersection at IL-47.
- (3) Proposed Phase 2 features include the following:
- a. Three 230 feet by 40 feet buildings (9,200 square feet);
 - b. One 230 feet by 50 feet building (11,500 square feet);
 - c. An office and site manager residence in the 11,500 square feet building;
 - d. A septic tank in the northwest corner adjacent to the residence;
 - e. A French drain system around the buildings which would flow to the south end of the subject property and then east to the ditch along IL-47; and
 - f. Two signs along the east property line.
- (4) In an email received July 17, 2020, Mr. Kimball indicated that he does not plan to have utilities for the units in Phase 1, but Phase 2 might include climate-controlled units.
- (5) In an email received July 28, 2020, Mr. Kimball provided a list of notes regarding the site plan:
- 1. Borders are estimated property lines (survey will confirm final dimensions).
 - 2. Northern east to west dimension is 445 feet.
 - 3. Southern east to west dimension is 430 feet.
 - 4. North to south dimension is 300 feet.
 - 5. Eastern building setback is 25 feet.
 - 6. Northern building setback is 45 feet from property line and 70 feet from middle of road 1675N.
 - 7. Southern building setback is 25 feet.
 - 8. Eastern setback is 37 feet on intersection with building's northern face and 25 feet setback from building's southern face.
 - a. NOTE: due to the property not being square we are asking for the variance to have the southern face of the most eastern building setback requirements to be allowed at 25 feet versus the 35 feet requirement.
 - i. We estimate the center of highway 47 to be an additional 50 feet from property line giving and 87 feet building setback from center of 47 on the northern face of the eastern building

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and a 100 feet setback on the southern face of the eastern building. This exceeds requirement of 85 feet.

9. All aisles are 25 feet.
10. Development consists of ~6 buildings at ~57,500 sq. ft. Estimated allowable building footprint in 40% of land which calculated ~58,545.
11. Units will comply with accessibility requirements 5% of units under 200 units and 10% units over 200 units.
12. Phase 1 will be just shy of 1 acre and consist of 2 buildings ~18,000 sq ft.
13. Topsoil from phase 1 will be temporarily stored on phase 2 and given to the neighbor farmers and or community as their need arise.
14. Water retention/detention will be designed in a “French drain” type system consisting of a trench along the south border of the property filled with large aggregate sized to handle runoff collection with release rates that meet code. This will be engineered and constructed in phase 2 and a part of the southern border 25’ setback. Vehicles will be able to drive on this.
 - a. There is currently 15’ available to shift buildings north to still provide the 55’ from center of road and 25’ from property line required setback if the “French drain” style retention/detention system requires more space or if it is not able to be driven on.
 - i. In this scenario you would have up to a 40’ setback on the south end of the property.
 - b. Surface water from rain would drain on the site rock from north to south in between buildings and flow into the “French drain” retention/detention system along the south side of the property and then would flow east towards the storm ditch system along highway 47 that was installed with Highway 72 came thru and is immediately adjacent to the property.
15. Existing Corn Crib will be demolished in Phase 2.
16. Phase 1 dimensions 155’ on the north border, 280’ north to south ~ 43,400 sq ft.
17. There will be pole signage on the east side of property.
18. At some phase in the development there will be an office and a property manager residence.
 - a. This will need water and septic installed per code requirements.
19. Ameren will be providing a transformer and electrical services to development.

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20. Development is requesting a variance for loading berths to zero and a reasonable minimum parking spaces considering the use of the space. I would think 2 spaces per building would be a reasonable minimum requirement considering the use of space. There will be a rocked area of the development of open space along the norther border that can be used for parking if needed that is ~20 feet x 400 feet.
- B. There are no previous Zoning Use Permits for the subject property.
- C. There are no previous zoning cases for the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for self-storage warehouses providing heat and utilities to individual units in the B-3 Highway Business Zoning DISTRICT in the *Zoning Ordinance*:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) “BERTH, LOADING” is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
 - (3) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
 - (4) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.
 - (5) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
 - (6) “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.

