

CASE NO. 845-AM-16 and 846-S-16

SUPPLEMENTAL MEMORANDUM #2

OCTOBER 6, 2016

Petitioners: Kevin Modglin, Jeff Swan, and Jeff Dazey, d.b.a. Advantage Trucking, LLC

Case 845-AM-16

Request: Amend the Zoning Map to change the zoning district designation from the R-4 Multiple Family Residence Zoning District to the B-4 General Business Zoning District in order to establish and operate the proposed Special Use in related Zoning Case 846-S-16.

Case 846-S-16

Request: Part A: Authorize multiple principal uses and buildings on the same lot consisting of a Truck Terminal, Contractor's Facility with Outdoor Storage and/or Operations, and 144 Self-Storage Warehouse Units without heat and utilities to individual units, as a Special Use on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current R-4 Multiple Family Residence Zoning District in related zoning case 845-AM-16 on the subject property described below.

Part B: Authorize the following waiver to the standard conditions of the "Truck Terminal" special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 55 feet in lieu of the minimum required 200 feet between any Truck Terminal and any adjacent residential district or residential use on the subject property described below.

Part C: Authorize the following waiver to the standard conditions of the "Truck Terminal" special use as per Section 6.1.3 of the Zoning Ordinance: No wire mesh fence surrounding the Truck Terminal in lieu of the minimum required 6 feet tall wire mesh fence on the subject property described below.

Location: A 7.97-acre tract in Rantoul Township that is part of the Southwest Quarter of the Southwest Quarter of Section 15 and a part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 21 North, Range 9 East of the Third Principal Meridian in Rantoul Township and formerly known as the Cherry Orchard Apartments property with an address of 1512 CR2700N, Rantoul.

Site Area: 7.97 acres

Time Schedule for Development: 1-2 years

Prepared by: Susan Chavarria, Senior Planner

John Hall, Zoning Administrator

STATUS

ZBA members requested several pieces of information from the petitioners at the September 15, 2016 public hearing (Attachment A). Co-petitioner Kevin Modglin submitted the following new documents in response to that request:

- Revised Site Plan (focus on lighting) received September 30, 2016;

- Outdoor lighting specification sheets for 3 full cutoff models and one light pole model, received September 30, 2016;
- Revised Site Plan received October 3, 2016 (adds aggregate storage bins and proposed sign locations);
- Revised Site Plan received October 6, 2016 (moves proposed septic system and well); and
- Email received October 6, 2016 (regarding concrete crushing).

REVISED SITE PLAN RECEIVED SEPTEMBER 30, 2016

The revised Site Plan received September 30, 2016, provides more details about outdoor lighting, parking, handicap accessibility, screening, drainage, the earth berm, and yard measurements. The revisions appear to be responsive to concerns indicated before and during the September 15, 2016 ZBA hearing. The following will be added as evidence under Item 7.F. in the Case 845-AM-16 Finding of Fact and under Item 5.F. in the Case 846-S-16 Summary of Evidence:

- *F. In an email received September 30, 2016, co-petitioner Kevin Modglin submitted a revised Site Plan with the following updated information:
 - * (1) Regarding parking and handicap accessibility:
 - *a. The revised site plan shows 29 parking spaces, including 3 marked for accessibility. Accessible marking and signage details are shown, and there is a note that accessible spaces will be paved with concrete.
 - *b. Measurements are now provided for the space between the proposed storage buildings.
 - * (a) The 30 feet of space should allow for a 12 feet wide through lane and parallel parking by storage unit renters, which would be in addition to the 29 marked spaces.
 - * (b) Staff calculated that 1 space would be needed for every 3 of the 144 proposed storage units, or 48 spaces. It would be feasible to have 15 parallel spaces between the northern two storage buildings; 17 spaces between the 2 middle storage buildings; and 19 spaces between the southern 2 storage buildings, for a total of 51 unmarked spaces.
 - * (2) Regarding screening: The revised site plan shows vegetative screening on the east side of the proposed shop building, in addition to the existing trees and hedges along the east property line.
 - * (3) Regarding drainage and the proposed earth berm:
 - *a. The revised site plan shows “grade drainage swale for positive drainage” that would ultimately flow toward an existing ditch along US Route 45.
 - *b. The petitioners have extended the proposed earth berm around the northeast corner of the subject property. Mr. Modglin confirmed that the earth berm is proposed to be approximately 8 feet tall.

- *c. The revised site plan shows 75 feet between the proposed truck terminal (shop space) and the nearest lot with a dwelling; Part B of Case 846-S-16 could be revised to state 75 feet instead of the 55 feet currently indicated.
- * (4) Regarding yard requirements:
 - *a. Yard measurements on the revised plan show there is more than sufficient space between the property line and proposed buildings to exceed Zoning Ordinance requirements.
 - *b. The revised site plan shows 10 feet of separation between the property line and the proposed earth berm.

REVISED SITE PLAN RECEIVED OCTOBER 3, 2016

The revised Site Plan received October 3, 2016, includes the proposed aggregate storage bins and 3 proposed signs. The following will be added as evidence under Item 7.G. in the Case 845-AM-16 Finding of Fact and under Item 5.G. in the Case 846-S-16 Summary of Evidence:

- *G. In an email received October 3, 2016, co-petitioner Kevin Modglin submitted a revised Site Plan with the following updated information:
 - * (1) Proposed aggregate storage area with four bins, 20 feet by 30 feet each, located north of the shop space;
 - * (2) A proposed sign on the corner of CR 2700N and US45; and
 - * (3) 2 proposed signs on either side of the subject property access drive.

As proposed, the 3 signs would not be compliant with Zoning Ordinance Section 7.3.6: Table of Standards for On-premises signs in the B-1, B-2, B-3, B-4, B-5, I-1 and I-2 Districts unless a variance is approved.

