

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: January 17, 2008  
Time: 6:30 p.m.  
Place: Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802

**Note: NO ENTRANCE TO BUILDING  
FROM WASHINGTON STREET PARKING  
LOT AFTER 4:30 PM.  
Use Northeast parking lot via Lierman Ave.,  
and enter building through Northeast  
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at  
(217) 384-3708*

**EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM**

## AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes
5. Continued Public Hearings
6. New Public Hearings  
Case 596-AT-07 Petitioner: Champaign County Zoning Administrator  
Request: Amend the Champaign County Zoning Ordinance as follows:
  - A. Add as a standard condition for any Special Use Permit that all exterior lighting must be full cutoff type lighting fixtures with limited output and other relevant restrictions, when located within 1,000 feet of either an R Zoning District or a dwelling that conforms to use.
  - B. Add the use “Township Highway Maintenance Garage” to Section 5.2 Table of Authorized Uses and authorize as follows:
    1. Authorize by-right in the B-1, B-4, B-5, I-1 and I-2 Zoning Districts.
    2. Authorize by-right in the AG-1, AG-2, B-2, and B-3 Zoning Districts only if (a) the use is not located within 150 feet of an existing dwelling; and (b) only if located outside the one and one-half mile extraterritorial jurisdiction of a municipality that has adopted a comprehensive plan; and (c) the use complies with other standard conditions that may apply to all Special Use Permits; and otherwise authorize only as a Special Use Permit.
    3. Authorize only by Special Use Permit in the CR and all R Zoning Districts.

7. Staff Report
  8. Other Business
  9. Audience Participation with respect to matters other than cases pending before the Board
  10. Adjournment
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**\* Administrative Hearing. Cross Examination allowed.**

# CASE NO. 596-AT-07

PRELIMINARY MEMORANDUM

January 11, 2008

Champaign  
County  
Department of

Petitioner: **Zoning Administrator**

**PLANNING &  
ZONING**

Prepared by: **J.R. Knight**  
Associate Planner  
**John Hall**  
Zoning Administrator

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

Request: **Amend the Champaign County Zoning Ordinance as follows:**

(217) 384-3708  
FAX (217) 328-2426

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- B. Add the use "Township Highway Maintenance Garage" to Section 5.2 Table of Authorized Uses and authorize as follows:**
- 1. Authorize by-right in the B-1, B-4, B-5, I-1, and I-2 Zoning Districts.**
  - 2. Authorize by-right in the AG-1, AG-2, B-2, and B-3 Zoning Districts only if (a) the use is not located within 150 feet of an existing dwelling; and (b) only if located outside the one and one-half-mile extraterritorial jurisdiction of a municipality that has adopted a comprehensive plan; and (c) the use complies with other standard conditions that may apply to all Special Use Permits; and otherwise authorize only as a Special Use Permit.**
  - 3. Authorize only by Special Use Permit in the CR and all R Zoning Districts.**

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## BACKGROUND

Regarding Part A, the Zoning Ordinance contains no standards for exterior lighting and the Zoning Board of Appeals regularly requires a condition on most Special Use Permits to eliminate glare on adjacent properties and roadways. The ZBA has recently asked if the Ordinance could be amended to include standards for exterior lighting.

Regarding Part B, two townships will be building highway maintenance garages in the coming year in the AG-1 and AG-2 Zoning Districts and both garages require a Special Use Permit. The need for a Special Use Permit results in a delay of at least one month, possibly more, for a public hearing. Highway Maintenance Garages were previously proposed to be made a conditional use under Case 522-AT-05 as part of the Comprehensive Zoning Review. This amendment proposes different conditions for Highway Maintenance Garages than those in Case 522-AT-05.

On November 13, 2007, the Environment and Land Use Committee (ELUC) directed staff to prepare a text amendment to establish standards for exterior lighting for Special Use Permits (SUP's) and to change the type of zoning approval required for township highway maintenance garages. See the attached memos and draft minutes of that meeting.

Summaries of Evidence for the three highway maintenance garages approved since 1990 are included.

#### **ATTACHMENTS**

- A ELUC Memorandum seeking guidance in regard to exterior lighting standards for SUP's
- B ELUC Memorandum seeking guidance in regard to requirements for township highway maintenance garages dated November 7, 2007
- C ELUC Memorandum seeking guidance in regard to requirements for township highway maintenance garages dated November 7, 2007 (actually handed out on November 13, 2007)
- D Excerpt of the Draft ELUC Minutes of November 13, 2007
- E Approved Summary of Evidence, Findings of Fact, and Final Determination for Case 163-S-98
- F Approved Site Plan for Case 163-S-98
- G Approved Summary of Evidence, Findings of Fact, and Final Determination for Case 181-S-99
- H Approved Site Plan for Case 181-S-99, received on April 22, 1999
- I Approved Summary of Evidence, Findings of Fact, and Final Determination for Case 290-S-01
- J Approved Site Plan for Case 290-S-01
- K Excerpt of Amended Section 5.2 Table of Authorized Principal Uses
- L Draft Finding of Fact for Case 596-AT-07

Champaign  
County  
Department of



Brookens  
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TO: **Environment and Land Use Committee**  
FROM: **November 13, 2007**  
DATE: **John Hall, Zoning Administrator**  
RE: **Zoning Ordinance amendment adding conditions for exterior lighting in Special Use Permits**

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REQUEST: **Staff seeks guidance in regards to a proposed Zoning Ordinance text amendment to establish standards for exterior lighting for Special Use Permits**

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## **BACKGROUND**

The Zoning Ordinance contains no standards for exterior lighting. The Zoning Board of Appeals (ZBA) regularly requires as a condition for nearly any Special Use Permit that the exterior lighting not create glare on adjacent properties or the roadway. The ZBA has recently asked if the Ordinance could be amended to include standards for exterior lighting.

This memorandum proposes a text amendment to add standard conditions for exterior lighting for Special Use Permits within a specified distance of either a residential zoning district or a residence that conforms to use.

## **GENERAL CONSIDERATIONS RELATED TO EXTERIOR LIGHTING**

Exterior lighting is necessary for safety and security but it can create problems of “light trespass” and glare if not carefully designed and installed. Simple guidelines for minimizing light trespass and unwanted glare are the following:

1. Use the lowest wattage of lamp that is feasible.
2. Require all exterior lighting applications to have full lamp shielding (or full cutoff). Full cutoff means that the lighting fixture eliminates all upward transmission of light.
3. Lights should be turned off when not in use.
4. Uses that have special lighting requirements (such as recreational fields) will always require special consideration.

## **RECENT SPECIAL CONDITIONS FOR EXTERIOR LIGHTING**

A recent Special Use Permit that was adjacent to a residential subdivision included the following conditions intended to ensure that the exterior lighting did not create undue glare for the residences or the adjacent County Highway:

1. Exterior light fixtures shall be located and installed so as to minimize glare.
2. All exterior light fixtures shall be full-cutoff type lighting fixtures with the smallest possible lamp wattage and shall be located and installed so as to minimize glare.
3. Locations and numbers of fixtures shall be as indicated on the site plan (including floor plans and building elevations) approved by the ZBA.
4. 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.

#### PROPOSED AMENDMENT

The following is proposed as a standard condition for all Special Use Permits to be implemented as paragraph B. of subsection 6.1.2 Standard Conditions:

- A. Any Special Use Permit with exterior lighting within 1,000 feet of a residential zoning district or within 1,000 feet of a residence that conforms to use shall be required to minimize glare on adjacent properties and roadways by the following means:
  1. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
  2. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
  3. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
  4. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
  5. 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.

Note that the separation distance of 1,000 feet between the proposed exterior lighting and an adjacent residential district or residence is somewhat arbitrary but there is precedence already in the Ordinance. The same separation distance is used in Section 7.6 of the Ordinance for requiring screening for outdoor storage and/ or outdoor operations. The visual considerations regarding screening of outdoor storage and/ or outdoor operations are similar to those for exterior lighting and so if the 1,000 feet separation seems to either be reasonable for both requirements or it is not.

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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FAX (217) 328-2426

TO: **Environment and Land Use Committee**  
FROM: **November 7, 2007**  
DATE: **John Hall, Zoning Administrator**  
RE: **Zoning Ordinance amendment adding conditions under which  
Township Highway Maintenance Garages may be authorized  
by right rather than as a Special Use Permit**

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REQUEST: **Staff seeks guidance in regards to a proposed Zoning  
Ordinance text amendment to change the type of zoning  
approval required for township highway maintenance garages**

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### **BACKGROUND**

Two townships will be building highway maintenance garages in the coming year in the AG-1 and AG-2 Zoning Districts and both garages require a Special Use Permit. A Special Use Permit requires a public hearing at the Zoning Board of Appeals. Compared to a "by right" use which only requires a Zoning Use Permit, the need for a Special Use Permit necessarily results in a delay to the applicant of at least one month or more depending upon how many zoning cases are docketed at the ZBA. Also, even simple Special Use Permit cases require intensive staff hours to process so there are good reasons to eliminate the need for a Special Use Permit when possible.

One of the amendments proposed in Case 522-AT-05 (the Comprehensive Zoning Review) was to make township highway maintenance garages conditional uses rather than Special Use Permits under certain conditions but Case 522-AT-05 was rejected by the County Board on November 21, 2006.

This memorandum proposes a text amendment to make township highway maintenance garages a conditional use as proposed in Case 522-AT-05 but with different conditions.

### **GENERAL CHARACTER OF TOWNSHIP HIGHWAY MAINTENANCE GARAGES**

State law requires that all township highway maintenance equipment be kept under shelter when not in use. In most townships the unincorporated area consists entirely of the AG-1 and AG-2 zoning districts. Thus, township road districts must build garages to house highway maintenance equipment and those garages must generally be in either the AG-1 or AG-2 Districts.

Township highway maintenance garages typically have outdoor stockpiles of road paving materials, road culverts, and other road construction materials. Loading and unloading of stockpile materials can result in windblown dust. Most of the property is also generally paved with all-weather material such as gravel paving. The buildings generally otherwise appear to be large machine sheds.

## CURRENT ORDINANCE REQUIREMENTS

The Zoning Ordinance Table of Authorized Principal Uses does not contain the specific use "township highway garage" and in the past township highway garages have been authorized as either "contractor facilities" or "government buildings" depending upon whether the use was simply highway maintenance (most similar to a contractor facility) or involved multiple uses (as a township meeting hall with highway maintenance). The Zoning Ordinance requires either of those uses to be authorized by a Special Use Permit in the rural districts (AG-1, AG-2, and CR) but are authorized "by right" in the Business and Industrial zoning districts.

Section 6.1 of the Zoning Ordinance requires certain standard conditions for some types of Special Use Permits. The Zoning Ordinance does not require any standard conditions for contractor facilities, government buildings, or township highway maintenance garages.

## RECENT APPROVALS FOR TOWNSHIP HIGHWAY MAINTENANCE GARAGES

The Zoning Board of Appeals can also require special conditions for any Special Use Permit if necessary to meet the purpose and intent of the Zoning Ordinance. A review of recent Special Use Permit approvals for township highway maintenance garages can reveal if the ZBA has in fact been requiring any special conditions.

Three township highway maintenance garages have been approved as Special Use Permits within the last 10 years. All cases were in proximity to existing residences. The Summaries of Evidence for the cases were reviewed to identify any particular concerns or special conditions that the ZBA required.

The Scott Township highway maintenance garage (Case 163-S-98) bordered a proposed residential subdivision. The Zoning Board of Appeals did not require any additional screening other than what is otherwise required by the Zoning Ordinance. The only special conditions imposed by the ZBA simply documented the requirements for compliance with the Interim Stormwater Management Policy and the Illinois Plat Act. At the time only Special Use Permits and subdivisions were required to prepare Stormwater Drainage Plans. Stormwater Drainage Plans are now required for any use with a sufficient amount of impervious area.