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- (7) “LOT, CORNER” is a LOT located:
- a. at the junction of and abutting two or more intersecting STREETS; or
 - b. at the junction of and abutting a STREET and the nearest shoreline or high water line of a storm of floodwater runoff channel or basin; or
 - c. at and abutting the point of abrupt change of a single STREET where the interior angle is less than 135 degrees and the radius of the STREET is less than 100 feet.
- (8) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (9) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (10) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (11) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (12) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (13) “STORAGE” is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
- (14) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
- (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.
- (15) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;

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- c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (16) “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.
- (17) “WAREHOUSE, SELF-STORAGE” is a BUILDING or BUILDINGS containing multiple, independently accessible spaces where raw materials, goods or equipment, or personal goods including personal vehicles, are kept and wherein no other commercial or industrial activity occurs.
- (18) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well suited in all respects and has no major defects.
- B. Section 5.2: Table of Authorized Principal Uses states that Self-storage Warehouses providing heat and utilities to individual units can be established with a Special Use Permit in the B-3 Highway Business Zoning District.
- C. 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.

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- 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) There are no Standard Conditions for Self-storage in Section 6.1.3 of the Zoning Ordinance.
- D. Section 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS:
- (1) Section 7.4.1 A. establishes general provisions for off-street parking.
 - a. Section 7.4.1 A.1. states, "All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served."
 - b. Section 7.4.1 A.2. states, "All spaces for the accommodation of an AUTOMOBILE shall total at least 300 square feet including both parking and maneuvering area."
 - c. Section 7.4.1 A.3.a. states, "No such space shall be located less than 10 feet from any FRONT LOT LINE."
 - d. Section 7.4.1 A.3.b. states, "No such space shall be located less than five feet from any side or REAR LOT LINE."
 - (2) Section 7.4.1 B. establishes the minimum size of off-street PARKING SPACES shall be at least nine feet wide by 20 feet long.
 - (3) For parking purposes, the Zoning Administrator has determined that a Truck Terminal is most similar to the parking requirements for commercial uses.
 - (4) Section 7.4.1 C. establishes parking for off-street commercial establishments.
 - a. Section 7.4.1 C.1. states, "Such PARKING SPACE for the accommodation of a heavy motor truck, MOTOR BUS, or other VEHICLE shall be of dimensions herein specified for an off-STREET LOADING BERTH."
 - b. Section 7.4.1 C.2. states, "The number of such PARKING SPACES shall be the sum of the individual requirements of the various individual ESTABLISHMENTS computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT."
 - c. Section 7.4.1 C.3. requires establishments that are not specifically mentioned in the ordinance to provide one parking space for every 200 square feet of floor area or portion thereof.
 - d. Section 7.4.1 C.4. states, "Required parking SCREENS for commercial ESTABLISHMENTS shall be provided as follows:
 - (a) Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for

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hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.

- (b) Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.”
- (5) Section 7.4.2 refers to off-street LOADING BERTHS:
- a. Section 7.4.2 A. establishes general provisions for LOADING BERTHS.
 - (a) All LOADING BERTHS shall have vertical clearance of at least 14 feet.
 - (b) All LOADING BERTHS shall be designed with appropriate means of vehicular access to a STREET or ALLEY in a manner which will least interfere with traffic movement.
 - (c) No VEHICLE repair or service work shall be performed on any LOADING BERTH.
 - (d) No LOADING BERTH shall be located less than 10 feet from any FRONT LOT LINE and less than five feet from any side or REAR LOT LINE.
 - b. Section 7.4.2 C. states, “Off-street LOADING BERTHS for commercial ESTABLISHMENTS shall be provided as follows:
 - (a) All LOADING BERTHS shall be located on the same LOT or tract of land as the ESTABLISHMENT served except when serving adjacent ESTABLISHMENTS when the LOADING BERTH requirement is sufficient to serve both ESTABLISHMENTS.
 - (b) No such BERTH shall be located within any YARD abutting a residential DISTRICT or located less than 100 feet from the BUILDING RESTRICTION LINE of any LOT in the R DISTRICT or any LOT containing a DWELLING conforming as to USE unless such BERTH is screened from public view by a Type C SCREEN. If the berth is located adjacent to an elevated loading dock, however, a Type D SCREEN shall be used to screen both the loading berth and the loading dock.

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- (c) No **LOADING BERTH** shall be located within 50 feet of the nearest point of intersection of two **STREETS**.
- E. 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.
- F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the **DISTRICT** in which it shall be located or otherwise detrimental to the public welfare except that in the **CR, AG-1, and AG-2 DISTRICTS** the following additional criteria shall apply:
 - a. The property is either **BEST PRIME FARMLAND** and the property with proposed improvements in **WELL SUITED OVERALL** or the property is not **BEST PRIME FARMLAND** and the property with proposed improvements is **SUITED OVERALL**.
 - b. The existing public services are available to support the proposed **SPECIAL USE** effectively and safely without undue public expense.