- The subject property has two frontages, which would allow no more than 2 signs.
- Each sign could be no larger than 75 square feet in area (no measurements have been provided).
- The height of the signs could not exceed 20 feet if installed at the property line, but could be taller if they are set back farther.
- The signs could not be installed in the right-of-way, but could be installed in the front yard.
- The signs would have to be installed to comply with the corner lot visibility triangle and the driveway visibility triangles. As proposed, the corner sign falls within the 50 feet visibility triangle. As proposed, the two signs along the access drive sit outside the 15 feet driveway visibility triangles.

REVISED SITE PLAN RECEIVED OCTOBER 6, 2016

The revised Site Plan received October 6, 2016, shows new locations for the proposed septic system and well. The following will be added as evidence under Item 7.J. in the Case 845-AM-16 Finding of Fact and under Item 5.J. in the Case 846-S-16 Summary of Evidence:

- *J. In a second email received October 6, 2016, Mr. Modglin submitted a revised Site Plan with the following updated information:

-
- * (1) The proposed septic field has been moved northeast of the proposed north shop space rather than to the east of the southern shop space so that it is at least 55 feet from the adjacent residential lot.
 - * (2) The proposed well has been moved from the northeast corner of the north shop space to the southeast corner of the dry basin detention area.

OUTDOOR LIGHTING SPECIFICATIONS

The following information about outdoor lighting will also be added as evidence under Item 7.F. in the Case 845-AM-16 Finding of Fact and under Item 5.F. in the Case 846-S-16 Summary of Evidence:

- * (5) Regarding outdoor lighting:
 - * a. The revised site plan shows an array of lighting intensities in the proposed parking areas. Blue arrows on the sides of the buildings indicate where lighting will be installed. Blue "0.0" numbers indicate areas where lighting will not extend. Red numbers indicate more intense lighting areas.
 - * b. The lighting specifications sheets are for full cut-off models and are compliant with the Zoning Ordinance lighting requirements for Special Use Permits.

ADDITIONAL NOTES FROM THE PETITIONER

In the email received October 3, 2016, Mr. Modglin responded to questions ZBA members had at the last hearing on topics other than the site plan. The following information will be added as evidence under Item 7.H. in the Case 845-AM-16 Finding of Fact and under Item 5.H. in the Case 846-S-16 Summary of Evidence:

- * H. In an email received October 3, 2016, Mr. Modglin responded to questions ZBA members had at the September 15, 2016, hearing:
 - * (1) The concrete crusher contractor estimates that it will take 7 to 15 Working Days to finish crushing the pile on the subject property.
 - * (2) Advantage Trucking's normal business operations are 7:00 AM to 5:00 PM, Monday thru Friday. We do work some Saturdays throughout the year, depending on our work load. Saturday work is typically from Spring through Fall, but sometimes it is required during the winter months. We rarely work on Sundays, but it does happen on occasion.
 - * (3) The area where the proposed self-storage will be developed in stages will remain a grass landscape area until developed.

In an email received October 6, 2016, Mr. Modglin answered additional questions from staff. The following information will be added as evidence under Item 7.I. in the Case 845-AM-16 Finding of Fact and under Item 5.I. in the Case 846-S-16 Summary of Evidence:

- * I. In an email received October 6, 2016, Mr. Modglin stated the following:
 - * (1) The concrete crusher would be located on the north end of the property, and would work from west to east.

NEIGHBORHOOD CONCERNS

Kathryn Hatfield called on September 26, 2016, with the concern that the well the petitioners plan to dig will be directly across from their own well, which might affect their water quantity or pressure.

In response to this concern, Mr. Modglin moved the proposed well location to just southeast of the dry drainage basin, shown on the October 6, 2016 Revised Site Plan.

PROPOSED SPECIAL CONDITIONS

Special Condition D regarding outdoor lighting is no longer necessary. Staff recommends adding Special Conditions M through O:

- M. The one-time concrete crushing event will occur on the north end of the subject property and may not exceed 15 working days, during which time dust that is generated will be minimized.**

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

That negative impacts on public safety, comfort and general welfare are minimized.

- N. Within 200 feet of the nearest adjacent residential property, any vegetation other than trees and/or bushes that are used for screening must be kept no taller than 8 inches.**

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

That neighborhood concerns regarding maintenance of the special use are addressed.

- O. The Site Plan received on <DATE> is the official site plan for approval in Cases 845-AM-16 and 846-S-16.**

The above special condition is necessary to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.

ATTACHMENTS

- A Email to petitioners dated September 16, 2016 requesting information mentioned by ZBA members at the September 15, 2016 public hearing
- B Revised Site Plan received September 30, 2016
- C Email from Kevin Modglin received October 3, 2016, with attachment:
 - Revised Site Plan received October 3, 2016
- D Revised Site Plan received October 6, 2016
- E Outdoor lighting specification sheets for 3 full cutoff models and one light pole model, received September 30, 2016
- F Excerpt of draft minutes from the September 15, 2016 ZBA public hearing
- G Revised Finding of Fact for Case 845-AM-16 dated October 13, 2016
- H Revised Summary of Evidence for Case 846-S-16 dated October 13, 2016

Susan Chavarria

From: Susan Chavarria
Sent: Friday, September 16, 2016 10:11 AM
To: 'Kevin'
Subject: ZBA hearing follow up - information requested

FILE COPY

Hi Kevin,

Thank you for attending the ZBA hearing last night – we appreciate the additional information you provided that will help the board members make their decision.