The expansion of the Hensley Township Hall and Highway Maintenance Garage (Case 181-S-99) was across the street from a Residential Zoning District and was adjacent to the Hensley Country Estates residential development of approximately 14 homes on 80 acres and two rural subdivisions. No special conditions were required by the ZBA other than compliance with the requirements of the Interim Stormwater Management Policy.

The expansion of the Rantoul Township highway maintenance garage (Case 290-S-01) was somewhat more remotely located but was still adjacent to one residence. The proposed expansion did not require a Stormwater Drainage Plan and no unusual screening was required. The ZBA did require that exterior lighting not produce glare onto adjacent properties or the roadway.

**CONDITIONS PROPOSED IN PART B OF CASE 522-AT-05**

Part B of Case 522-AT-05 proposed to make certain uses that currently require a Special Use Permit into conditional uses that would be authorized by right and did not require a Special Use Permit when the particular conditions are met. Case 522-AT-05 proposed to make township highway maintenance garage authorized by right when the following conditions were met:

1. This use may not be located within 500 feet of an existing dwelling or residential district.
2. No paved areas may be located within a Stream Protection Buffer.
3. No stockpiles may be located within a Stream Protection Buffer or Drainageway Setback.

**PROPOSED AMENDMENT**

No conditions appear to be necessary based on the review of recent Special Use Permits for township highway maintenance garages. Two of the conditions proposed in Case 522-AT-05 are also not relevant as there are no Stream Protection Buffers or Drainageway Setbacks. The separation from an adjacent Residential District or residence is reasonable simply because this is a non-residential use but 500 feet seems extreme based on the review of recent approvals.

The following conditions are proposed for township highway maintenance garage to be authorized by right:

1. **This use may not be located within 150 feet of an existing dwelling or residential district except when separated by a street right of way.** The determination of an adequate minimum separation between a non-residential use and an adjacent residential use is somewhat arbitrary especially in the rural zoning districts. Note that Case 522-AT-05 proposed a separation of 200 feet as a condition for reuse of an existing rural structure as a self-storage warehouse. However, both of the subject garages are less than 200 feet from existing residences so a required separation of 200 feet would provide no benefit for either garage. A requirement of a 150 feet separation would still ensure some minimum separation in all instances and still allow both garages to go ahead without requiring a Special Use Permit. If necessary the ZBA can also increase the minimum separation as part of the public hearing for the text amendment.
2. **This use must be authorized as a Special Use if located within the one and one-half mile extraterritorial jurisdiction of a municipality that has adopted a comprehensive plan.**

(Note: In a separate request, Committee direction will also be sought regarding standard requirements for exterior lighting for Special Use Permits. This amendment needs to be coordinated accordingly.)

Champaign  
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**TO: Environment and Land Use Committee**  
**FROM: November 7, 2007**  
**DATE: John Hall, Zoning Administrator**  
**RE: Zoning Ordinance amendment adding conditions under which Township Highway Maintenance Garages may be authorized by right rather than as a Special Use Permit**

**STATUS: This memo reviews the required separation distances between Special Use Permits and Residential Districts and Residences conforming to use for consideration relative to the proposed amendment**

The following table summarizes the various separations required between Special Uses and adjacent Residential Districts and/or adjacent residences. The November 7, 2007, memo proposed a separation of 150 feet for Township Highway Maintenance Garages. Note that neither "government building" nor "contractors facility" are required to have any specific separation.

Type of Special Use	Required Separation From Residential DISTRICT or Conforming Residence
Contractor's Facility	NONE
Schools	NONE
GOVERNMENT BUILDING	NONE
Public Park	NONE
Cemetery	100 feet
Riding stable	100 feet
Outdoor commercial recreational enterprise	200 feet (R District only)
KENNEL where animals are kept temporarily or permanently outside	200 feet
Railroad yards	200 feet
Truck terminal	200 feet
Special Uses in "Industrial Uses: Food and Kindred Products" category	300 feet
Amusement Park	500 feet
Landscape waste processing facility	500 feet
Livestock sales facility	500 feet
Major RURAL SPECIALTY BUSINESS	500 feet
Gasoline and volatile oils storage	500 feet
Penal or correctional institution	500 feet
Sanitary landfill	500 feet
Sewage lagoon	500 feet
Slaughterhouse	500 feet
Special Uses in "Industrial Uses: Primary Metals Manufacturing" category	500 feet
Special Uses in "Industrial Uses: Chemical and Allied Products" and "Industrial Uses: Petroleum and Rubber Products" category	2,000 feet

11/13/07

**DRAFT SUBJECT TO APPROVAL DRAFT**

**ELUC**

1 next month when they started to investigate what a chemical waste landfill was then there was a split in the  
2 Board. He said that in that vote it really represented the Board members that took the idea of allowing the  
3 public to vote on a question as reversing their vote in August so five of them decided to stand behind their  
4 vote and they saw that if the public had a right to vote on it, it would essentially be reversing their own vote  
5 and they felt they should not be able to do that. He said that the County Board Chairman made the motion to  
6 put the referendum on the ballot and six of them decided to let the public have a say which some of the  
7 Board members have changed their minds about it but they did not want to reverse the original vote and five  
8 of them will stand behind their vote.

9

10 Mr. Weibel asked Mr. Holt if anyone knew where the waste would be coming from.

11

12 Mr. Holt said that there are no restrictions and waste could easily come from out of state. He said that the  
13 Clinton Landfill had conversations with AmerenIP concerning the contaminated soil sites around the old  
14 City Gas Plants, transformers and storage sites so they have an immediate prospect through AmerenIP where  
15 they are cleaning up all their sites throughout Illinois and that is the catalyst that's prompting them to look at  
16 this.

17

18 Mr. Weibel asked Mr. Holt if he knew the location of the nearest site.

19

20 Mr. Holt said the nearest site is Detroit, Michigan and they were told that they have ample capacity and this  
21 is more or less a business question and do we want to put our aquifer at risk for this company.

22

23 Ms. Wysocki asked all those in favor of the motion. All ayes with Mr. Moser voting no.

24

25 **11. Zoning Administrator's proposed Zoning Ordinance amending adding conditions under which**  
26 **Township highway Maintenance Garages may be authorized by right rather than as a Special**  
27 **Use Permit**

28

1 **Mr. Moser moved, seconded by Mr. Jones to open discussion for Zoning Administrator’s proposed**  
2 **Zoning Ordinance amendment adding conditions under which Township Highway Maintenance**  
3 **Garages may be authorized by right rather than as a Special Use Permit. Motion carried with voice**  
4 **vote.**

5  
6 Mr. Hall said there is a one page memo tonight regarding the proposed amendment and the biggest question  
7 in his mind is, if this is going to be a conditional use what is the threshold separation between a proposed  
8 highway maintenance garage and the nearest residence or residential district. He said what distance is so  
9 great that there are no concerns that we need to be concerned about. He said that the table in the new memo  
10 reviews all of the required separation distances in the Zoning Ordinance and you will note that for a  
11 government building there are no separation distances required for residences. He said however, when we  
12 approve something under the Zoning Ordinance we have to think about what we are approving and a  
13 highway maintenance garage is most like a contractor’s facility but again the Ordinance does not have any  
14 minimum separation distance between a contractor’s facility and a residence or a residential district. Mr. Hall  
15 said that the most similar thing to a highway maintenance garage that has a separation distance would be a  
16 truck terminal and there is a required 200 feet separation. He said that again given the separation in the  
17 existing Ordinance it looks like maybe you don’t need a required separation between a highway maintenance  
18 garage and an existing residence. He said to a Zoning Administrator it may sound odd because some people  
19 are going to be very concerned about any non-residential non-agricultural use that could go in next to them.  
20

21 Mr. Hall said in the Zoning Ordinance Revision they were proposing a 500 feet separation and he had to  
22 confess even though he was a part of the group who put that together there was not a lot of justification for  
23 the 500 feet separation. He said that this is an arbitrary dimension and when he considered the impacts that a  
24 highway maintenance garage may have he thinks it may be dust related to moving of the road materials that  
25 are kept in stock piles and the separation for minimizing the dust depends on where the maintenance garage  
26 is located. Mr. Hall said that he thinks most highway maintenance garages generate less dust than the  
27 standard in the rural area which is row crop agriculture so if you think about what a rural resident would  
28 have to put up with he thinks a highway maintenance garage is less problematic than agriculture.

11/13/07

**DRAFT SUBJECT TO APPROVAL DRAFT**

**ELUC**

1 Mr. Hall said that if it's a separation of 200 feet or more the two maintenance garages that need Special Use  
2 Permits that are mentioned in the memorandum would continue to need Special Use Permits. He said that if  
3 it is going to be 150 feet or less these two facilities won't need Special Use Permits but what should control  
4 your decision is what does the Board think should be the requirement for a highway maintenance garage that  
5 has to be in a rural area. Mr. Hall said that it's very hard to locate one where there are no residences and both  
6 of the maintenance garages that are coming up are existing facilities that wer there before zoning anyway.  
7 Mr. Hall asked the committee for direction on this.

8

9 Mr. Moser asked Mr. Hall if he knows if any townships want to do something.

10

11 Mr. Hall said that these are the only two that he knew about but he would suspect that there are more out  
12 there.

13

14 Mr. Doenitz said that dust would be a non-issue in his opinion it would be more noise than anything else  
15 because sometimes we are moving at three o'clock in the morning.

16

17 Mr. Weibel asked Mr. Doenitz what types of petroleum products are usually stored at those sites.

18

19 Mr. Doenitz said that in his case there is approximately a couple thousand gallons of diesel fuel, hydraulic  
20 fluid and oil.

21

22 Mr. Weibel asked Mr. Doenitz if he thinks that is standard.

23

24 Mr. Doenitz said yes.

25

26 Ms. Melin said that what she is concerned about is hydraulic fluid and other types of materials leeching into  
27 the ground and those residents who have private garden plots may be effected.

28

1 Mr. Doenitz said that we all store hydraulic fluid, we use it and most times it's kept in the shop anyway so it  
2 would be a non-issue.

3  
4 Mr. Schroeder said that there has been more than three of these structures built in the past ten years and  
5 believes it is at least four because the Pesotum Township garage is not in the city limits of Pesotum and they  
6 built without a permit and if you want to see an abuse of a township facility come see Pesotum. He said that  
7 the Township Road Commissioner has a cottage industry going on in the building and Ms. Melin brought up  
8 a good point about hazardous waste because he doesn't know what his road commissioner does with the  
9 solvents and the paint left over from repainting of equipment. Mr. Schroeder said also that there all sorts of  
10 storage out there like parking semi trailers and campers and the facility should not be used for anything other  
11 than the intended use.

12  
13 Mr. Hall said that if someone is effectively operating as something else then that is an enforcement issue. He  
14 said that the first thing is we would have to know about it.

15  
16 Mr. Hall said that he was not aware of the amount of fuel storage at the highway maintenance garage, but he  
17 would like to get a copy of the permit to make sure the fuel is being stored properly. He said that as far as he  
18 knew there are no setbacks for a couple thousand gallons in the state regulations and it is mostly using the  
19 proper tank.

20  
21 Mr. Doenitz said that since the two facilities that are coming up are existing facilities why would they need  
22 the 200 feet separation.

23  
24 Ms. Wysocki said that the one case is a township garage that burned and they are replacing it, the other case  
25 is an existing township garage that they want to expand.

26  
27 Mr. Doenitz said that it should be a no brainier since they are already there.