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- 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.
- G. 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.
- H. Regarding the proposed variance:
- (1) Parts A and B: Minimum requirements for number of parking spaces and loading berths are established in Section 7.4 of the Zoning Ordinance.
- (2) Part C: Section 4.3.2 establishes the minimum requirement for a front yard adjacent to a State Highway as 35 feet.
- (3) Part D: The Champaign County Storm Water Management and Erosion Control Ordinance adopted June 18, 2015 supersedes the Champaign County Storm Water Management Policy and specifies the following:
- a. Paragraph 4.2F provides exemptions for non-residential development based on the percent of total impervious area and the cumulative total area of lot or lots created from a lot or lots in common ownership on January 1, 1998, as follows:
- (a) Development of more than 2 acres but less than 6.25 acres land is exempted from the STORM WATER DRAINAGE PLAN requirements provided that no more than 1 acre of the lot or lots shall be impervious surface area.

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, **“According to a private party consulting firm I hired, Mahomet Seymour area is currently under on supply of storage. The best spot for storage units is on busy high traffic roads. This being the corner of Interstate 72 and Highway 47 it is a great location.”**

- B. All four quadrants of the I-72/Route 47 interchange were zoned for B-3 Highway Business with the adoption of the Zoning Ordinance on October 10, 1973.
- (1) The subject property is in the northwest quadrant and is currently under contract for sale to the petitioners, contingent upon these zoning cases.

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: **“Storage Development will not be detrimental to public welfare. Development will be attractive, new and well maintained. Site will have a spot for clients to pull off the road to access the gate so they are not waiting on the road for the gate to open. Site will have minimum lights to not provide any unnecessary light pollution to the 1 house that is approximately 300 feet from the site.”**
- B. Regarding surface drainage:
- (1) The subject property is relatively flat, and generally drains to the south.
- (2) Per Site Plan notes received from the petitioner on July 28, 2020, water retention/detention will be designed in a “French drain” type system consisting of a trench along the south border of the property filled with large aggregate sized to handle runoff collection with release rates that meet code. This will be engineered and constructed in phase 2 and a part of the southern border 25 feet setback.
- (3) The petitioners’ phased development plan would disturb just under one acre of land in Phase 1, which makes that part exempt from the Storm Water Drainage Plan. Phase 2 will pass the one-acre threshold and trigger the SWDP requirement.
- (4) Part D of the requested variance is to forego the SWMEC Storm Water Drainage Plan requirement if the Board finds the French drain conceptual design sufficient for the proposed development.
- (5) The Natural Resource Information Report received on July 27, 2020 from the Champaign County Soil and Water Conservation District includes the following:
- a. Soil on the subject property is 3.1 acres of 154A Flanagan silt loam, and 0.3-acre 152 Drummer silty clay loam. The Drummer soils are located in the southeast corner of the subject property.
- (a) Soil limitations for small commercial buildings are “somewhat limited” in 154A Flanagan soils due to the depth to the saturation zone and shrink-swell potential. 152A Drummer soils are “very limited” due to ponding and the depth to the saturation zone.
- (b) 152A Drummer soils are hydric soils, which by definition have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems.

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- b. Regarding erosion control at construction sites, the report states:
 “Construction sites can experience 20 to 200 tons/acre/year of soil loss, which is greater than other land uses, like agriculture, averaging 4-5 tons/acre/year. It is extremely important that the developer employ Best Management Practices, like the ones listed below, to help reduce soil erosion and protect water quality during and after construction.
- (a) Silt Fencing: A woven geotextile fabric stretched across and attached to supporting posts used to intercept sediment-laden runoff from small drainage areas of disturbed soil. The purpose is to filter out sediment from runoff before it enters a water body.
 - (b) Construction Road Stabilization: The stabilization of temporary construction access routes, subdivision roads, on-site vehicle transportation routes, and construction parking areas with stone immediately after grading the area to reduce erosion.
 - (c) Vegetative Cover: One of the most important means to control runoff is to plant temporary vegetation around the perimeter of the construction site. This provides a natural buffer to filter sediment and chemicals. The CCSWCD recommends that temporary grass be planted (i.e. smooth brome grass, oats, cereal rye) to help protect soil from erosion during construction.”
- C. Regarding traffic in the subject property area:
- (1) The subject property is located west of IL-47 about 300 feet north of the I-72 interchange with IL-47.
 - a. County Road 1675N is a two-lane township road that is approximately 18 feet wide with two feet of gravel on each side.
 - b. IL-47 is a two-lane marked State highway approximately 24 feet wide with 4 feet paved shoulders.
 - (2) 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 following is the most recent ADT data near the subject property:
 - a. CR 1675N west of IL-47 (year 2016): 400
 - b. IL-47 north of CR 1675N (year 2019): 4,950
 - c. IL-47 south of CR 1675N (year 2019): 3,750
 - d. I-72 west of IL-47 (year 2019): 15,900
 - e. I-72 east of IL-47 (year 2019): 16,200
 - (3) Regarding traffic increases from the proposed Special Use:
 - a. The Illinois Department of Transportation *Bureau of Local Roads and Streets Manual* (2018 Interim Revision) provides general design guidelines for existing and new road construction. The manual recommends a maximum ADT of 400 for a local road with a pavement width of 18 feet with 2 feet of gravel shoulders.

