

CASE NO. 822-S-15
SUPPLEMENTAL MEMORANDUM #5
July 20, 2016

Petitioner: Nick Brian, d.b.a. Greenside Lawn Care

Request: Authorize a Special Use Permit for a Contractor's Facility (with or without outdoor storage and/or outdoor operations) and an office that contains a dwelling unit that is not used as a dwelling in addition to an existing single family dwelling in the AG-1 Agriculture Zoning District.

Location: A tract of land comprised of Lot 1 of Meadow Ridge Subdivision in the Southwest Quarter of the Northwest Quarter of Section 17 of Township 20 North, Range 8 East of the Third Principal Meridian in Hensley Township and commonly known as the contractor business Greenside Lawn Care, located at 707 CR 2200 North, Champaign, Illinois.

Site Area: 11.09 acres

Time Schedule for Development: Already in use

Prepared by: Susan Chavarria
Senior Planner

John Hall
Zoning Administrator

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

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

STATUS

This case was continued from the May 26, 2016, public hearing.

Mr. Brian submitted a revised site plan, received June 6, 2016, indicating the following new elements:

- 5 employee parking spaces along the north wall of the proposed shed;
- Outdoor lighting locations on the proposed shed;
- 63 4-6 feet tall Norway spruce trees in three rows on the east side, with 10 feet of separation and the second row offset by 5 feet; and
- 22 4-6 feet tall Norway spruce trees in two rows on the south side of the proposed shed, with 10 feet of separation and the second row offset by 5 feet.

Mr. Brian submitted a letter from Central Wisconsin Evergreens, Inc., received July 18, 2016, which provides guidance on how to space the evergreens for screening.

DISCUSSION FROM MAY 26, 2016 ZBA MEETING

During the May 26, 2016, public hearing, Mr. Matt Deering, attorney for Mr. Brian, requested clarification on several of the proposed special conditions.

- **Special Condition G:** He asked whether employee vehicles must be stored inside and whether employees could work between 10 p.m. and 7 a.m. as long as they are inside the shed. Mr. Deering stated that they hope that employees who arrive prior to 7 a.m. are conscious of any additional noise and would be allowed to work inside of the shed.
- **Special Condition J:** He requested additional specificity on the door and whether it can be a gate or a heavy curtain that provides coverage but also air circulation for the salt and mulch.

- **Special Condition K:** He said that Mr. Brian is agreeable to installing a vegetative screen, but they would like some clarification as to when the vegetation had to be planted. He said that their hope is that the vegetation could be planted in the fall so that it has a better chance of survival. Mr. Hall stated that if the Board agrees with what Mr. Brian has described, he would recommend that the Board revise Special Condition K. as follows: the actual plants must be 4 to 6 feet in height at the time of planting.

Mr. Jeff Carpenter, neighbor to the east of the subject property, testified about two concerns. He said that the first concern is in regard to the requirement for the special use permit to continue to allow a commercial business in a residential subdivision, and the second concern is how the proposed new shed would raise the intensity of the business.

Ms. Crystal Bailey, neighbor to the south of the subject property, stated that their concerns have been remedied by the proposed rows of screening discussed at the May 26, 2016, meeting. Ms. Bailey stated that she and her husband are more comfortable with the screening in that it will camouflage the lawn care and snow removal operation, thus making the area more residential.

Mr. Hall stated that he wants to make sure that everyone understands that what is being approved here is a Rural Home Occupation, except for salt and ice melt storage and the fuel tanks, but in every other respect it is a Rural Home Occupation. Mr. Hall stated that the limit on the number of employees for a Rural Home Occupation is five. He said that five employees means two working onsite and an additional three employees reporting to the site for work to be done offsite. Ms. Griest stated that Mr. Brian has indicated that no more than six employees would be required. Mr. Hall clarified that the Board could approve six employees as part of the Special Use Permit. Mr. Hall stated that if Mr. Brian intends to have six employees, then the Board will need to have a special condition that will allow for six employees, unless the Board is not willing to entertain allowing six employees.