28

11/13/07

**DRAFT SUBJECT TO APPROVAL DRAFT**

**ELUC**

1 Mr. Hall said right now they are non-conforming and the expansion is beyond what is considered  
2 insignificant and in Raymond Township they are re-building a whole new building. He said that right now  
3 both of them need a Special Use Permit and he did not see it as being problematic and it probably won't  
4 slow Raymond Township down since they may not be building during the winter but this was an opportunity  
5 to get this before the committee.

6  
7 Mr. Doenitz asked if he should abstain from voting.

8  
9 Ms. McGrath said yes.

10  
11 **Ms. Melin moved, seconded by Mr. Langeheim to approve the proposed Zoning Ordinance**  
12 **amendment under which Township Highway Maintenance Garage may be authorized by right rather**  
13 **than as a Special Use Permit with a 200 feet separation distance. Motion carried by voice vote .**

14  
15 Mr. Doenitz said that he abstained because to he is a Township Road Commissioner.

16  
17 Mr. Hall said that he would recommend adding township maintenance to the ordinance and then it would be  
18 a more specific instance and would take precedence over a government building anytime there is a township  
19 maintenance garage.

20  
21 Mr. Hall asked Ms. Melin if she thinks these uses should have a 200 foot separation from residences.

22  
23 Ms. Melin said yes.

24  
25 Mr. Hall asked Ms. Melin if she would recommend having the same requirement for the contractor's facility.

26  
27 Mr. Weibel said that one of the concerns he sees with the contractor's facility and the 200 foot separation is  
28 that a number of contractors in the country have a residence next to their building so that would be a conflict

1 and a pain to deal with all the contractors that have their residence next to them.

2  
3 Mr. Doenitz said that he agrees with Mr. Weibel and if you use 200 feet you just drive them away from  
4 where they are located.

5  
6 Mr. Hall said that they would still continue needing a Special Use Permit just like they do now so it would  
7 not help their case at all and would still be a Special Use Permit.

8  
9 Ms. Wysocki asked Mr. Hall if it would be a by-right arrangement.

10  
11 Mr. Hall said that anytime there is a highway maintenance garage more than 200 feet from a residence they  
12 will become a by right so it's a help but it wouldn't help these two cases.

13  
14 Mr. Langenheim said that this would not prevent the construction of the two facilities presently but will put a  
15 requirement on the Special Use Permit so you can still do it.

16  
17 Mr. Hall said yes.

18  
19 Ms. Anderson asked Mr. Hall if there were any requirements for the gasoline storage.

20  
21 Mr. Hall said that there are no standard requirements in the Ordinance for gasoline storage right now but it  
22 would make sense to add a requirement to document that the fuel storage meets the state requirements. He  
23 said that part of the Special Use Permit is that the neighbors get a notice and then they can come and raise  
24 any concerns they may have.

25  
26 Ms. McGrath said that the concern she has about adding fuel storage is that the County is being arbitrary and  
27 would have an indefensible position to say that you would require that in certain facilities and not in others.  
28 She said that the 200 feet distinction in her opinion does not matter if leeching is an issue it would be an

1 issue for all of them not just those with in 200 feet of a residence. She said that she does not think it makes  
2 sense for the Zoning Ordinance to require it for a few and either you should require it for all or none.

3  
4 Mr. Jones asked Ms. Melin if the extra 50 feet of separation was going to matter.

5  
6 Ms. Melin said it's more for consideration for future buildings because the ones that are there now won't  
7 require a Special Use Permit. She said that Ms. Mcgrath is also correct because if you are going to have  
8 leeching you are going to have leeching but still it's different than if you have a facility that has strong  
9 chemicals.

10  
11 Mr. Doenitz said that he can say that they have more of a problem with people encroaching on them than  
12 them encroaching on the people so he was not following Ms. Melin's point.

13  
14 Ms. Melin said that you are right but it goes both ways.

15  
16 Ms. Wysocki asked Ms. Melin to explain her position again.

17  
18 Ms. Melin said that she understands that the one that burned could not be built on that spot.

19  
20 Mr. Hall said that it would need a Special Use Permit, it is non-conforming and it was never authorized and  
21 under the current Ordinance it needs a Special Use Permit in order to be re-built. He said likewise with the  
22 expansion, it has been there since before zoning was adopted but now that they are expanding and it's more  
23 than a couple hundred feet in area and it's a big enough expansion that they now are going to need a Special  
24 Use Permit. He said that he has no doubt that both of these would get a Special Use Permit but it's just  
25 having the recent experience of the Comprehensive Zoning Review where we try to make things possible by  
26 right he wanted to bring that up as an option for the Board to consider at this time in case it would make a  
27 difference in these cases or not it would be there in the future for others.

28

1 Mr. Moser said that most of the facilities are outside of town except maybe in a case like Mahomet where  
2 they got a chance to go and buy a facility that was already there and he can see that happening in Ayers or  
3 Raymond where somebody would walk away from a machine shed that would make a lot better facility than  
4 what those townships have because they don't have any money. He said that he thinks it should be by-right  
5 and all of these places have been diked for diesel fuel some had not but if it is a public facility then it may  
6 have.

7  
8 Mr. Doenitz said that he suggests that if we are going to place restrictions on highway garages and not  
9 contractor's buildings and like operations then you might as well leave the Special Use Permit because you  
10 are singling out one group where there are maybe one or two a year that ever does anything as far as building  
11 a new facility. He said that he has 90% of the same type of chemicals at his farm shop that he has at the road  
12 district.

13  
14 Mr. Jones asked Ms. Melin if she would accept a friendly amendment to change her regulation to 150 feet so  
15 we don't have to have Special Use Permits for these two facilities.

16  
17 Ms. Melin said yes.

18  
19 Mr. Langeheim concurred.

20  
21 **12. Zoning Administrator's Proposed Zoning Ordinance amendment adding standards for**  
22 **exterior lighting for certain land uses**

23  
24 Mr. Hall said for some time the Zoning Board has been regularly adding a condition regarding exterior  
25 lighting for Special Use Permits. He said that recently they had expressed some frustration that they have to  
26 keep adding that as a special condition and it has not been added to the Zoning Ordinance so he decided to  
27 float this proposed amendment to add exterior lighting requirements for Special Use Permits and again the  
28 issue comes up about separation. He said that he assumed the County Board is not ready to add a significant

1 lighting segment to the Zoning Ordinance and he assumed that they are most concerned about uses that are  
 2 within a certain proximity of a residential zoning district or a residence. He said that the same old question is  
 3 raised, what is the distance that the Board is concerned about. He said that in this landscape night lighting is  
 4 effective at a much greater distance. He said that the outdoor storage requirement in the Ordinance already  
 5 contains a separation distance of a thousand feet so if you are doing outdoor storage within a thousand feet of  
 6 a residence or a residential district you have to screen the outdoor storage. He said the proposed amendment  
 7 in front of you is to add a requirement for certain kinds of exterior lighting for any Special Use Permit within  
 8 a thousand feet of a residential district or within a thousand feet of a residence and it is very difficult to be  
 9 more than a thousand feet from a residence in Champaign County. He said that would require that all  
 10 exterior light fixtures be the full cut-off-type. He said that full-cut off type are very easy to find and very easy  
 11 to buy but it is not the kind that the light company provides for dusk to dawn security lighting and those are  
 12 not full-cut-off-type. He said that they can provide a full-cut-off-type for that but they generally do not. He  
 13 said that this proposal also requires a maximum lamp size of 250 watts but he thinks it would be rare if  
 14 anyone would use anything larger than that and it specifies that the locations of the fixtures have to be  
 15 indicated on the site plan approved by the Zoning Board and it recognizes that the Zoning Board may require  
 16 special conditions for outdoor recreational uses or other large outdoor lighting installations. He said that you  
 17 can't use full-cut-off lighting to light a playing field and the best you can do is put in requirements for lamp  
 18 size but in general it requires limited operations. Mr. Hall said that for any of this the Zoning Administrator  
 19 has to have documentation of this when you come to get the Zoning Use Permit. Mr. Hall said that this  
 20 proposal is something that the ZBA is already requiring with the exception of the limits. He said that he  
 21 really does not know what distances apply in the cases where they do Special Use Permits but it is rare for  
 22 them to approve a Special Use Permit without a condition for exterior lighting but the thousand feet would  
 23 probably be an expansion of that. He said that if the thousand feet is too much we could set a different  
 24 standard.

25

26 **Mr. Langenheim moved, seconded by Mr. Schroeder to approve the Zoning Administrator's proposed**  
 27 **Zoning Ordinance amendment adding standards for exterior lighting for certain land uses. Motion**  
 28 **carried by voice vote.**

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Mr. Schroeder said that he commends Mr. Hall for tackling this and trying to be fair to everybody he understands that it is difficult. He said that he remembers the Seymor Fire Protection District where they had a new fire station built and there were no requirements for the Special Use Permit for outdoor lighting and the neighbors across the road could have used the side of their house for a movie theater. He said that part of the problem was exterior lighting but also the signage they had. Mr. Schroeder asked Mr. Hall if anything could be put in the Ordinance regarding exterior illumination of signs.

Mr. Hall said that was a big problem in that case. He said that lighting on signs is more difficult and he would be willing to look into something on that because it would be difficult to identify what type of sign lighting would be acceptable.

Mr. Schroeder said that some of the lighting could be really obnoxious and maybe even limit the number of exterior lighting. He said that he has no problem with the thousand feet requirement. Mr. Schroeder asked Mr. Hall if security lights could be considered as exterior lighting.

Mr. Hall said yes but again this would only apply for Special Use Permits.

Mr. Schroeder asked Mr. Hall if timers could be put on the exterior lights.

Mr. Hall said that makes sense but this amendment only anticipates timers in regards to dusk to dawn or outdoor recreational uses but it could easily incorporate some standard that parking lots could only be lit up to a certain amount of time after the facility closes. He said that security lighting around a building would be one thing and for the last Special Use Permit with big outdoor lighting at the ZBA they were going to have timers on them because they did not want to pay for unnecessary energy. He said that this would only apply to the unincorporated areas.

Mr. Jones asked Mr. Hall if the City of Champaign has anything regarding exterior lighting.

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Mr. Hall said that he is sure they do and it would be something we would like to do for the public during the public hearing but he did not have time to see what their standards were before tonight.

Mr. Schroeder said that in places like Seymor, Longview, and Penfield the County has zoning jurisdiction and generally in the rural areas it would have a minimal effect if any.

Mr. Hall said that given those rural areas where you have pockets of business zoning by right, this ordinance does nothing for exterior lighting this is strictly for Special Use Permits.

Ms. McGrath said there is one establishment formally called the Brick House now called TK Wendell's where there were several complaints from the Sheriff's Office regarding the exterior lighting and our Ordinance did not really address that.

**13. Update on Enforcement Cases**

Mr. Hall said that there are no updates available at this time.

**14. Monthly Report**

Mr. Hall said that there is no report available at this time.

Ms. Wysocki said with the committee's approval she would like to move to item 17.

It was the consensus of the committee to move to item 17.

**17. Determination of Items to be placed on the County Board Consent Agenda**

# 163-S-98

## SUMMARY OF EVIDENCE FINDING OF FACT AND FINAL DETERMINATION of Champaign County Zoning Board of Appeals

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**Final Determination:** APPROVAL RECOMMENDED WITH CONDITIONS

**Date:** November 5, 1998

**Petitioner:** Town of Scott

**Request:** For a Special Use Permit to allow a Contractor's Facility with outdoor storage (Township Road District Highway Garage and Maintenance Facility with outdoor material storage) in the AG-1 Zoning District.