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- b. No traffic count estimates were provided for the proposed Special Use, but an increase in traffic is anticipated. It is unlikely that there would be a large number of vehicles at the property at any one time post-construction.
 - (4) The Scott Township Road Commissioner has been notified of this case and no comments have been received.
- D. Regarding fire protection, the subject property is located approximately 2.2 road miles northeast of the Seymour Fire Department station. The Fire Chief was notified of this case and no comments have been received.
- E. No part of the subject property is located within a mapped floodplain.
- F. The subject property is considered BEST PRIME FARMLAND. The soil on the subject property consists of 152A Drummer silty clay loam and 154A Flanagan silt loam, and has an average LE of 100.
 - (1) Approximately 2.9 acres of the 3.36-acre subject property will be converted from agricultural production to construct the proposed Special Use.
 - (2) All four quadrants around the I-72 interchange at I-47 were zoned B-3 Highway Business with the adoption of the Zoning Ordinance on October 10, 1973. The usual findings for a Special Use Permit regarding Best Prime Farmland only apply in CR, AG-1, and AG-2 districts, so the Board does not have to make findings regarding whether the proposed uses is “WELL SUITED OVERALL”, and whether existing public infrastructure and services are available to support the proposed development.
- G. Regarding outdoor lighting on the subject property:
 - (1) Outdoor lighting was not indicated on the Site Plan received July 20, 2020.
 - a. The petitioner indicated on the application that “site will have minimum lights to not provide any unnecessary light pollution to the one house that is approximately 300 feet from the site.”
 - b. A special condition has been added regarding any outdoor lighting for the Special Use Permit area.
- H. Regarding wastewater treatment and disposal on the subject property:
 - (1) There is no septic system on the subject property.
 - (2) The petitioner plans to install a caretaker’s residence that would require a new septic system in a later phase of the development.
 - (3) The CCSWCD Natural Resources Information Report received July 27, 2020, states the following:
 - a. Some soils on the subject property are not suitable sanitary facilities or dwellings. It is advised to perform onsite investigations with a professional to determine construction strategy before moving forward. See pages 7-9.

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- b. Soil limitations for septic tank absorption fields are “very limited” in 154A Flanagan due to the depth to the saturation zone and slow water movement. 152A Drummer soils are also “very limited” due to ponding and the depth to the saturation zone. Special design will be required for the septic field.
- (4) New septic systems must receive approval from the Champaign County Health Department; a special condition has been added to ensure compliance.
- I. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - e. Compliance with the Office of the State Fire Marshal’s code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
 - g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.

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- 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.
- J. 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: **“Yes.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) Self-Storage Warehouses providing heat and utilities to individual units are authorized by right in the B-4 and I-1 Zoning DISTRICTS. They are authorized with a Special Use Permit in the B-1, B-3, and B-5 Zoning DISTRICTS.
 - (2) Regarding parking on the subject property for the proposed Special Use:
 - a. For parking purposes, the Zoning Administrator has determined that Self-Storage Warehouses require one parking space per three storage units.
 - (a) For Phase 1 of the proposed development, Buildings 1 and 2 would have approximately 92 storage units, which would require 31 parking spaces, to include two accessible spaces.
 - (b) For full buildout of Phase 1 and Phase 2, the petitioner proposes up to 290 storage units, which would require 97 parking spaces, to include four accessible spaces.