This email is to summarize the list of what the ZBA members fondly call “homework” – the items they requested more information on prior to the next hearing. Ideally, we would have all the information from this list 2 weeks before the hearing so we can create the packet that will be mailed to the Board members. They have a tendency to continue cases to another hearing if they get this information last minute.

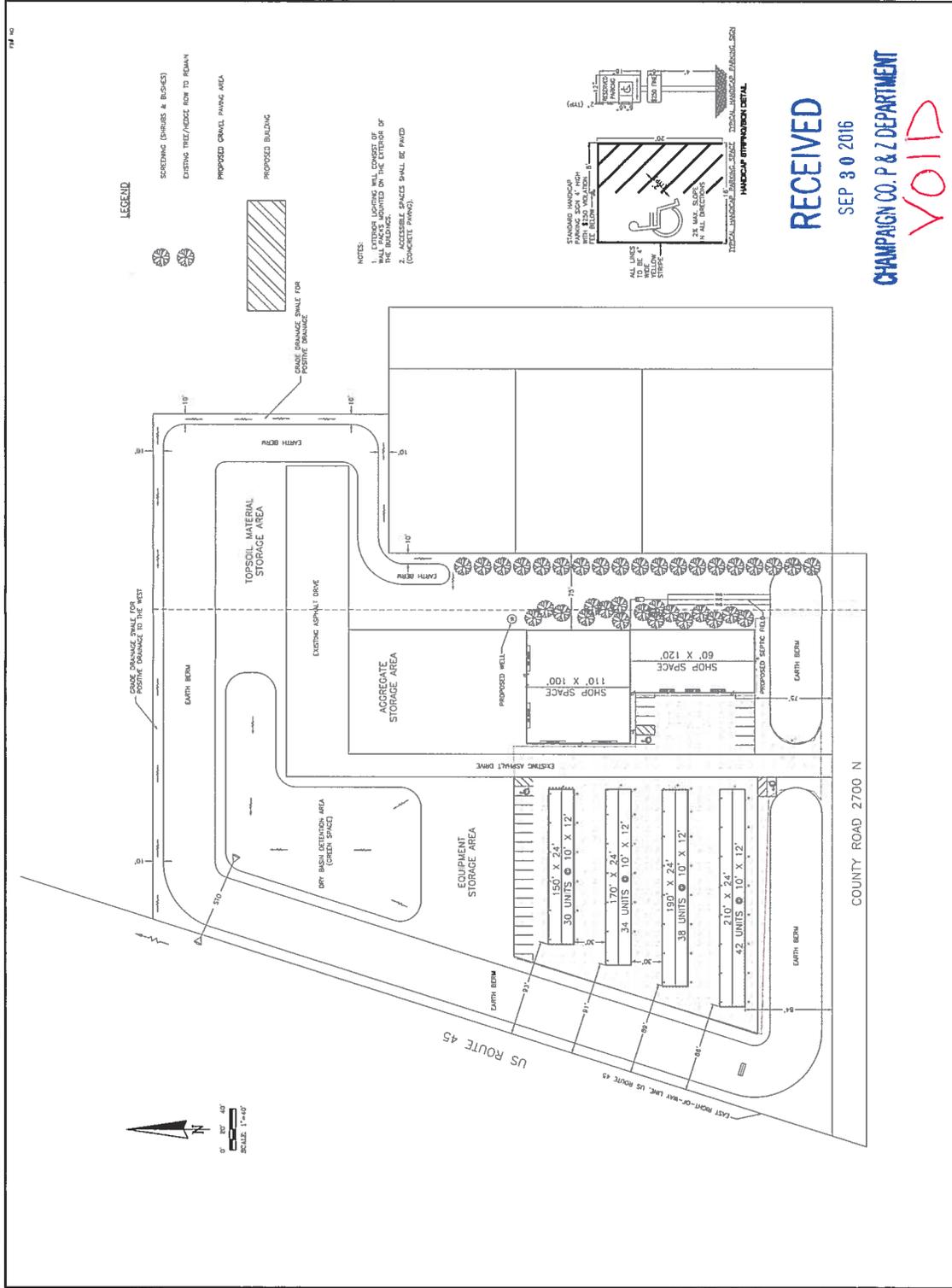
1. Provide a brochure/literature from the concrete crusher professional about how the process works, dust mitigation, etc.
2. An estimate from the crusher about how long they think it will take to finish crushing the pile you anticipate having
3. Document typical days and hours of operations, including Saturdays and what time of year those Saturdays are likely to occur
4. Updates to site plan:
 - Distances between all berms and the adjacent property line
 - Distances between buildings
 - Distances between all buildings and the adjacent property line
 - Draw in storage bin location, estimate their dimensions if possible
 - Add berm to the NE corner of the property if you are willing to build one there
 - Add parking spaces and annotate which are handicap accessible (note that all handicap accessible spaces must be paved, not just aggregate – please change from the difficult to read yellow coloring used on original site plan
 - Draw/note where employees will park
 - Note where sign(s) would likely be located in the future
 - Exterior lighting – note where they will likely be installed and provide spec sheet from the manufacturer to show they are full cut-off type
 - Note how the area that will be self-storage units might be used until full build-out of those buildings occurs
5. Any other information you think would be useful for the Board

Feel free to call with any questions or concerns. With your hearing continued to Thursday, October 13th at 7pm, I would appreciate receiving this information no later than Wednesday, September 28th.