---

### Summary of Evidence

1. Roslyn Ann Porter is the owner of the subject property. The petitioners are contract purchasers of the site.
2. The subject property encompasses approximately 4.0 acres of land in Scott Township, Section 17, commonly known as a vacant tract of land on the west side of County Highway 6 approximately 350 feet south of Carper Street.
3. The subject property is zoned AG-1, Agriculture.
4. The land surrounding the subject property is zoned AG-1, Agriculture on the south, east, and west sides and AG-2, Agriculture and R-1, Single Family Residential on the north side.
5. Farmland borders the site on the south, east, and west sides and residences on the north side. A residential subdivision has been proposed on the R-1 zoned land that borders the subject site on the northwest.
6. The subject property is not within the One and One-Half Mile Extraterritorial Jurisdiction of a municipality.
7. There is no relevant Comprehensive Plan that could include a land use designation for the subject property.

8. Subsection 13.2.1 B. requires that a Special Use Permit shall not be granted for a use located on a parcel that is in violation of the *Champaign County Subdivision Regulations*. A subdivision is needed for this parcel of land and a subdivision application has been filed.
9. The subject property is not served by public utilities. An onsite wastewater system will be required. The facility will be served by the Seymour Water District.
10. Fire Protection is provided by the Scott Fire Protection District. A fire station is located less than one road mile from the subject site. The Chief has been notified of this request but no comments have been received.
11. Ingress and egress for the subject property is from County Highway 6 (CR200E).
12. A Traffic Impact Analysis was not prepared for this case.
13. The site is comprised mostly of Flanagan soil with a smaller amount of Catlin soil. Flanagan soils generally have severe limitations in their natural state for development due to ponding and wetness. These limitations are typical for Champaign County and can be overcome with proper design and construction. The soils on this site have not been disturbed other than by typical farmland production.
14. The Champaign County Soil and Water Conservation District assigned the subject property a Land Evaluation Rating of 95. Combined with the Site Assessment rating of 90, the total LESA rating for the subject property is 185.
15. Pursuant to Federal Emergency Management Agency Panel Number 170894-0175B, the subject property is not located within a Special Flood Hazard Area.
16. The subject property is in the Camp Creek Special Drainage District. The Contact District Commissioner has been notified of this request but no comments have been received.
17. The petitioner has indicated that since the facility will be devoted to public service, a convenient location is necessary. The subject property is located on County Highway 6 about one-half mile south of its intersection with Illinois Route 10.
18. The petitioner has operated the use at various rented locations in the past and now proposes to relocate the use to the subject site.
19. The petitioner proposes to construct a 6,000 square foot building on the subject site. Neither the application nor the Site Plan indicate the number and type of rooms that will be in the building.
20. An outdoor maintenance storage stockpile is proposed as part of the facility.

21. A gravel area of approximately 14,600 square feet is proposed as a parking/vehicle maneuvering area immediately south of the building.
22. Paragraph 7.4.1 D. requires one parking space for each three employees based upon the maximum number of persons employed during one work period during the day or night plus one parking space for each vehicle used in the conduct of the use and a minimum of one visitor parking space.
23. The Scott Township Highway Maintenance department consists of the Township Highway Commissioner and two part-time employees who work out of the proposed Maintenance Facility on a daily basis. During winter conditions other people are employed. The extra winter staff are dropped off at the Maintenance Facility and drive Township vehicles to their private homes. The vehicles are kept at the private homes during periods of bad weather.
24. Subparagraph 7.4.1 D. 2. requires all parking spaces to be surfaced with an all-weather dustless surface.
25. Subparagraph 7.4.1 C. 4. outlines the requirements for screening of parking areas adjacent to residential uses. Parking areas for more than 4 vehicles less than 8,000 pounds gross vehicle weight visible from and located within 100 feet of the building restriction line of a lot containing a conforming dwelling are required to be screened by a Type A screen (4' opaque fence of vegetative buffer). Parking areas for vehicles of more than 8,000 pounds gross vehicle weight and not meeting the same locational requirements are required to be screened by a Type D screen (8' landscaped berm, opaque fence or wall, or screen planting).
26. The parking area is located on the south side of the building (the side opposite the nearest residences) and is located more than 100 feet from the building restriction lines of the adjacent residential lots to the north and west and is therefore exempt from the screening requirements for parking areas.
27. Paragraph 7.4.2 D. requires one loading berth that shall consist of a compacted base at least seven inches thick and that shall be surfaced with at least two inches of an all-weather dustless surface. Also, the loading berth shall be screened from public view with a Type D screen (8' landscaped berm, opaque fence or wall, or screen planting) if it is located in any yard abutting a residential district or is located less than 100 feet from the building restriction line of any lot in an R district or any lot containing a dwelling conforming to use.
28. Subsection 7.6.2 requires a Type D screen (8' landscaped berm, opaque fence or wall, or screen planting) to conceal or obscure any outdoor storage which is visible within 1,000 feet of any building restriction line of any lot occupied by a dwelling conforming to use or any lot in any R district or any church, temple, public park or recreational facility, public library, museum, gallery, public fairgrounds, nursing home, hospital, recreational business with outdoor facilities, or any designated urban arterial street or major street.

29. The outdoor maintenance storage stockpile will be visible from within the building restriction lines of the proposed Stokes Subdivision (which borders the subject site on the northwest and is zoned R-1). This subdivision has received Preliminary Plat approval. The outdoor maintenance storage stockpile is also visible from the houses in the adjacent Armstrong Subdivision (which is located immediately north of the subject site but is not zoned Residential). The outdoor maintenance storage stockpile will need to be concealed from these locations by a Type D screen.
30. Subparagraph 9.1.11 D.5. requires that the provisions of the *Champaign County Interim Stormwater Management Policy* must be met in order to receive a Special Use Permit.
31. Subparagraph 4.3. B. 1. Of the *Interim Stormwater Management Policy* requires that all developments having more than 16% impervious area shall be required to have an approved Stormwater Drainage Plan that includes a combination of stormwater storage and controlled release (detention basin) will be required.
32. The site plan indicates that the subject development will have 18% impervious area so both subparagraph 9.1.11 D. 5. of the *Zoning Ordinance* and subparagraph 8.1.2 c.(8) of the *Subdivision Regulations* require submission of an approved Stormwater Drainage Plan that includes a combination of stormwater storage and controlled release (detention basin). Certification by an Illinois Professional Engineer of the as-built detention basin storage volume and as-built drawings of the drainage system are also required.
33. No waivers have been requested on the application.

## Documents of Record

1. Preliminary Memorandum dated October 30, 1998
2. Petition filed by applicant dated October 15, 1998
3. Site Plan submitted by petitioner dated October 14, 1998
4. Drainage analysis dated October 8, 1998
5. Soil and Water Conservation District Natural Resource Report dated (reviewed) October 8, 1998
6. Land Evaluation and Site Assessment (LESA) analysis dated November 3, 1998

## Findings of Fact

From the documents of record and the testimony and exhibits received at the public hearing conducted on November 5, 1998, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit is necessary for the public convenience at this location because the road district is losing their current leased space so a new facility is required immediately and the subject location is centrally located in the Township.
2. The requested Special Use Permit *subject to the special conditions imposed herein*, is so designed, located, and proposed to be operated that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public health, safety, and welfare because it is located away from existing residences and conditions assure that stormwater will be properly managed.
- 3a. The requested Special Use Permit, *subject to the special conditions imposed herein*, does 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 preserve the essential character of the DISTRICT in which it is located because the proposed facility is typical of the rural small town setting where the site is located and outdoor storage will be screened from nearby residences.
4. The requested Special Use Permit, *subject to the special conditions imposed herein*, is in harmony with the general intent and purpose of the Zoning Ordinance because screening and drainage issues have been addressed.
5. The requested Special Use is not an existing nonconforming use.
6. No waivers have been requested nor warranted.
7. 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) That prior to the issuance of a Zoning Use Permit, the Final Plat has been duly approved and recorded.
  - b) That prior to the issuance of a Zoning Compliance Certificate, an Illinois Professional Engineer certifies the as-built detention basin storage volume and provides as-built drawings of the drainage system.

## Determination

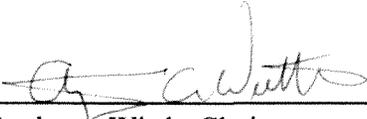
The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.9C have been met, and pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, determines that:

The Special Use Permit requested in Case 163-S-98 should be granted to the petitioner, to permit establishment of a township road district highway garage and maintenance facility as a "contractor's facility" in the AG-1, Agriculture Zoning District on the site described in the petition and in the manner described herein and on the site plan dated October 10, 1998 subject to the following conditions:

1. That prior to the issuance of a Zoning Use Permit, the Final Plat has been duly approved and recorded; and
2. That prior to the issuance of a Zoning Compliance Certificate, an Illinois Professional Engineer certifies the as-built detention basin storage volume and provides as-built drawings of the drainage system.

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

SIGNED:



Anthony Wirth, Chairman  
Champaign County Zoning Board of Appeals

ATTEST:



Secretary to the Zoning Board of Appeals

May 18, 1999

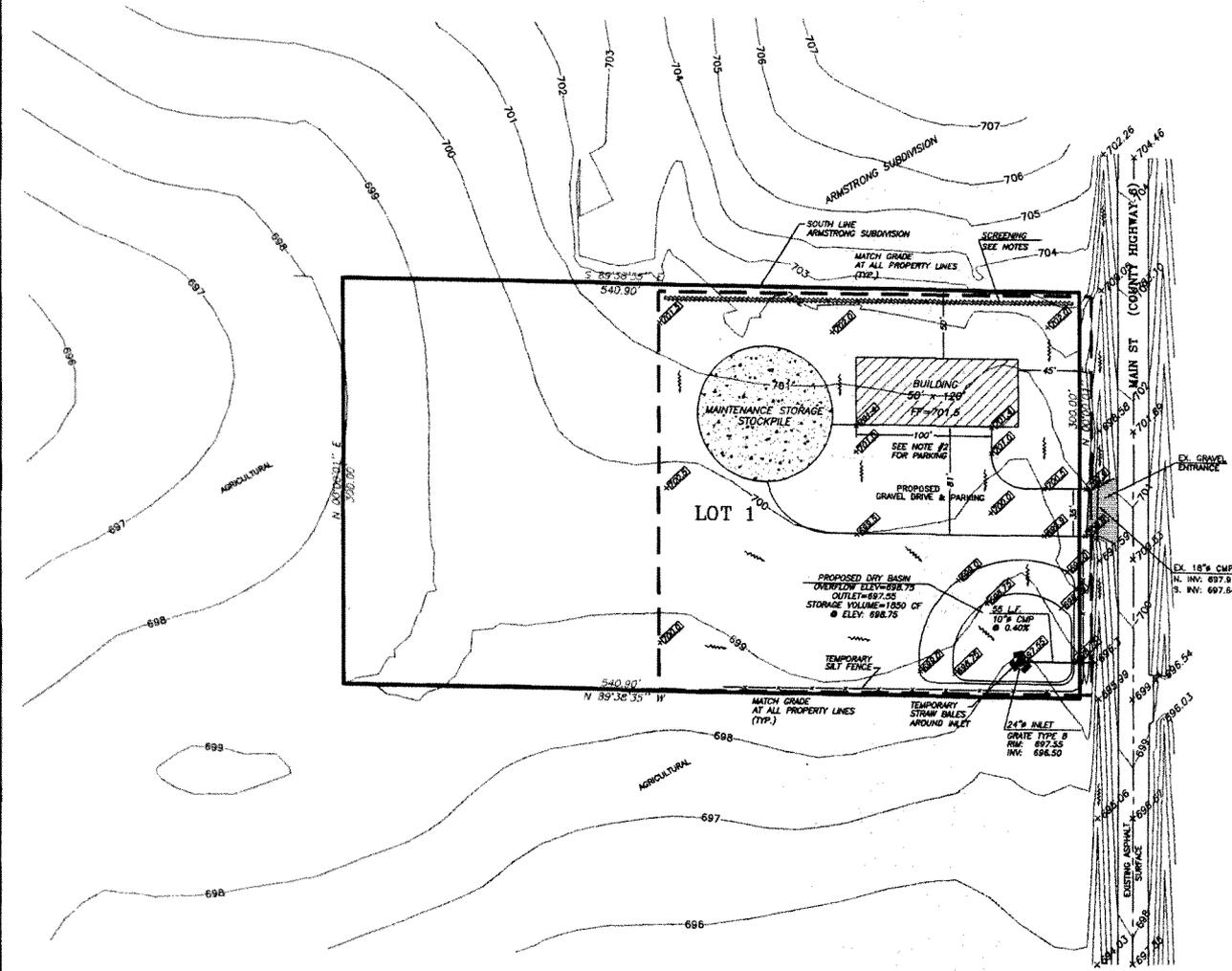
Date

R:\1998dwg\98180\98180 Thu Oct 22 14:43:04 1998 LARRYK

# SITE PLAN AND SUBSIDIARY DRAINAGE PLAT FOR SCOTT TOWNSHIP SUBDIVISION



300 West Springfield, Suite 200, P.O. Box 154, Champaign, Illinois 61824-0154  
217-244-8978 217-244-0660 FAX 217-244-8903