PRELIMINARY DRAFT**Cases 977-S-20 & 979-V-20**

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- (c) P&Z Staff created an annotated aerial showing potential parking spaces dated July 29, 2020, which has been added as a Document of Record.
- b. The Revised Site Plan received July 28, 2020 provides 230 feet of length along each side of all buildings.
 - (a) With 20 feet minimum length required for each space, 11 parallel parking spaces would fit along one long side of the building, for a total of 44 parallel spaces in Phase 1.
 - (b) On the north side of each Phase 1 building, there is 40 feet of width, which would allow for two accessible spaces and five standard 9 feet wide spaces, for a total of seven spaces.
 - (c) The proposed Phase 1 could provide 51 spaces, including two accessible spaces, which exceeds the minimum required 31 parking spaces.
 - (d) Proposed full buildout has not been finalized, but the petitioner's early estimate is for 290 units, which would require 97 parking spaces.
 - a. Four additional buildings could fit 88 more parking spaces along the 230 feet lengths, plus at least 14 spaces along the north ends of the buildings, for a total of 102 Phase 2 parking spaces. The sum of both phases, 153 spaces, thus exceeds the minimum required 97 parking spaces.
 - b. The variance for 60 parking spaces was added based on P&Z Staff's best estimate of available parking area with the original site plan. Variance part A is no longer required if the Board determines that there is sufficient parking onsite.
 - (e) The petitioner stated in his Site Plan notes that he believes only a couple of spaces per building would be sufficient given the use.
- c. Section 7.4.1 C.4. provides parking SCREENS requirements for commercial establishments.
 - (a) A Type A Screen is required for the residential lot to the west, unless a building on the subject property serves as screening. Type A Screen is "Decorative opaque fence, shrubs or other vegetative material or a landscaped berm planted and maintained with a minimum HEIGHT of four feet as measured from the highest adjacent grade."
 - (b) A special condition has been added to ensure compliance.
- (3) Regarding the required LOADING BERTHS:
 - a. For commercial facilities with 40,000 to 99,999 square feet in floor area, three 10 feet by 70 feet LOADING BERTHS must be constructed per the requirements in Section 7.4.2.

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- b. The petitioner has requested a variance for having no loading berths because he considers the area outside of each unit to be a loading area, which does not require additional paved loading areas.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
- (1) The proposed Special Use is not exempt from the SWMEC Ordinance, and a Storm Water Drainage Plan (SWDP) will be required.
 - (2) The petitioner has divided the project into two phases, both of which will add a significant amount of impervious area to the subject property.
 - a. Phase 1 for Buildings 1 & 2 will disturb less than one acre of land and will not require a Storm Water Drainage Plan.
 - b. Phase 2 will disturb more than one acre and will require a SWDP.
 - c. Part D of the requested variance is to forego the SWMEC Storm Water Drainage Plan requirement if the Board finds the French drain conceptual design sufficient for the proposed development.
- 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 the 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 B-3 Highway Business Zoning District:
- (1) "Self-storage Warehouses providing heat and utilities to individual units" are allowed with a Special Use Permit in the B-3 Highway Business Zoning District.
- G. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
- A. Section 5.2: Table of Authorized Principal Uses states that "Self-storage Warehouses providing heat and utilities to individual units" can be established with a Special Use Permit in the B-3 Highway Business Zoning District.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.11 of the Ordinance states, "The B-3 Highway Business DISTRICT is intended to provide areas for commercial establishments which primarily serve the needs of motorists and are intended for application only adjacent to major thoroughfares in the COUNTY."

PRELIMINARY DRAFT**Cases 977-S-20 & 979-V-20****Page 19 of 34**

- (2) The types of uses authorized in the B-3 District are in fact the types of uses that have been determined to be acceptable in the B-3 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:

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

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.

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

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.

- (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 likely to increase traffic on CR 1675N, but no Traffic Impact Analysis has been done. Traffic generated by this site would be sporadic.

- (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 flood waters.

a. The proposed Special Use is not exempt from the SWMEC Ordinance, and a Storm Water Drainage Plan (SWDP) will be required.

b. The petitioner has divided the project into two phases, both of which will add a significant amount of impervious area to the subject property.

(a) Phase 1 for Buildings 1 & 2 will disturb less than one acre of land and will not require a Storm Water Drainage Plan.

(b) Phase 2 will disturb more than one acre and will require a SWDP. A special condition has been added to ensure compliance with SWMEC.