Thanks,
Susan

Susan Chavarria, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086

NO.	DATE	DESCRIPTION
1	09/23/16	ISSUED FOR PERMITTING
2	09/23/16	ISSUED FOR PERMITTING
3	09/23/16	ISSUED FOR PERMITTING
4	09/23/16	ISSUED FOR PERMITTING
5	09/23/16	ISSUED FOR PERMITTING
6	09/23/16	ISSUED FOR PERMITTING
7	09/23/16	ISSUED FOR PERMITTING
8	09/23/16	ISSUED FOR PERMITTING
9	09/23/16	ISSUED FOR PERMITTING
10	09/23/16	ISSUED FOR PERMITTING

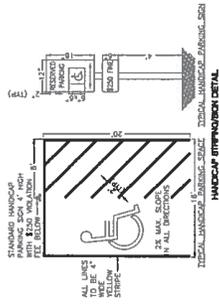


SITE LAY-OUT PLAN
ADVANTAGE TRUCKING + SELF STORAGE
1512 COUNTY ROAD 2700 N
RANTOUL, IL 61866

NO.	DATE	BY	REMARKS

DATE: 8/23/16
 SHEET 1 OF 1

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 SEP 30 2016
 CHAMPAIGN CO. P & Z DEPARTMENT
VOID



NOTES:
 1. ALL EXTERIOR LIGHTING WILL CONSIST OF 150 WATT LED LIGHTS ON THE EXTERIOR OF THE BUILDING.
 2. ACCESSIBLE SPACES SHALL BE PAVED (CONCRETE/PAVING).

- LEGEND**
- SCENERIC TREES & BUSHES
 - EXISTING TREE/WEDGE ROW TO REMAIN
 - PROPOSED GRAVEL PAVING AREA
 - PROPOSED BUILDING
 - GRADE DRAINAGE SWALE FOR POSITIVE DRAINAGE

Susan Chavarria

From: Kevin <kevin@midilconcrete.com>
Sent: Monday, October 03, 2016 1:23 PM
To: Susan Chavarria
Subject: RE: ZBA hearing follow up - information requested
Attachments: S__ACAD_Cherry Orchard_Cherry Orchard Site Lay-out PZB 5-26-16 Model (1).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Susan,

Please find a revised site plan attached. If there is anything on here difficult to see or read, please let me know and I can try to improve it. I should have the information from the crushing contractor later this afternoon. See below for remarks to other information requested. Please let me know if you have any questions or concerns.

Thank you,

Kevin Modglin, P.E.
President



www.midilconcrete.com

PO Box 926

Champaign, IL 61824

Phone: 217.366.3444

Fax: 217.965.1601

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OCT 03 2016

CHAMPAIGN CO. P & Z DEPARTMENT

From: Susan Chavarria [<mailto:schavarr@co.champaign.il.us>]
Sent: Friday, September 16, 2016 10:11 AM
To: Kevin <kevin@midilconcrete.com>
Subject: ZBA hearing follow up - information requested

Hi Kevin,

Thank you for attending the ZBA hearing last night – we appreciate the additional information you provided that will help the board members make their decision.

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1. Provide a brochure/literature from the concrete crusher professional about how the process works, dust mitigation, etc. – I should have this later today
2. An estimate from the crusher about how long they think it will take to finish crushing the pile you anticipate having – 7 to 15 Working Days

3. Document typical days and hours of operations, including Saturdays and what time of year those Saturdays are likely to occur - Advantage Trucking's normal business operations are 7:00 AM to 5:00 PM, Monday thru Friday. We do work some Saturdays throughout the year, depending on our work load. Saturday work is typically from Spring thru Fall, but sometimes it is required during the winter months. We rarely work on Sundays, but it does happen on occasion.
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 - Note where sign(s) would likely be located in the future – noted on site plan
 - Exterior lighting – note where they will likely be installed and provide spec sheet from the manufacturer to show they are full cut-off type – Please see site lighting plan with equipment spec sheets previously submitted
 - Note how the area that will be self-storage units might be used until full build-out of those buildings occurs – noted on site plan (will remain grass landscape area until developed)
5. Any other information you think would be useful for the Board

Feel free to call with any questions or concerns. With your hearing continued to Thursday, October 13th at 7pm, I would appreciate receiving this information no later than Wednesday, September 28th.

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Catalog Number
Notes
Type

FEATURES & SPECIFICATIONS

INTENDED USE

Provides years of maintenance-free general illumination for outdoor use in commercial applications such as retail, education, multi-unit housing and storage. Ideal for lighting building facades, parking areas, walkways, garages, loading areas and any other outdoor space requiring reliable safety and security.

CONSTRUCTION

Sturdy weather-resistant aluminum housing with a bronze finish, standard unless otherwise noted. A clear polycarbonate lens protects the optics from moisture, dirt and other contaminants.

OPTICS

8 high performance LEDs are powered by a multi-volt (120V-277V) LED driver that uses 18 input watts and provides 1,490 delivered lumens. 100,000 hour LED lifespan based on IESNA LM-80-08 results and calculated per IESNA TM-21-11 methodology.

ELECTRICAL

Rated for outdoor installations, -40°C minimum ambient.

Adjustable Dusk-to-dawn, multi-volt photocell standard automatically turns light on at dusk and off at dawn for convenience and energy savings.

Photocell can be disabled by rotating the photocell cover.

6KV

Surface or recessed mount. A universal junction box is included standard.

All mounting hardware included.

LISTINGS

UL Certified to US and Canadian safety standards. Wet location listed for mounting higher than 4 feet off the ground.

Tested in accordance with IESNA LM-79 and LM-80 standards.

WARRANTY

5-year limited warranty. Complete warranty terms located at www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx

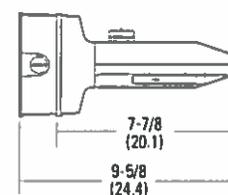
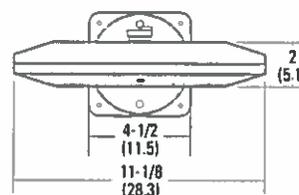
Actual performance may differ as a result of end-user environment and application.