**NOTES:**

1. Screening along the North portion of the site shall be an opaque fence or a vegetative north berm.
2. Parking shall be provided for 3 standard parking stalls with 1 handicap stall.
3. All elevations based on the North American Vertical Datum of 1929 (Mean Sea level Datum).
4. Dispose of excess excavated material on site at the direction of the Engineer.
5. All encumbered and/or broken (crushed) field tile shall be reconstructed or reworked at the direction of the Engineer.
6. Limits of site earth grading shall be the subdivision boundaries and public right-of-way except as noted.
7. All earth excavation work shall conform to Section 202 of the Standard Specifications for Road and Bridge Construction.
8. All stripped top soil shall be placed over disturbed or filled areas and graded (bladed) smooth. No surface areas larger than 3' x 3' area shall be accepted (i.e. additional grading required).
9. All disturbed earth areas shall be seeded and/or have straw bales of siltation barriers applied as shown on these plans as soon as final grading has been completed.
10. Areas that are to be seeded shall first be fertilized, limed, then seeded. Mulching shall be required at the rate of two (2) tons per acre when slopes exceed 100% gradient. Seeding shall be Class L as shown in the "Standard Specifications". Fertilizer shall be 10-8-8 grade distributed uniformly at a rate of 250 pounds per acre. Ground agricultural grade lime shall be applied at a rate of one (1) ton per acre.



0' 20' 40'  
SCALE: 1"=40'

- LEGEND**
- - - - - DIRECTION OF OVERLAND FLOW
  - - - - - EX. CONTOUR LINE
  - - - - - PROPOSED SPOT ELEVATIONS
  - - - - - BOUNDARY OF SUBDIVISION
  - - - - - LIMITS OF IMPROVEMENTS

**DRAINAGE CERTIFICATE**

To the best of our knowledge and belief, reasonable provisions have been made for the collection and diversion of surface waters into public areas, holding basins or drains which the Subdivider has the right to use, and that such surface waters are planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of SCOTT TOWNSHIP SUBDIVISION.

*Gary W. Maxwell*  
 Gary W. Maxwell  
 Illinois Registered Professional Engineer No. 26853  
 Date **October 21, 1998**

Rosilyn Ann Porter  
 Owner/Developer  
 Date \_\_\_\_\_



**SCOTT TOWNSHIP SUBDIVISION  
SITE GRADING & SUBSIDIARY DRAINAGE  
CHAMPAIGN COUNTY, ILLINOIS**

PROJECT NO.	98180
DATE	10/17/98
DRAWN	JDC
CHECKED	GM
PROPOSED	
NO.	
DATE	
BY	
REMARKS	

**A S A D O P T E D**  
**Case 181-S-99**  
**Hensley Township**

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

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<b>Final Determination:</b>	<b>Recommend approval subject to one condition</b>
<b>Date:</b>	April 22, 1999
<b>Petitioners:</b>	Hensley Township
<b>Request:</b>	Amend Special Use Permit 462-S-82 to permit construction of a detached storage building and future township hall facility.

---

**Summary of Evidence:**

1. The petitioner, Hensley Township, is the owner of the subject property.
2. The subject property encompasses approximately 1.25 net acres of land located in Section 21 of Hensley Township at the Northwest corner of the intersection of Hensley Road and Duncan Road, commonly known as 3001 West Hensley Road, Champaign, Illinois
3. The subject property is zoned AG-1, Agriculture.
4. The land surrounding the subject property to the east, south and west is zoned AG-1, Agriculture and the land to the north is zoned R-1, Single Family Residence.
5. The site is bordered by farmland on the east, south and west and by single family residences on the north. Several single family residences on lots of 1 to 5 acres are located to the south and west of the site..
6. The subject property is not located within the One and One-Half Mile Extraterritorial Jurisdiction of any municipality.
7. The subject site has been used by Hensley Township since the 19<sup>th</sup>. Century.

**Case 181-S-99, Hensley Township**

Finding of Fact and Final Determination **A S A D O P T E D**

April 22, 1999

Page 2 of 5

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8. In 1982 Special Use Permit 462-S-82 was approved to construct the present maintenance building/town hall to replace the old townhall.
9. The proposed storage building is accessory to the maintenance garage that already is located on the site.
10. Since 1982 the township has acquired an additional 1.1 acres (gross) to approximately triple the size of the original site.
11. In the years since Special Use Permit 462-S-82 was granted 18 potential home sites have been created in the 78 acres of the N1/2 of the NE1/4 of the section where the subject site is located. Permits have been written for construction of single family homes on eight of these tracts.
12. The existing building appears to have a substandard setback from Duncan Road. It is not clear whether a Zoning Use Permit was issued for construction of the building although the Special Use Permit was granted for the project.
13. Provision of indoor storage for Road District equipment is required by Section 5/6-210.9 of the *Illinois Highway Code*.
14. The existing building is located in the northeast corner of the site with the townhall space to the east and the maintenance facilities in south and west parts of the building.
15. The proposed new building is located along the west property line near the southwest corner of the site. Access to the storage building will be from the east and access to the future townhall facility will be from the north. The building itself will screen the site from property to the west. Existing road access to Duncan Road will be used.
16. The proposed building is not anticipated to change the operation on the current site apart from providing an enclosed storage area for Road District equipment.
17. The proposed building will be similar to a farm machine shed typical of the surrounding area.
18. The use is not nonconforming. The longstanding township use of the site was made nonconforming on adoption of the Zoning Ordinance in 1973 but the current use was rendered conforming by the granting of Special Use Permit 462-S-82.
19. Apart from the setback of the existing building from Duncan Road the plan complies with applicable requirements of the Zoning Ordinance but may not conform to the requirements of the Champaign County Interim Stormwater Management Policy.

20. Due to the previous development of the site, and given the small area of the property, a Natural Resource Report will not be prepared for this case. The Soil and Water Conservation District declined to comment on Case 462
21. The subject property is not located within a Special Flood Hazard Area pursuant to Flood Insurance Rate Map 170894-0115B.
22. The site is located near a minor drainage divide. No significant off-site area drains across the site. The property drains generally east and southeast crossing Duncan Road at a point about 250 south of Hensley Road. Drainage beyond that point is via a swale and waterway.
23. A revised site plan submitted by the petitioner on April 22 shows the extent of the paved (graveled) area anticipated if the entire project including the town hall to be less than 59,000 sq.ft.. This amounts to not more than approximately 83% impervious surface of the 1.64 acre gross site area . This plan overstates the actual extent of the impervious area which has not been precisely determined.
24. The *Interim Stormwater Management Policy* (ISMP) permits developments of less than two acres to have up to 50% impervious area before a stormwater drainage plan and stormwater detention basin are required. The ISMP would require a plan prepared by an Illinois licensed professional engineer and a detention facility for the project as submitted.
25. The impervious area shown on the site plan may have to be reduced to meet the 50% threshold on the current site and by a lesser amount to meet the requirement if additional land is acquired to make a total of 2 acres.
26. If the size of the site is increased above two acres a 16% impervious area threshold will apply.
27. *Zoning Ordinance* Section 9.1.11D5 makes compliance with the ISMP a prerequisite for receiving a Special Use Permit.

## Documents of Record

1. Preliminary Memorandum, with attached maps, dated April 15, 1999
2. Supplementary Memorandum with attached revised site plan, both dated, April 22, 1999

## Findings of Fact:

From the documents of record and the testimony and exhibits received at the public hearing conducted on April 22, 1999, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit is necessary for the public convenience at this location because **the covered storage is mandated by the State and the Township facilities have been located on the site since 1892.**
2. The requested Special Use Permit subject to the special condition imposed herein, is so designed, located, and proposed 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 health, safety, and welfare because **all regulations have been met, there will be no change in operations on the site and the new facility will also provide for a new townhall to be used for voting and other functions that will meet handicap accessibility requirements.**
- 3a. The requested Special Use Permit, subject to the special condition imposed herein, does conform to the applicable regulations and standards of the DISTRICT in which it is located because **there is an existing building on the site, the applicable setbacks are met, the building is consistent with others in the area and the Zoning Administrator will ensure compliance with the *Interim Stormwater Management Policy*.**
- 3b. The requested Special Use Permit, subject to the special condition imposed herein, does preserve the essential character of the DISTRICT in which it is located because **the project maintains the same use on the site that has been there since 1892.**
4. The requested Special Use Permit, subject to the special condition imposed herein, is in harmony with the general intent and purpose of the Zoning Ordinance because **the Zoning Administrator will ensure compliance with the *Interim Stormwater Management Policy*.**
5. **The requested Special Use is not an existing nonconforming use.**
6. **No standard conditions apply to this use.**
7. The special condition imposed herein is required to ensure compliance with the criteria for Special Use Permits to **ensure that the provisions of Section 9.1.11D5 of the *Zoning Ordinance* are met.**

## Determination

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.9C **have been** met, and pursuant to the authority granted by Section 9.1.6-B of the Champaign County Zoning Ordinance, determines that:

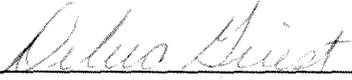
The Special Use Permit requested in Case 181-S-99 **should be** GRANTED to the petitioners, Hensley Township, to Amend Special Use Permit 462-S-82 to permit construction of a detached storage building and future township hall facility in the manner described in the petition and on the revised site plan, dated April 22, 1999 subject to the condition that:

- 1. Prior to issuance of a Zoning Use Permit the Zoning Administrator shall determine that the provisions of the *Interim Stormwater Management Policy* will be met on the subject site.**