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- (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. Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - b. Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

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

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

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- (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.
 - b. Soils on the subject property are BEST PRIME FARMLAND. The proposed Special Use would take 2.9 acres out of 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.
- a. The subject property does not contain any natural features.
 - b. The CCSWCD Natural Resource Information Report received on July 27, 2020 states that there are no 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.
- (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.
- 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.
 - b. The petitioner plans to have some climate-controlled units in Phase 2, but connections to utilities would be at his expense.
- (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.
- a. The proposed Special Use would take 2.9 acres out of agricultural production.
 - b. The closest incorporated community to the subject property is the Village of Bondville, 2 miles away.
- (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.

PRELIMINARY DRAFT**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: **“NA”**
 - B. The existing use on the property is agriculture.

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, **“This property will not require any parking. Clients will enter the property drop their stuff off in their storage unit and leave.”**
 - B. Regarding Part A of the proposed variance, for providing 60 parking spaces in lieu of the minimum required 97 spaces:
 - (1) Self-storage warehouses tend to have infrequent traffic at varying times of day.
 - (2) The variance for 60 parking spaces was added based on P&Z Staff’s best estimate of available parking area with the original site plan. Variance part A is no longer required if the Board determines that there is sufficient parking onsite.
 - C. Regarding Part B of the proposed variance, for having no loading berths:
 - (1) Individual units will average 200 square feet and loads will tend to be smaller than a business dealing with loading and unloading larger trucks.
 - D. Regarding Part C of the proposed variance, for a front yard of 25 feet along a State highway in lieu of the minimum required 35 feet:
 - (1) The subject property is an odd shape due to the adjacent interchange. Along the eastern property line, the front yard distance between the north corner and proposed Building 1 is 37 feet, while the distance between the south corner and proposed Building 1 is 25 feet.
 - E. Regarding Part D of the proposed variance, for an exemption to the Storm Water Drainage Plan required by SWMEC:
 - (1) Per Site Plan notes received from the petitioner on July 28, 2020, water retention/detention will be designed in a “French drain” type system consisting of a trench along the south border of the property filled with large aggregate sized to handle runoff collection with release rates that meet code. This will be engineered and constructed in phase 2 and a part of the southern border 25’ setback.
 - (2) The petitioners’ phased development plan would disturb just under one acre of land in Phase 1, which makes that part exempt from the Storm Water Drainage Plan. Phase 2 will pass the one-acre threshold and trigger the SWDP requirement.

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- (3) If the Board finds the French drain conceptual design sufficient for the proposed development, Part D can be approved; if they believe additional storm water review would be required, the petitioner would have to submit a Storm Water Drainage Plan for review by the P&Z consulting engineer as part of the Zoning Use Permit approval process.

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, **“Without this variance there would be hardships on the developer to pay for paving that will not be used.”**
- B. Regarding Part A of the proposed Variance, for fewer parking spaces:
- (1) Without the proposed variance, the parking areas would require more impervious area on the lot, which would worsen drainage conditions.
- C. Regarding Part B of the proposed Variance, for no loading berths:
- (1) Without the proposed variance, the petitioner would be required to pave 2,100 square feet for berths that could not be counted toward parking requirements, and would reduce the number of potential 200 square foot storage units by 10.
- D. Regarding Part C of the proposed variance, for a 25 feet front yard in lieu of 35 feet:
- (1) Without the proposed variance, the petitioner would have to construct fewer self-storage units, which could affect the feasibility of the project.
- E. Regarding Part D of the proposed variance, for no Storm Water Drainage Plan:
- (1) Without the proposed variance, the petitioner would be required to limit the development to one acre, or contract a consultant to complete a Storm Water Management Plan that would add significant costs to establishing the business on the subject property. Either choice could affect the feasibility of the project.

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.”**

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, **“Granting this variance will be harmonic with the use of the land for storage.”**
- B. Regarding Part A of the proposed variance, for 60 parking spaces in lieu of the minimum required 97: the requested variance is 62% of the minimum required, for a variance of 38%.