Note: Specifications subject to change without notice.

Outdoor General Purpose

OLW14

LED WALL PACK



All dimensions are in inches (centimeters) unless otherwise indicated.

ORDERING INFORMATION

For shortest lead times, configure product using **bolded options**.

Example: OLW14

Series	Color temperature (CCT) ¹	Voltage	Control	Finish
OLW14 1400 lumen LED wall pack	(blank) 5000K ¹	(blank) MVOLT (120V-277V)	(blank) MVOLT photocell included	(blank) Bronze WH White

Accessories: Order as separate catalog number.	
FCOS M24	Full cutoff shield
FCOS WH M24	Full cutoff shield, white

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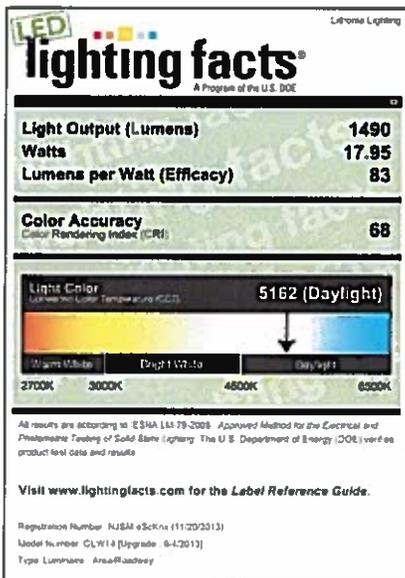
Notes

¹ Correlated Color Temperature (CCT) shown is nominal per ANSI C78.377-2008.

OLW14 LED Wall Pack

PHOTOMETRIC DIAGRAMS

Full photometric data report available within 2 weeks from request. Consult factory. Tested in accordance with IESNA LM-79 and LM-80 standards.



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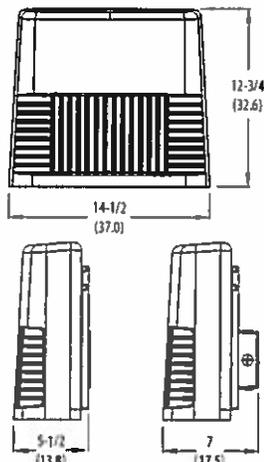
CHAMPAIGN CO. P & Z DEPARTMENT



OLW14



OLWX2 LED LED Wall Luminaire



Flush or backbox mount

Catalog Number _____

Notes _____

Type _____

Specifications

- Width:** 14-1/2" (37.0 cm)
- Height:** 12-3/4" (32.6 cm)
- Depth:** 5-1/2" (13.8 cm)
- Weight:** 15.4 lbs (6.9 kg)

Introduction

As versatile as it is efficient, the OLWX2 is designed to replace up to 400W metal halide while saving over 81% in energy costs. It combines multiple mounting options with the latest generation of LEDs for a wall pack luminaire which is a whole lot more. Whether you are mounting it to a recessed junction box, conduit/through wiring, as an uplight, as a downlight, or as a floodlight – the OLWX2 has you covered.

Ordering Information

EXAMPLE: OLWX2 LED 150W 50K DDB

OLWX2 LED		Performance Package		Color Temperature		Voltage		Controls		Finish	
Series											
OLWX2 LED	90W	90 watts	40K	4000 K ¹	(blank)	MVOLT ²	(blank)	None	DDB	Dark bronze	
	150W	150 watts		50K		5000 K		120			
						347		347V			

Accessories

Ordered and shipped separately

- OLWX2TS Slipfitter – size 2
- OLWX2YK Yoke – size 2

NOTES

- 1 Not available with 347V option.
- 2 MVOLT driver operates on any line voltage from 120-277V (50/60Hz).
- 3 Specify 120 when ordering with photocell (PE option).

FEATURES & SPECIFICATIONS

INTENDED USE

The versatile design of the OLWX2 LED combines a sleek, low-profile wall pack and high-output LEDs to provide an energy efficient, low maintenance LED wall pack suitable for replacing up to 400W metal halide luminaires. Available floodlight mounting accessories convert the OLWX2 LED into a highly efficient floodlight.

OLWX2 LED is ideal for outdoor applications such as building perimeters, loading areas, driveways and sign and building floodlighting.

CONSTRUCTION

Rugged cast-aluminum housing with dark bronze polyester powder paint for lasting durability. Integral heat sinks optimize thermal management through conductive and convective cooling. LED's are protected behind a glass lens. Housing is sealed against moisture and environmental contaminants (IP65).

OPTICS

High-performance LEDs behind clear glass for maximum light output. Light engines are available in nominal 4000 K and 5000 K configurations. See Lighting Facts label and photometry reports for specific fixture performance.

ELECTRICAL

Light engine consists of four high-efficiency Chip On Board (COB) LED's with integrated circuit boards mounted directly to housing to maximize heat dissipation and promote long life (L76/100,000 hours at 25°C). Electronic driver has a power factor of >90% and THD <20% and a minimum 2.5kV surge rating. Floodlight mounting accessories include an additional 6kV surge protection device.

INSTALLATION

Easily mounts to recessed junction boxes with included wall mount bracket, or for surface mounting and conduit entry with included junction box that has four 1/2" threaded conduit entry hubs. Floodlight mounting accessories (sold separately) include integral slipfitter and yoke mounting options. Each flood mount accessory comes with a top visor and vandal guard. Luminaire may be wall or ground mounted in downward or upward orientation.

LISTINGS

UL Listed to U.S. and Canadian safety standards for wet locations. Rated for -40° C minimum ambient. Tested in accordance with IESNA LM-79 and LM-80 standards.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlighting.org to confirm which versions are qualified.