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

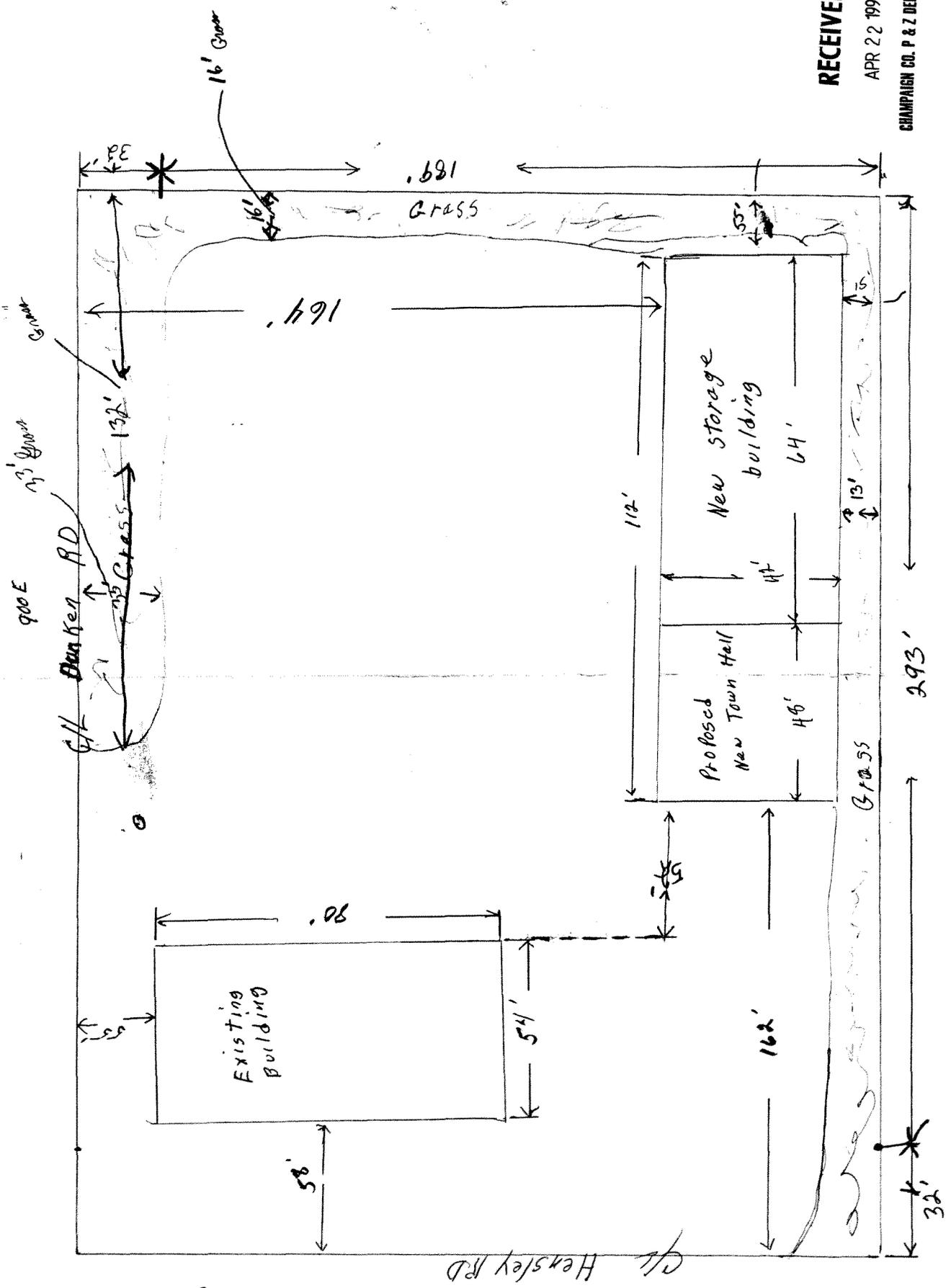
SIGNED:

ATTEST:

  
\_\_\_\_\_  
Debra Griest, Chairperson  
Champaign County Zoning Board of Appeals

  
\_\_\_\_\_  
Secretary to the Zoning Board of Appeals

  
\_\_\_\_\_  
Date



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CHAMPAIGN CO. P & Z DEPARTMENT

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

**Final Determination:**        **GRANTED with 2 Conditions**

**Date:**                        May 31, 2001

**Petitioner:**                Rantoul Township Road District

**Request:**                    Allow the construction and use of a contractors facility in the AG-1, Agriculture Zoning District

**Summary of Evidence:**

1.        The Rantoul Township Road District has owned the subject property since May, 1973.
2.        The subject property is located adjacent to the west of U.S. Route 45 and the Illinois Central Railroad right-of-way on the south side of County Road 2700 N. The property is commonly known as 1479 County Road 2700 N, in Section 21 of Rantoul Township.

3.        Existing land use and zoning of the site and surrounding areas are:

	LAND USE	ZONING
On Site	Existing Township Maintenance & Storage Building	AG-1, Agriculture
North	Farmland	AG-1, Agriculture
South	Farmland	AG-1, Agriculture
East	ICG Railroad Right-of-Way - (leased as farmland) U.S. Route 45 Cherry Orchard Apartments Schluters Manufactured Home Sales Farmland	AG-1, Agriculture  R-4, Multiple Family Residence B-4, General Business R-5, Mobile Home Park
West	Single Family Residence & Pond	AG-1, Agriculture

4.        The Rantoul Township Road District proposes to construct a new + 7200 square foot maintenance and storage facility to be located south of the existing storage and maintenance building. Township plans are

that the existing 7200 square foot facility will remain for equipment storage and later be replaced with a 10,200 square foot addition to the proposed building. The 10,200 square foot addition will be used as a cold storage area. (Refer to the attached Proposed New Maintenance Facility Preliminary Site Plan dated April 26, 2001.)

5. Municipal or government buildings have been allowed as a Special Use in the AG-1 district since the adoption of County zoning in October of 1973. The Zoning Ordinance was revised in April, 1992 to allow for contractors facility as a Special Use in the AG-1 district. The proposed storage and maintenance building for Rantoul Township is most comparable to the "contractors facility" land use category.
6. Construction of the existing Rantoul Township storage and maintenance building was begun in late 1973 and completed in early 1974. Champaign County Department of Planning & Zoning records indicate that neither a Zoning Use Permit or Special Use was obtained for the building and land use.
7. The existing building is located 7.7 feet from the west property line in lieu of the required minimum setback of 15 feet and is therefore classified as a nonconforming structure. The existing building may not be enlarged or altered in a way which increases its nonconformity.
8. The current land use is nonconforming with respect to the screening of outdoor storage, provision of handicap accessible parking, and because no Special Use Permit was obtained. The current land use, including outdoor storage areas, may not be enlarged or altered in a way which increases its nonconformity.
9. Obtaining a Special Use Permit to allow the construction and use of a contractors facility will render only the proposed building and future addition (the "contractors' facility") as conforming: The proposed building and future addition will be constructed in accordance with Zoning Ordinance setback requirements. In accordance with State ADA requirements, on-site handicap accessible parking and access to the existing and proposed buildings will need to be provided.
10. Existing outdoor storage areas on the subject property will remain nonconforming until such time that a Type D screen (a solid screen—either vegetative or constructed) is provided. Existing outdoor storage areas on the subject property may not be enlarged or altered in a way which increases its nonconformity. An outdoor storage plan indicating the extent of outdoor storage areas as they existed in 1992 (prior to adoption of the Zoning Ordinance screening provision) has been requested of the petitioner. This plan is expected to be available at the May 31<sup>st</sup> ZBA meeting.
11. The Rantoul Road District plans to utilize the proposed facility for the storage and maintenance of township road equipment. The proposed facility will enable the township to store and maintain township road equipment in a single, centrally located site located within one mile of the center of Rantoul Township.
12. Section 605 ILC-5/6-209.9 includes a provision that a township road district may "take possession of and keep under shelter, when not in use, all machinery, equipment and other property belonging to the district wherever the same may be found and not allow the same to go to waste."

13. The existing building is 107.3 feet from the centerline of County Road 2700 N, 102.3 feet from the north property line; 7.7 feet from the west property line and 373.4 feet from the rear property line. (Refer to the attached Plat of Survey.)
14. Once the proposed facility is built, the existing building will be used as an accessory storage building. Because it will be accessory, the existing building will not need to provide handicap accessible parking space(s); however, a paved, accessible route to the accessory storage building is required; and the building must meet Illinois handicap accessibility requirements.
15. The proposed facility will be utilized for the storage and maintenance of township road equipment. The facility will feature a 200 square foot office area, a small break room, an ADA-compliant washroom and shower, a mechanical equipment room, and a mezzanine of approximately 420 square feet for storage of parts and supplies.
16. The newly proposed building and future building addition, both to be located further south on the site than the existing building, will be 19 feet from the west property line. The proposed buildings will have an overhang of less than 4 feet.
17. The time schedule for the construction of future 10,200 square foot addition to be added north of the proposed 7200 square foot facility is not known. The planned addition will be adjoined to the proposed building, but separated by a wall. The addition will be used as a cold storage area.
18. No public water or sewer is available to the site.
19. A well is located approximately 53 feet south and 12 feet east of the northwest corner of the property. The same well will be utilized for the proposed building.
20. The existing septic tank is located approximately 60 feet east of the northeast corner of the existing building with the absorption field to the north and east. A new septic system will be provided south of the proposed building.
21. No hazardous materials are stored on site, or are planned to be stored on site
22. Two 500-gallon fuel tanks (diesel and gas) are located 30 feet north of the existing building. These fuel tanks are situated on the northwest portion of the site and are screened by evergreen trees planted at the northwest perimeter of the site.
23. One off-street parking space is required for each 3 employees, based on the maximum number of employees present at any one given time. As many as four employees could be present at once, therefore a total of two 9' x 20' employee parking spaces are required. One 9' x 20' visitor space is required, and one paved 8' x 16' handicap accessible parking space. In summary, a parking area to accommodate four parking spaces including one handicap accessible parking space is required. The road commissioner indicates that the

handicap accessible parking space will be located immediately east of the proposed building and will feature a paved accessway to the closest entry door. (Additionally, a paved accessway to the existing building will be required to be constructed in accordance with the Illinois ADA Code.) Other required off-street parking spaces will be located immediately south of the existing building.

24. Zoning Ordinance Section 7.4.2.D indicates that a minimum of two 10' x 40' loading berths, consisting of a compacted base at least seven inches thick and surfaced with at least two inches of an all-weather dustless material should be provided for the proposed 7200 building and 10,200 future building addition. No screen is required for the loading berth if it is located more than 100 feet from the building restriction line of any lot containing a dwelling conforming to use.
25. There is an existing night light mounted to the power company utility pole located approximately 65 feet east and 20 feet south of the northwest corner of the property. No complaints regarding off-site glare have been received regarding this fixture.
26. Exterior lighting will be added for security on the east side of the building. Fixture details have not been provided. The petitioner understands that glare onto adjacent properties or roads is not permitted. A condition to this effect is included for consideration by the Board.
27. A 6-foot chain link fence is located on the west and north of the property and a 4-foot woven wire fence is located on the east property line along the railroad right-of-way. No additional fencing is planned. The entrance to the site is typically secured with a 6-foot height chain link gate.
28. Zoning Ordinance Subsection 7.6.2 requires that a Type D screen (8' landscaped berm, opaque fence or wall, or screen plantings) shall be located so as to obscure or conceal any part of any yard used for outdoor storage which is visible within 1,000 feet from any point within the building restriction line of any lot occupied by a dwelling conforming as to use. This requirement was added to the Zoning Ordinance in April, 1992.
29. Two properties located within 1,000 feet of the outdoor storage area on the subject site have a dwelling conforming as to use. (Refer to attached Exhibit A. Screening Requirement) One property is located adjacent to the west of the subject site. Another property with conforming dwellings is situated across U.S. Route 45 to the northeast. That property is the site of Cherry Orchard Apartments. The existing grade of the Illinois Central Railroad right-of-way and U.S. Route 45 does not sufficiently screen the gravel piles on the site. In order for any expansion of outdoor storage areas, the required Type D screen would need to be installed to screen views from the two adjacent properties that contain conforming dwellings.
30. The Rantoul Township Road District has maintained a storage and maintenance facility on the subject property since 1974.
31. Vehicular access to the site will be from a single existing driveway on County Road 2500 N, located immediately west of the Illinois Central railroad right-of-way.