- C. Regarding Part B of the proposed variance, for no loading berths in lieu of the minimum required 3 loading berths: the requested variance is 0% of the minimum required, for a variance of 100%.
- D. Regarding Part C of the proposed variance, for a 25 feet front yard in lieu of 35 feet: the requested variance is 71.4% of the minimum required, for a variance of 28.6%.
- E. Regarding Part D of the proposed variance, for no Storm Water Drainage Plan: the requested variance is 0% of the minimum required, for a variance of 100%.
- F. Regarding Part A of the Variance, for fewer parking spaces:
 - (1) The Zoning Ordinance does not clearly state the considerations that underlie the parking requirements. Presumably, the parking space requirements are intended to ensure that facility users have ample room to park safely and in consideration of other users.
- G. Regarding Part B of the proposed variance, for no loading berths:
 - (1) Off-street loading berths are presumably required to minimize congestion in the street when goods are dropped off or loaded. The proposed self-storage units have ample space on the property so that no users would need to stop on the road to drop off or pick up their possessions.
- H. Regarding Part C of the proposed variance, for a 25 feet front yard in lieu of 35 feet: the Zoning Ordinance does not clearly state the considerations that underlie the minimum front yard requirements. Presumably, the front yard minimum is intended to ensure the following:
 - (1) Adequate separation from roads. The IL-47 right-of-way at the southwest corner of the subject property is wider as it approaches the interchange at I-72 to the south, with a 65-foot wide half-right-of-way.
 - (2) Allow adequate area for road expansion and right-of-way acquisition. There are no known expansion plans for IL-47 at this location.
 - (3) Parking, where applicable.
- I. Regarding Part D of the proposed variance, for no Storm Water Drainage Plan:
 - (1) The proposed Special Use requires a Storm Water Drainage Plan because the amount of impervious area on the subject property exceeds the maximum allowed for being exempt from the Storm Water Drainage Plan requirement.
 - a. The Ordinance states that storm water detention is required if there is one acre or more of impervious surface area; the proposed development would create approximately 2.9 acres of impervious area.
 - b. The petitioner plans to mitigate drainage concerns by installing a French drain system.
- J. The requested variance is not prohibited by the *Zoning Ordinance*.

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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: **“If Uncle Tom shows up to help his sister load her storage unit and he needs a place to temporarily place his AMC Pacer, there will be a 140’ by 20’ section on the north fence line for him to use while he helps his sister load her unit.”**
 - B. The Scott Township Road Commissioner has been notified of this variance and no comments have been received.
 - C. The Seymour Fire Department has been notified of this variance and no comments have been received.
 - D. The nearest building on neighboring property to the proposed Special Use is a barn that is approximately 275 feet west of the subject property.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

17. Generally regarding any other circumstances that justify the Variance:
- A. The Petitioner did not provide a response to this question.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

18. Regarding proposed special conditions of approval:
- A. **A Change of Use Permit shall be applied for in conjunction with the Zoning Use Permit for Phase 1 construction.**

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

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

- B. **The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That the proposed uses are in compliance with the Zoning Ordinance.

- C. **The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning Compliance Certificate for the proposed Self-storage Warehouses until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code for each phase of development by providing a set of signed and sealed plans prepared by an architect or engineer licensed in Illinois.**

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

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That the proposed Special Use meets applicable State requirements for accessibility.

- D. **A Type A Screen must be installed along the west property line in order to receive a Zoning Compliance Certificate for Phase 1 construction. A self-storage building with no parking allowed on the west side may serve in lieu of the Type A Screen. Type A Screen is “Decorative opaque fence, shrubs or other vegetative material or a landscaped berm planted and maintained with a minimum HEIGHT of four feet as measured from the highest adjacent grade.”**

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

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

- E. **A septic system shall be installed on the subject property in conjunction with construction of the caretaker’s residence, and:**
- (1) **A Zoning Use Permit for Phase 2 construction shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.**
 - (2) **The septic leach field shall be kept free of vehicular traffic and cannot be paved over.**

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

That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.

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

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

New commercial buildings shall be in conformance with Public Act 96-704.

- G. ***Note: only needed if Variance Part D is not approved.***
A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for Phase 2 construction, and all required certifications shall be submitted after construction of Phase 2 prior to issuance of the Zoning Compliance Certificate.

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

That the drainage improvements conform to the requirements of the Storm Water Management and Erosion Control Ordinance.