WARRANTY

Five-year limited warranty. Full warranty terms located at www.acuitybrands.com/CustomerResources/Terms_and_conditions.asp

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

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SEP 30 2016



Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts.

Fixture Model Number	CCT	System Watts	Lumens	LPW	B	U	G	CR1
OLWX2 LED 90W 40K	4000 K	88W	7,325	83	3	0	1	>70
OLWX2 LED 90W 50K	5000 K	88W	7,126	81	3	0	1	>70
OLWX2 LED 150W 40K	4000 K	146W	13,501	92	3	0	1	>70
OLWX2 LED 150W 50K	5000 K	148W	12,769	86	3	0	1	>70

Electrical Load

Fixture Model Number	Rated Power (watts)	Current (A)				
		120V	208V	240V	277V	347V
OLWX2 LED 90W	88W	0.78	0.45	0.40	0.35	0.28
OLWX2 LED 150W	146W	1.30	0.75	0.65	0.57	0.46

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

	0°C	10°C	20°C	25°C	30°C	40°C
90W	1.06	1.04	1.01	1.00	0.99	0.97
150W	1.06	1.04	1.01	1.00	0.99	0.96

Projected LED Lumen Maintenance

Data references the extrapolated performance projections in a 25°C ambient, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

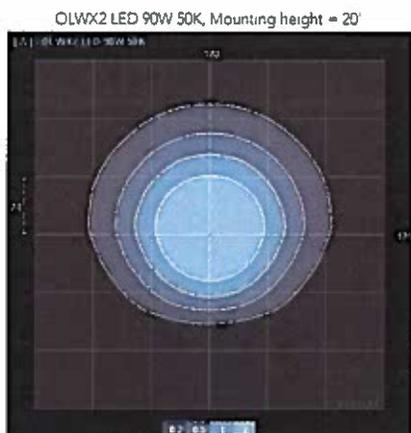
Operating Hours	0	25,000	50,000	100,000
OLWX2 LED 90W	1.00	0.95	0.91	0.85
OLWX2 LED 150W	1.00	0.93	0.87	0.76

Photometric Diagrams

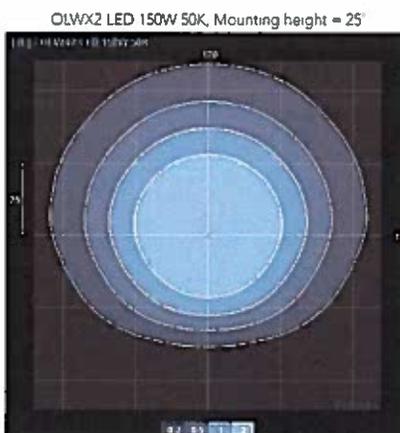
To see complete photometric reports or download .ies files for this product, visit the Lithonia Lighting OLWX2 LED homepage. Tested in accordance with IESNA LM-79 and LM-80 standards

LEGEND

- 0.2 fc
- 0.5 fc
- 1.0 fc
- 2.0 fc



Test No. L011503901 tested in accordance with IESNA LM-79-08



Test No. L011503902 tested in accordance with IESNA LM-79-08

Accessories



OLWX2TS
Slipfitter - size 2



OLWX2YK
Yoke - size 2

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Lighting Facts Labels

OLWX2 LED 90W 40K XXX XX

Lighting facts
A Program of the U.S. DOE

Light Output (Lumens)	7325
Watts	88.18
Lumens per Watt (Efficacy)	83.08

Color Accuracy
Color Rendering Index (CRI) **78**

Light Color
Correlated Color Temperature (CCT): **4050 (Bright White)**

2700K 3000K 4500K 6500K

All results are according to IESNA LM-79-2008, Approved Method for the Electrical and Photometric Testing of Solid-State Lighting. The U.S. Department of Energy (DOE) verifies product test data and results.

Visit www.lightingfacts.com for the Label Reference Guide.

Registration Number: NJSM-V30A0G (1/22/2015)
Model Number: OLWX2 LED 90W 40K
Type: Luminaire - Other

OLWX2 LED 90W 50K XXX XX

Lighting facts
A Program of the U.S. DOE

Light Output (Lumens)	7126
Watts	88
Lumens per Watt (Efficacy)	80.98

Color Accuracy
Color Rendering Index (CRI) **80**

Light Color
Correlated Color Temperature (CCT): **5000 (Daylight)**

2700K 3000K 4500K 6500K

All results are according to IESNA LM-79-2008, Approved Method for the Electrical and Photometric Testing of Solid-State Lighting. The U.S. Department of Energy (DOE) verifies product test data and results.

Visit www.lightingfacts.com for the Label Reference Guide.

Registration Number: NJSM-CU30CK (3/2/2015)
Model Number: OLWX2 LED 90W 50K DDB
Type: Luminaire - Area Roadway

OLWX2 LED 150W 40K XXX XX

Lighting facts
A Program of the U.S. DOE

Light Output (Lumens)	13501
Watts	146.02
Lumens per Watt (Efficacy)	92.46

Color Accuracy
Color Rendering Index (CRI) **70**

Light Color
Correlated Color Temperature (CCT): **4111 (Bright White)**

2700K 3000K 4500K 6500K

All results are according to IESNA LM-79-2008, Approved Method for the Electrical and Photometric Testing of Solid-State Lighting. The U.S. Department of Energy (DOE) verifies product test data and results.

Visit www.lightingfacts.com for the Label Reference Guide.