PROPOSED SPECIAL CONDITIONS TO DATE

The proposed Special Conditions are the same as presented at the May 26, 2016, public hearing with the exception of Conditions H, J and K. Changes from the last meeting are annotated with ~~strikeout~~ for deletions and underline for new information.

- A. **This Special Use Permit is for a “lawn care and snow removal” Contractor’s Facility (with outdoor storage and/or outdoor operations as noted on the site plan) and an office that contains a dwelling unit that is not used as a dwelling.**

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

To ensure as much as possible that the Special Use Permit is conducted in conformance with the testimony and evidence presented in the public hearing.

- B. **The Special Use Permit cannot be conveyed to a different owner.**

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

To ensure that the Special Use Permit only applies to the applicant Nicholas Brian who has provided the testimony and evidence presented in the public hearing.

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

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

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

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

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

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

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

The above special condition is required to ensure the following:

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

- F. **Approval of the Special Use Permit limits its operations to the existing large shed, the existing salt shed, the existing parking and vehicle maneuvering area, the proposed shed, the proposed concrete and gravel parking areas adjacent to the proposed shed, and the house.**

The above special condition is required to ensure the following:

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

- G. **With the exception of vehicles being used for late night snow removal and deicing events, all vehicles, trailers, and equipment used in the Special Use Permit must be parked indoors when onsite between the hours of 10PM and 7AM.**

The above special condition is required to ensure the following:

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

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

The above special condition is required to ensure the following:

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

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

The above special condition is required to ensure the following:

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

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

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

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

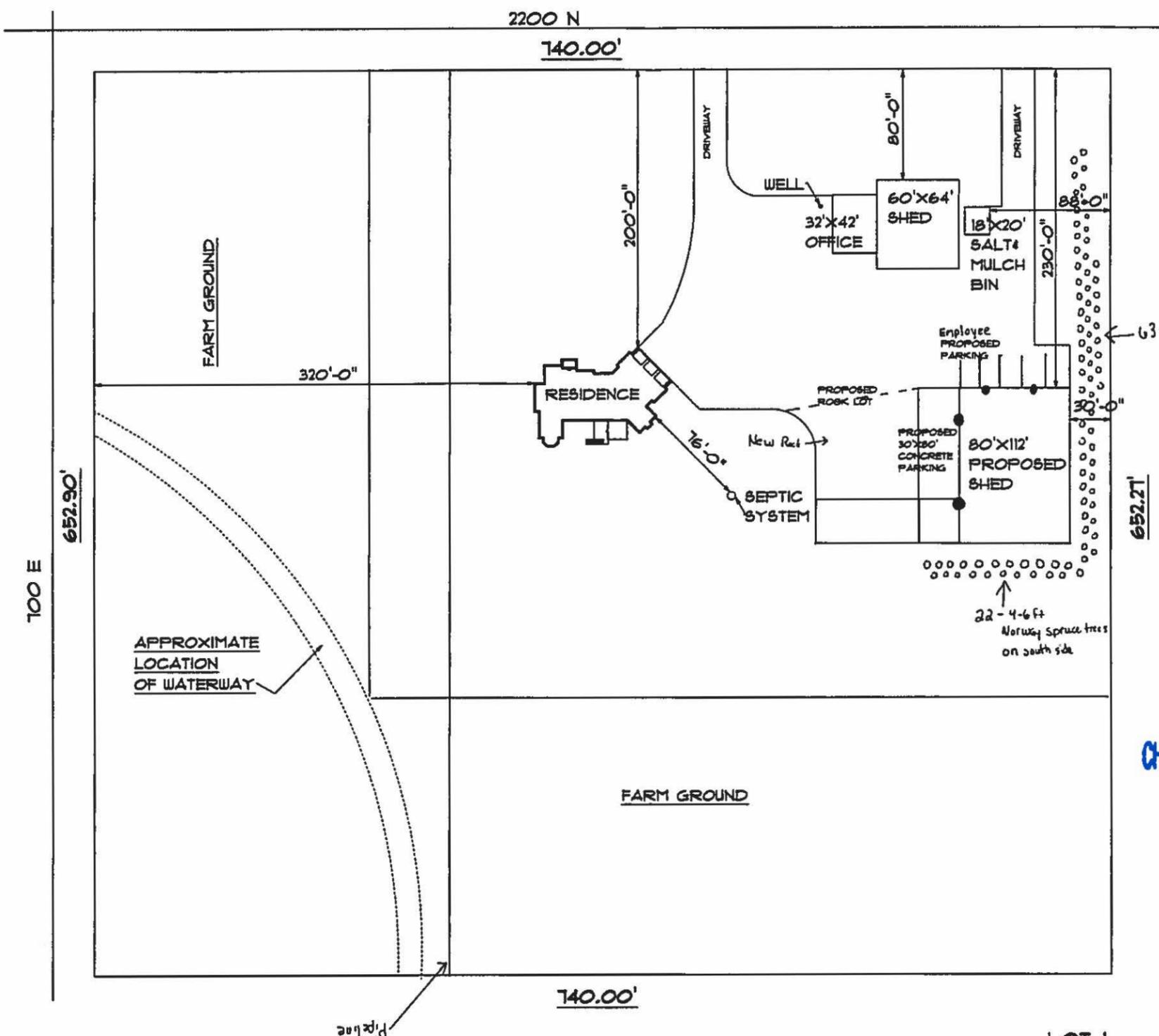
- K. **The petitioner must plant evergreen screening from the northeast property corner along the east lot line to screen the proposed shed and then westward to screen the south face of the proposed shed as indicated on the approved Site Plan. As per standard Department practice, a Norway Spruce vegetative screen must be four to six feet high at the time of planting and will be planted in staggered rows and must be planted in the fall of 2016. a vegetative screen must (1) consist of an evergreen species and (2) the actual plants must be 2/3 of desired height at time of planting and (3) the selected evergreen species must provide 50% of the required screen within 2 years and (4) if recommended spacing of a single row of the selected evergreen species will not provide 50% screen in 2 years, then screen must be planted in staggered rows.**