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DOCUMENTS OF RECORD

1. Application for Special Use Permit received July 15, 2020, with attachment:
 - Preliminary Site Plan
2. Application for Variance received July 22, 2020
3. Natural Resources Information Report from the Champaign County Soil & Water Conservation District received July 27, 2020
4. Email from Adam Kimball received July 28, 2020, with attachments:
 - A Revised Site Plan
 - B Site Plan Notes
5. Preliminary Memorandum dated August 5, 2020, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Revised Site Plan and Notes received July 28, 2020
 - C Annotated Aerial dated July 29, 2020 based on Site Plan and Notes received July 28, 2020
 - D CCSWCD Natural Resources Information Report received July 27, 2020
 - E Site Visit Photos taken July 22, 2020
 - F Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated August 13, 2020

PRELIMINARY DRAFT**FINDINGS OF FACT FOR CASE 977-S-20**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **977-S-20** held on **August 13, 2020**, 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*}*:

(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

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

- A. **A Change of Use Permit shall be applied for in conjunction with the Zoning Use Permit for Phase 1 construction.**

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

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

- B. **The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That the proposed uses are in compliance with the Zoning Ordinance.

- C. **The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning Compliance Certificate for the proposed Self-storage Warehouses until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code for each phase of development by providing a set of signed and sealed plans prepared by an architect or engineer licensed in Illinois.**

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

That the proposed Special Use meets applicable State requirements for accessibility.

- D. **A Type A Screen must be installed along the west property line in order to receive a Zoning Compliance Certificate for Phase 1 construction. A self-storage building with no parking on the west side may serve in lieu of the Type A Screen. Type A Screen is “Decorative opaque fence, shrubs or other vegetative material or a landscaped berm planted and maintained with a minimum HEIGHT of four feet as measured from the highest adjacent grade.”**

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

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

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- E. **A septic system shall be installed on the subject property in conjunction with construction of the caretaker's residence, and:**
- (1) **A Zoning Use Permit for Phase 2 construction shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.**
 - (2) **The septic leach field shall be kept free of vehicular traffic and cannot be paved over.**

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

That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.

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

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

New commercial buildings shall be in conformance with Public Act 96-704.

- G. ***Note: only needed if Variance Part D is not approved.***
A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for Phase 2 construction, and all required certifications shall be submitted after construction of Phase 2 prior to issuance of the Zoning Compliance Certificate.

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

That the drainage improvements conform to the requirements of the Storm Water Management and Erosion Control Ordinance.

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FINDINGS OF FACT FOR CASE 979-V-20

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **979-V-20** held on **August 13, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

FINAL DETERMINATION FOR CASE 977-S-20

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 977-S-20 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Adam & Jodi Kimball**, to authorize the following:

Authorize the construction and use of up to 290 Self-Storage Warehouse Units with heat and utilities to individual units as a Special Use on land in the B-3 Highway Business Zoning District.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. **A Change of Use Permit shall be applied for in conjunction with the Zoning Use Permit for Phase 1 construction.**
- B. **The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- C. **The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning Compliance Certificate for the proposed Self-storage Warehouses until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code for each phase of development by providing a set of signed and sealed plans prepared by an architect or engineer licensed in Illinois.**
- D. **A Type A Screen must be installed along the west property line in order to receive a Zoning Compliance Certificate for Phase 1 construction. A self-storage building with no parking on the west side may serve in lieu of the Type A Screen. Type A Screen is “Decorative opaque fence, shrubs or other vegetative material or a landscaped berm planted and maintained with a minimum HEIGHT of four feet as measured from the highest adjacent grade.”**
- E. **A septic system shall be installed on the subject property in conjunction with construction of the caretaker’s residence, and:**
 - (1) **A Zoning Use Permit for Phase 2 construction shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.**
 - (2) **The septic leach field shall be kept free of vehicular traffic and cannot be paved over.**

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

- G. *Note: only needed if Variance Part D is not approved.*
A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for Phase 2 construction, and all required certifications shall be submitted after construction of Phase 2 prior to issuance of the Zoning Compliance Certificate.

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

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FINAL DETERMINATION FOR CASE 979-V-20

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 **979-V-20** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Adam & Jodi Kimball**, to authorize the following:

Authorize the following variance on the Special Use Permit requested in related Zoning Case 977-S-20:

Part A: Authorize a variance for 60 parking spaces in lieu of the minimum required 97 parking spaces.

Part B: Authorize a variance for no loading berths in lieu of the minimum 3 loading berths required for commercial facilities with 40,000 to 99,999 square feet in floor area, per Section 7.4.2 C.5. of the Zoning Ordinance.

Part C: Authorize a variance for a front yard of 25 feet along a State highway in lieu of the minimum required 35 feet, per Section 4.3.2 of the Zoning Ordinance.

Part D: Authorize a variance from the Champaign County Stormwater Management and Erosion Control Ordinance, which requires a Stormwater Drainage Plan and review for a land disturbance greater than one acre in area.

{ 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:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date