Registration Number: NJSM-OSKQ7F (1/22/2015)
Model Number: OLWX2 LED 150W 40K
Type: Luminaire - Other

OLWX2 LED 150W 50K XXX XX

Lighting facts
A Program of the U.S. DOE

Light Output (Lumens)	12769
Watts	148
Lumens per Watt (Efficacy)	86.28

Color Accuracy
Color Rendering Index (CRI) **70**

Light Color
Correlated Color Temperature (CCT): **5260 (Daylight)**

2700K 3000K 4500K 6500K

All results are according to IESNA LM-79-2008, Approved Method for the Electrical and Photometric Testing of Solid-State Lighting. The U.S. Department of Energy (DOE) verifies product test data and results.

Visit www.lightingfacts.com for the Label Reference Guide.

Registration Number: NJSM-ODCC8E (1/22/2015)
Model Number: OLWX2 LED 150W 50K
Type: Luminaire - Other

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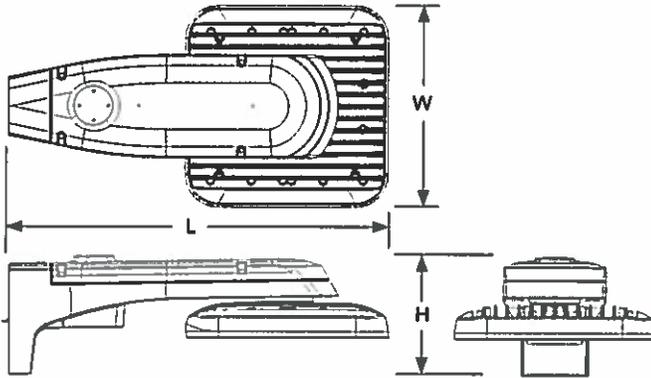


KAX LED Size 1 LED Area Luminaire



Specifications

EPA: 0.7 ft²
(0.07 m²)
Length: 25"
(64 cm)
Width: 13-1/4"
(34 cm)
Height: 7-3/4"
(20 cm)
Weight (max): 26 lbs
(11.8 kg)



Catalog Number
Notes
Type

Hit the tab key or mouse over the page to see all interactive elements.

Introduction

This feature-rich luminaire embodies the highest level of functionality, and with field-rotatable optics and optional tilt, light can be placed exactly where it's needed. The optics are specifically designed to maximize the light in the desired area and are particularly useful in small to medium sized parking lots or lots requiring higher illuminance levels such as restaurants, banks, service stations, corporate offices and strip malls. By providing the maximum amount of light at minimal cost, the KAX1 is the perfect choice for new installations or retrofit installations replacing up to 400W MH.

Ordering Information

EXAMPLE: KAX1 LED P4 40K R3 MVOLT SPA DDBXD

KAX1 LED						
Series	Performance package	Color temperature		Distribution	Voltage	Mounting
KAX1 LED	P1	30K	3000 K	R3 Type 3	MVOLT ¹	Shipped included SPA Square pole mounting RPA Round pole mounting Shipped separately KMA Mast arm adaptor ²
	P2	40K	4000 K	R4 Type 4	120 ¹	
	P3	50K	5000 K	R5 Type 5	208 ¹	
	P4				240 ¹	
					277 ¹	
					347	
					480	

Control options	Other options	Finish (required)
Shipped installed PER NEMA twist-lock receptacle only (no controls) ^{1,4} PER5 Five-wire receptacle only (no controls) ^{4,5} PER7 Seven-wire receptacle only (no controls) ^{4,5} PIR Bi-level, motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 5fc ⁶ PIRH Bi-level, motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 5fc ⁶ PIR1FC3V Bi-level, motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 1fc ⁶ PIRH1FC3V Bi-level, motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 1fc ⁶ FAO Field adjustable output ¹	Shipped installed HS House-side shield ⁸ SF Single fuse (120, 277, 347V) ⁹ DF Double fuse (208, 240, 480V) ⁹ TILT Tilt arm Shipped separately BS Bird spikes ¹⁰ EGS External glare shield ¹¹	DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White DOBTXD Textured dark bronze DBLBXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white

Accessories

Ordered and shipped separately.

Controls & Shields	
DLL127F 1.5 JU	Photocell - SSL twist-lock (120-277V) ¹¹
DLL347F 1.5 CUL JU	Photocell - SSL twist-lock (347V) ¹¹
DLL480F 1.5 CUL JU	Photocell - SSL twist-lock (480V) ¹¹
DSHORT 50K U	Shorting cap ⁷
KMA DDBXD U	Mast arm mounting bracket adaptor (specify finish) ²
KAX1HS P1/P2 U	House-side shield (P1, P2)
KAX1HS P3/P4 U	House-side shield (P3, P4)
KAXBS U	Bird spikes
KAX1EGS U	External glare shield

NOTES

- MVOLT driver operates on any line voltage from 120-277V (50/60 Hz). Specify 120V, 208V, 240V or 277V options only when ordering with fusing (SF, DF options).
- For use with 2-3/8" mast arm (not included).
- Not available with ROAM®. See PER5 or PER7 option.
- Photocell ordered and shipped as a separate line item from Acuity Brands Controls. See Accessories information.
- If ROAM® node required, it must be ordered and shipped as a separate line item from Acuity Brands Controls.
- PIR and PIR1FC3V specify the SensorSwitch SBGR-10-ODP control; PIRH and PIRH1FC3V specify the SensorSwitch SBGR-6-ODP control; see [Outdoor Control Technical Guide](#) for details. Dimming driver standard. Not available with PER5 or PER7. Ambient sensor disabled when ordered with DCR. Separate on/off required. Not available with PNMT options.
- Dimming driver standard. Not available with PER5 or PER7.
- Also available as a separate accessory; see Accessories information.
- Must specify 120, 277, or 347V option.
- Must specify 208, 240, or 480V option.
- Requires luminaire to be specified with PER, PER5, or PER7 option. Ordered and shipped as a separate line item from Acuity Brands Controls.