The above special condition is required to ensure the following:

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

ATTACHMENTS

- A Revised Site Plan received June 6, 2016
- B Letter from Central Wisconsin Evergreens, Inc. received July 18, 2016



● = Lights on proposed shed
 ○ = 4-6 ft Norway spruce
 Trees are 10 ft apart and
 Second row are offset 5 ft.

RECEIVED
 JUN 06 2016
 CHAMPAIGN CO. P & Z DEPARTMENT



LOT 1
 MEADOW RIDGE SUBDIVISION
 CHAMPAIGN COUNTY, ILL



SITE PLAN
 TOT CR 2000 N
 CHAMPAIGN COUNTY, ILL
 www.signaturehomes.ws

SCALE	DATE	BY	DATE	REVISIONS
1"=100'-0"	8/30/16	J E T		
DRAWN BY:	MEAN:	CUSTOM		
BRIAN RESIDENCE				

EXHIBIT
A
 DRAWING NUMBER
 5 OF 6



N2160 HWY 17
MERRILL, WISCONSIN 54452
FRED LATZIG, JR.
(715) 536-3800
FAX (715) 536-2611
www.centralwisconsin-evergreens.com

6/2/16

Dear Nick,

Thanks for contacting our Company about Evergreen Trees.

We plant our Trees in the Plantation 6 feet apart and the bottoms touch when they are around 10' tall.

Mature Spruce Trees have Branches that are around 8 – 10 feet long. I suggest if you plant a Screen you should space the Trees around 10 feet apart.

The Pics I sent are from my House and I have rows planted 10 feet apart and staggered rows 5' apart. The big ones were planted at 5' tall and the small ones were planted as small Transplants. The bigger ones are probably to close now that they have been there for 20 years and the small one are being choked out by the big White Pine.

Let me know if you have any further questions.

Sincerely

A handwritten signature in black ink, appearing to read "Kurt", with a long horizontal stroke extending to the right.

Kurt Helmstadter

RECEIVED

JUL 18 2016

CHAMPAIGN CO. P & Z DEPARTMENT