32. The planned building and addition construction is not expected to generate additional traffic to and from the site.
33. Hours of operation will generally be 7:30 a.m. to 4 p.m. with additional hours as needed during snowfalls and emergencies.
34. One full time employee and up to three part-time employees may be present on the site at any one time. This represents no change to the current staffing levels on the subject property.
35. No evening meetings will be held at the subject site. Township meetings are held at the Rantoul Township offices located in Rantoul.
36. The existing building is located 7.7 feet from the west property line in lieu of the required minimum setback of 15 feet and is therefore classified as a nonconforming structure. That existing building may not be enlarged or altered in a way which increases its nonconformity.
37. The current land use is nonconforming with respect to the screening of outdoor storage, provision of handicap accessible parking, and because no Special Use Permit was obtained. The current land use, including outdoor storage areas, may not be enlarged or altered in a way which increases its nonconformity.
38. Obtaining a Special Use Permit to allow the construction and use of a contractors facility will render only the proposed building and future addition (the "contractors' facility") as conforming:
39. Existing outdoor storage areas on the subject property will remain nonconforming until such time that a Type D screen (a solid screen—either vegetative or constructed) is provided. Existing outdoor storage areas on the subject property may not be enlarged or altered in a way which increases its nonconformity. As noted above, an outdoor storage plan indicating the extent of outdoor storage areas as they existed in 1992 (prior to adoption of the Zoning Ordinance screening provision) has been requested of the petitioner. The petitioner has submitted a Plat of Survey revised May 25, 2001 that indicates the perimeter of on-site stockpiles as they existed in 1992.
40. A special condition is provided for the Board's consideration with regard to the provision of a Type D screen for outdoor storage areas that are expanded or relocated from outdoor storage areas as was configured in 1992, as indicated in the Plat of Survey revised May 25, 2001.
41. The subject property is located in the Extraterritorial Jurisdiction of the Villages of Thomasboro and Rantoul. Both have been notified of the requested Special Use.
42. Because the + 2.7 acre site is developed, a Natural Resource Report from the Soil & Water Conservation Service was not requested.
43. The site is located on the north edge of the Beaver Lake Drainage District. Commissioners have been contacted and no reply has been received to date. No drainage district tiles are present in the area of the

subject site, based on the Inventory of Illinois Drainage and Levee Districts, State of Illinois Department of Business and Economic Development, 1971.

44. The site is very flat and, from the Plat of Survey provided, appears to drain southward.
45. Based on the Plat of Survey, the 2.87 site includes: 7,200 square feet of building; 55,478 square feet of gravel and concrete surface on-site; and 1,530 square feet of adjacent paved road (½ width of County Road 2500 N), totaling approximately 64,208 square feet total impervious surface.
46. Presently, approximately 51 percent of the site is impervious.
47. The petitioner anticipates that the impervious surface will increase by a maximum of 6,600 square feet. The petitioner indicates that the increase in impervious surface area will occur only if the gravel storage pile needs to be relocated to the south.
48. Prior to relocation or expansion of gravel storage piles, a Type D screen for the relocated or expanded outdoor storage will need to be provided.
49. Section 4.3.B of the Interim Stormwater Management Plan (ISMP) indicates that a development in which the total increase in impervious surface area is less than 20% or 10,000 square feet (whichever is less) is exempt from the Stormwater Drainage Plan requirement. Twenty percent of the site area is 25,003 square feet. As noted, the potential increase in impervious area is expected to be 6,600 square feet, or less than 10,000 square feet. Therefore, the proposed development is exempt from ISMP requirement that a stormwater drainage plan be provided.
50. Pursuant to Flood Insurance Rate Map Panel No. 170894 0125B, the subject property is not located within a special hazard flood area.
51. The site is located within the Thomasboro Fire Protection District. The fire district building is located approximately two miles south of the site. The Thomasboro Fire Protection District Chief has been contacted regarding this request. No objections have been received.

**DOCUMENTS OF RECORD:**

1. Proposed New Maintenance Facility Preliminary Site Plan dated April 26, 2001
2. Plat of Survey provided by petitioner
3. Exhibit A: Screening Requirement
4. Case Maps
5. Plat of Survey revised May 25, 2001
6. Photos of site provided by staff

**Findings of Fact:**

From the documents of record and the testimony and exhibits received at the public hearing conducted on May 31, 2001, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit IS necessary for the public convenience at this location because it will for the improvement of and the addition to an existing township storage facility that houses the township road equipment. It is centrally located within one mile of the center of Rantoul Township. Section 605 ILC 5/6-209.9 includes a provision that a township road district may take possession of and keep under shelter, when not in use, all machinery, equipment and other property belonging to the district wherever the same may be found and not allow the same to go to waste.
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 be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public health, safety, and welfare because it is just the expansion of an existing facility which has been in place since 1973.
- 3a. The requested Special Use Permit, subject to the special conditions imposed herein, DOES 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 preserve the essential character of the DISTRICT in which it is located because the new construction will resemble the storage buildings that occupy the surrounding natural areas. The new building proposed will not be much different than the existing building in appearance. The footprint of the outside storage will not be changed.
4. The requested Special Use Permit, subject to the special conditions imposed herein IS in harmony with the general intent and purpose of the Zoning Ordinance because the township needs to shelter and preserve its equipment. It needs an expanded facility.
5. The requested Special Use IS NOT an existing nonconforming use.
6. The special conditions imposed herein are required to ensure compliance with the criteria for Special Use Permits and for the particular purposes described below:
  1. Exterior lighting shall not produce glare onto adjacent properties or roadways. *To ensure that no distraction due to glare occurs to area neighbors and motorists.*
  2. A Type D screen shall be provided in accordance with the Zoning Ordinance to screen outdoor storage areas that are expanded or relocated from the stockpile or equipment and supply storage areas as indicated on the Plat of Survey for the subject property as revised May 25, 2001 by Moore Surveying & Mapping. *To ensure that a site nonconformity is not increased.*

**Determination**

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.11.B HAVE 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 Permit requested in Case 290-S-01 should be GRANTED to the petitioner, Rantoul Township Road District, to permit the construction and use of a contractors facility in the AG-1, Agriculture Zoning District on the lot described in the petition in the manner described herein, subject to the following conditions:

1. Exterior lighting shall not produce glare onto adjacent properties or roadways.
2. A Type D screen shall be provided in accordance with the Zoning Ordinance to screen outdoor storage areas that are expanded or relocated from the stockpile or equipment and supply storage areas as indicated on the Plat of Survey for the subject property as revised May 25, 2001 by Moore Surveying & Mapping.

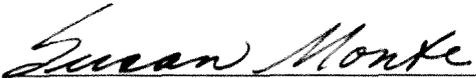
The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:



Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

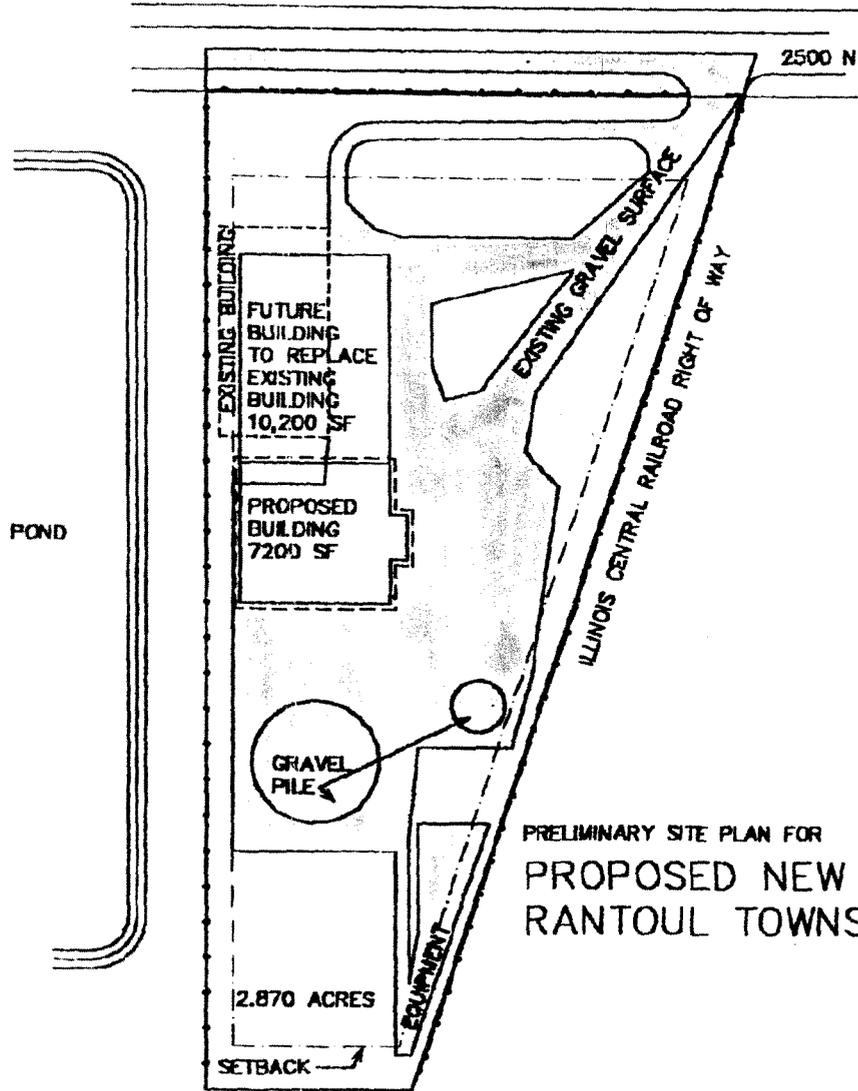


Secretary to the Zoning Board of Appeals

5-31-2001

Date

Proposed New Maintenance Facility Preliminary Site Plan dated April 26, 2001



PRELIMINARY SITE PLAN FOR  
PROPOSED NEW MAINTENANCE FACILITY  
RANTOUL TOWNSHIP ROAD DISTRICT

Champaign County  
Planning & Zoning Department  
Approved Site Plan  
Case # 290-5-01  
Date: 5-31-2001

WILLIAM J. GILLESPIE, ARCHITECT  
OGDEN, ILLINOIS 4/28/01

*Champaign County, Illinois*  
*Zoning Ordinance*

**SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES - CONTINUED**

Principal Uses	Zoning District															
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2	
<b>Public and Quasi-Public Facilities</b>																
Township Highway Maintenance Garage	<u>S</u>	<u>17</u>	<u>17</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>		<u>17</u>	<u>17</u>					
		<u>S</u>	<u>S</u>							<u>S</u>	<u>S</u>					

Footnotes:

17. Township Highway Maintenance Garage is authorized by-right only if:
- A. the use is located outside the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality that has adopted a comprehensive plan; and
  - B. the use is not located within 150 feet of an existing dwelling conforming to use or Residential Zoning District; and
  - C. the use complies with all standard conditions that apply to all Special Use Permits (See Section 6.1.2).

*PRELIMINARY DRAFT*

596-AT-07

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

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

Date: January 17, 2008

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

- A. Add as a standard condition for any Special Use Permit that all exterior lighting must be full cutoff type lighting fixtures with limited output and other relevant restrictions, when located within 1,000 feet of either an R Zoning District or a dwelling that conforms to use.
  - B. Add the use "Township Highway Maintenance Garage" to Section 5.2 Table of Authorized Uses and authorize as follows:
    1. Authorize by-right in the B-1, B-4, B-5, I-1, and I-2 Zoning Districts.
    2. Authorize by-right in the AG-1, AG-2, B-2, and B-3 Zoning Districts only if (a) the use is not located within 150 feet of an existing dwelling; and (b) only if located outside the one and one-half-mile extraterritorial jurisdiction of a municipality that has adopted a comprehensive plan; and (c) the use complies with other standard conditions that may apply to all Special Use Permits; and otherwise authorize only as a Special Use Permit.
    3. Authorize only by Special Use Permit in the CR and all R Zoning Districts.
- 

**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 17, 2008**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.

**PRELIMINARY DRAFT**

2. The need for the amendment came about as follows:
  - A. Regarding Part A, the Zoning Ordinance contains no lighting standards and the Zoning Board of Appeals (ZBA) regularly requires as a condition for nearly any Special Use Permit (SUP) that the exterior lighting not create glare on adjacent properties or the roadway. The ZBA has recently asked if the Ordinance could be amended to include standards for exterior lighting.
  - B. Two townships will be building highway maintenance garages in the coming year in the AG-1 and AG-2 Zoning Districts and both garages require a Special Use Permit. A Special Use Permit requires a public hearing at the Zoning Board of Appeals. Compared to a “by right” use which only requires a Zoning Use Permit, the need for a Special Use Permit necessarily results in a delay to the applicant of at least one month or more depending upon how many zoning cases are docketed at the ZBA.
  - C. On November 17, 2007, ELUC directed staff to prepare a text amendment to establish standards for exterior lighting for Special Use Permits (SUP’s) and to change the type of zoning approval required for township highway maintenance garages.

**GENERALLY REGARDING THE EXISTING ZONING REGULATIONS**

3. Existing Zoning regulations regarding the separate parts of the proposed amendment are as follows:
  - A. Regarding Part A of the proposed amendment, the *Zoning Ordinance* has no provisions or requirements for exterior lighting.
  - B. Regarding Part B of the proposed amendment, “Township Highway Maintenance Garage” is not currently a specific use in Section 5.2 Table of Authorized Uses. Of the last three highway maintenance garages approved by the ZBA two were authorized as “Contractor’s Facilities” and one was authorized as a detached storage building and township hall facility
  - C. The following definitions from the *Zoning Ordinance* are especially relevant to this amendment (capitalized words are defined in the Ordinance):
    - (1) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
    - (2) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein. A PLANNED UNIT DEVELOPMENT shall be considered a SPECIAL USE.

**SUMMARY OF THE PROPOSED AMENDMENT**

4. The proposed amendment establishes standards for exterior lighting for Special Use Permits (SUP’s) and changes the type of zoning approval required for township highway maintenance garages:
  - A. Add the following as new paragraph D in Subsection 6.1.1 Standards and Requirements:
    - (1) Any Special Use Permit with exterior lighting within 1,000 feet of a residential zoning district or within 1,000 feet of a residence that conforms to use 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. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
- (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
- (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
- (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
- (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.

B. Amend Section 5.2 Table of Authorized Principal Uses, as follows:

- (1) Add "Township Highway Maintenance Garage" as a new use in the table on the row below "Municipal or GOVERNMENT BUILDING" and indicate that in the CR District and all R Districts the use shall be authorized by Special Use Permit only; in the B-1, B-4, B-5, and all I Districts the use shall be by-right; and in the AG-1, AG-2, B-2, and B-3 Districts the use shall be authorized as Special Use Permit or by-right with reference to Footnote 17.

- (2) Add new Footnote 17, as follows:

Township Highway Maintenance Garage is authorized by-right only if:

- (a) the use is not located within 150 feet of an existing dwelling;
- (b) the use is located outside the one and one-half-mile extraterritorial jurisdiction of a municipality that has adopted a comprehensive plan; and
- (c) the use complies with all standard conditions that apply to all Special Use Permits (See Section 6.1.2).

**GENERALLY REGARDING RELEVANT LAND USE GOALS AND POLICIES**

- 5. The *Land Use Goals and Policies* (LUGP) were adopted on November 29, 1977, and were the only guidance for amendments to the *Champaign County Zoning Ordinance* until the *Land Use Regulatory Policies- Rural Districts* were adopted on November 20, 2001, as part of the Rural Districts Phase of the

Item 5, continued

Comprehensive Zoning Review (CZR) and subsequently revised on September 22, 2005. The relationship of the Land Use Goals and Policies to the Land Use Regulatory Policies is as follows:

- A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
- B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.

6. Regarding the General Land Use Goals and Policies:

- A. The first, third, and fourth General Land Use Goals appear to be relevant to the proposed amendment, as follows:

- (1) The first General Land Use Goal is:

Promotion and protection of the health, safety, economy, convenience, appearance, and general welfare of the County by guiding the overall environmental development of the County through the continuous comprehensive planning process.

- (a) Part A of the proposed amendment appears to *ACHIEVE* this goal because the amendment will prevent exterior lighting from Special Use Permits from causing significant glare on nearby residences and adjacent roadways.
- (b) Part B of the proposed amendment appears to *ACHIEVE* this goal because it provides specific requirements for a necessary rural use and provides a means to allow those uses without a public hearing. It also supports the comprehensive planning process by requiring a Special Use Permit when located within the one and one-half mile extraterritorial jurisdiction of a municipality that has adopted a comprehensive plan.

- (2) The third General Land Use Goal is:

Land uses appropriately located in terms of utilities, public facilities, site characteristics, and public services.

- (a) Part A of the proposed amendment appears to *ACHIEVE* this goal because it will reduce the incompatibilities that may arise between Special Use Permits that require exterior lighting and nearby residences.
- (b) Part B of the proposed amendment appears to *ACHIEVE* this goal because it provides conditions to ensure a Township Highway Maintenance Garage is appropriately located or requires a Special Use Permit.

- (3) The fourth General Land Use Goal is:

Arrangement of land use patterns designed to promote mutual compatibility.

- (a) Part A of the proposed amendment appears to *ACHIEVE* this goal because it will limit light trespass and glare which will increase compatibility between Special Use Permits and nearby residences and roadways. *{FURTHER STAFF NARRATIVE TO BE ADDED}*
- (b) Part B of the proposed amendment appears to *ACHIEVE* this goal because it requires a Township Highway Maintenance Garage to be approved by Special Use Permit unless it is located away from properties that it would be incompatible with. *{FURTHER STAFF NARRATIVE TO BE ADDED}*

B. None of the General Land Use Policies appear to be relevant to the proposed amendment.

7. The Land Use Goals and Policies for Commercial Land Uses appear to be relevant because township highway maintenance garages are similar to commercial uses such as contractor's facilities. The Land Use Goals and Policies for Commercial Land Uses are as follows:

A. There are four Commercial Land Use Goals: the first, second, and third goals appear to be relevant to Part B of the proposed amendment, as follows:

- (1) The first Commercial Land Use Goal is:

Provision of a sufficient amount of land designated or various types of commercial land use to serve the needs of the residents of the County.

Part B of the proposed amendment appears to *ACHIEVE* this goal because this amendment will specifically authorize a use that serves the community and allow these uses by-right where appropriate.

- (2) The second Commercial Land Use Goal is:

Location of commercial uses within ready accessibility to sewer, water and other utilities as well as adequate streets and highways. Adequate public transit will also be considered.

Part B of the proposed amendment appears to *ACHIEVE* this goal because:

- (a) These types of facilities have no extraordinary requirements for utilities.
- (b) In most situations where there is a question of whether the local streets are adequate for the proposed use a Special Use Permit is required.
- (c) These facilities are intended to serve the rural area, and therefore do not require access to public transit.

**PRELIMINARY DRAFT**

- (3) The third Commercial Land Use Goal is:

Commercial areas designed to promote compatibility within non-commercial uses and at the same time provide ease of access.

Part B of the proposed amendment appears to **ACHIEVE** this goal because it requires a Township Highway Maintenance Garage to be approved by Special Use Permit unless it is located away from properties that it would be incompatible with.

- B. There are seven Commercial Land Use Policies, as follows:

- (1) The first commercial land use policy is:

The County Board will encourage only those new commercial developments which are found to be needed to serve the demands of the residents of Champaign County and its trade area.

Part B of the proposed amendment **CONFORMS** to this policy because

- (2) The second commercial land use policy is:

The County Board will establish, by amendment to the Zoning Ordinance or other means, a process for reviewing petitions for new commercial land to include a determination of the need for new commercial development based on market demand.

This policy does not appear to be relevant to this proposed amendment.

- (3) The third commercial land use policy is:

The Environment and Land Use Committee will examine the Zoning Ordinance to institute more flexible commercial development controls such as planned unit development and transfer of development rights in order to provide a wider variety of commercial development techniques and better compatibility with non-commercial uses.

Part B of the proposed amendment **CONFORMS** to this policy because it will create a conditional by-right use, which will provide most townships with the ability to construct a Township Highway Maintenance Garage without a public hearing.

- (4) The fourth commercial land use policy is:

The County Board will not encourage major new commercial development except in those areas where sewer, water, adequate fire protection and other utilities are readily available.

Part B of the proposed amendment **CONFORMS** to this policy because a Township Highway Maintenance Garage is only similar to certain commercial developments, but, in general, will not generate the same kind of impacts as major commercial development.

- (5) The fifth commercial land use policy is:

The County Board will not encourage major new commercial developments except in those areas which can be adequately served by public mass transit.

Part B of the proposed amendment **CONFORMS** to this policy because Township Highway Maintenance Garages do not require public mass transit access and are therefore, adequately served in the rural area.

- (6) The sixth commercial land use policy is:

The County Board will strongly discourage proposals for new commercial development not making adequate provisions for drainage and other site considerations.

Part B of the proposed amendment **CONFORMS** to this policy because Township Highway Maintenance Garages will be required to conform to all requirements of the Champaign County Stormwater Management Policy, as are all uses authorized by the Zoning Ordinance.

- (7) The seventh commercial land use policy is:

The County Board will strongly discourage proposals for new commercial development along arterial streets and highways if the proposals contribute to the establishment or maintenance of a strip commercial pattern. As an alternative, concentrated or nodal patterns of development may be considered when there is adequate provision for safe, controlled access to the arterial streets and highways.

This policy does not appear to be relevant to the proposed amendment.

**DOCUMENTS OF RECORD**

1. Preliminary Memorandum dated January 11, 2008 with attachments:
  - A ELUC Memorandum seeking guidance in regard to exterior lighting standards for SUP's
  - B ELUC Memorandum seeking guidance in regard to requirements for township highway maintenance garages dated November 7, 2007
  - C ELUC Memorandum seeking guidance in regard to requirements for township highway maintenance garages dated November 7, 2007 (actually handed out on November 13, 2007)
  - D Excerpt of the Draft ELUC Minutes of November 13, 2007
  - E Approved Summary of Evidence, Findings of Fact, and Final Determination for Case 163-S-98
  - F Approved Site Plan for Case 163-S-98
  - G Approved Summary of Evidence, Findings of Fact, and Final Determination for Case 181-S-99
  - H Approved Site Plan for Case 181-S-99, received on April 22, 1999
  - I Approved Summary of Evidence, Findings of Fact, and Final Determination for Case 290-S-01
  - J Approved Site Plan for Case 290-S-01
  - K Excerpt of Amended Section 5.2 Table of Authorized Principal Uses
  - L Draft Finding of Fact for Case 596-AT-07

**FINAL DETERMINATION**

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in Case 596-AT-07 should *{BE ENACTED/NOT BE ENACTED}* by the County Board in the form attached hitherto.

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

SIGNED:

Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date