For more control options, visit [DLG](#) and [P&Z](#) online.

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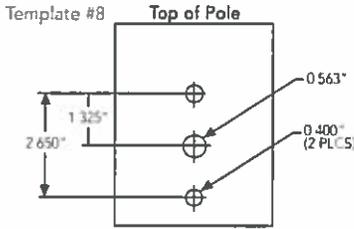


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KAX1-LED
Rev. 06/21/16
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Drilling



KAX1 shares a unique drilling pattern with the AERIS™ family. Specify this drilling pattern when specifying poles, per the table below.

DM19AS	Single unit	DM29AS	2 at 180°
DM28AS	2 at 180°	DM39AS	3 at 90°
DM49AS	4 at 90°	DM32AS	3 at 120°

Example: SSA 20 4C DM19AS D08X0

Visit Lithonia Lighting's www.lithonia.com to see our wide selection of poles, accessories and educational tools

*Round pole top must be 3.25" O.D. minimum
**For round pole mounting (RPA) only

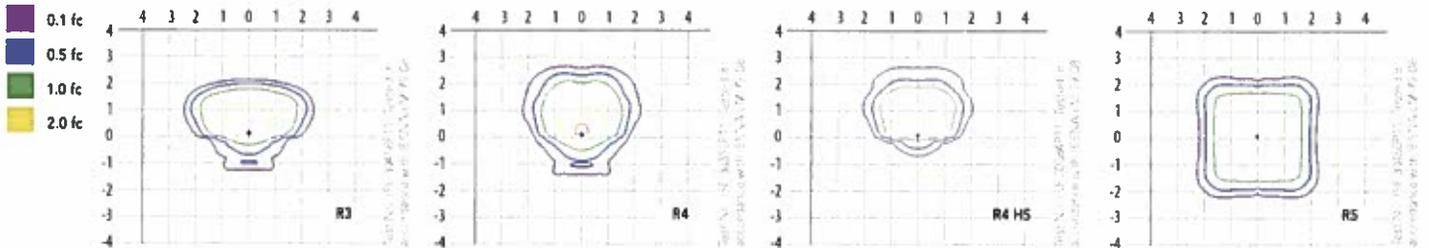
Tenon Mounting Slipfitter**

Tenon O.D.	Single Unit	2 at 180°	2 at 90°	3 at 120°	3 at 90°	4 at 90°
2-3/8"	AST20-190	AST20-280	AST20-290	AST20-320	AST20-390	AST20-490
2-7/8"	AST25-190	AST25-280	AST25-290	AST25-320	AST25-390	AST25-490
4"	AST35-190	AST35-280	AST35-290	AST35-320	AST35-390	AST35-490

Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's KAX1 Area Light homepage Isofootcandle plots for the KAX1 LED P4 40K. Distances are in units of mounting height (30')

LEGEND



Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Performance Package	System Watts	Dist. Type	30K (3000 K, 70 CRI)					40K (4000 K, 70 CRI)					50K (5000 K, 70 CRI)				
			Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
P1	50	R3	6,212	1	0	1	124	6,628	1	0	1	133	6,745	1	0	2	135
		R4	6,444	1	0	1	129	6,876	1	0	1	138	6,997	1	0	1	140
		R5	6,826	3	0	1	137	7,283	3	0	1	146	7,411	3	0	1	148
P2	96	R3	10,687	2	0	2	111	11,403	2	0	2	119	11,603	2	0	2	121
		R4	11,087	2	0	2	115	11,829	2	0	2	123	12,037	2	0	2	125
		R5	11,743	3	0	1	122	12,529	3	0	2	131	12,750	3	0	2	133
P3	130	R3	15,567	2	0	3	120	16,609	2	0	3	128	16,902	2	0	3	130
		R4	16,149	2	0	2	124	17,230	2	0	3	133	17,533	2	0	3	135
		R5	17,106	4	0	2	132	18,251	4	0	2	140	18,572	4	0	2	143
P4	160	R3	18,623	3	0	3	116	19,869	3	0	3	124	20,219	3	0	3	126
		R4	19,319	3	0	3	121	20,612	3	0	3	129	20,975	3	0	3	131
		R5	20,463	4	0	2	128	21,833	4	0	2	136	22,217	4	0	2	139

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-50°C (32-122°F).

* Shaded cells include active dynamic temperature sensing.

Ambient	Lumen Multiplier			
	P1	P2	P3	P4
0°C	1.05	1.05	1.05	1.05
10°C	1.03	1.03	1.03	1.03
20°C	1.01	1.01	1.01	1.01
25°C	1	1	1	1
30°C	0.99	0.99	0.99	0.99
40°C	0.97	0.97	0.97	0.95
45°C	0.96	0.96	0.93	0.81
50°C	0.95	0.95	0.78	0.67

Electrical Load

Package	120V	208V	240V	277V	347V	480V
P1	Current (A)	0.42A	0.24A	0.21A	0.18A	0.15A
	System Watts	50W	49W	49W	49W	49W
P2	Current (A)	0.80A	0.46A	0.40A	0.35A	0.28A
	System Watts	96W	94W	94W	93W	91W
P3	Current (A)	1.08A	0.62A	0.54A	0.47A	0.39A
	System Watts	130W	127W	127W	126W	128W
P4	Current (A)	1.33A	0.76A	0.66A	0.58A	0.48A
	System Watts	160W	156W	156W	155W	159W

Projected LED Lumen Maintenance

Operating Hours	25,000	50,000	100,000
Lumen Maintenance Factor	>0.94	>0.89	>0.80

Values calculated according to IESNA TM-21-11 methodology and valid up to 40°C

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FEATURES & SPECIFICATIONS

INTENDED USE

This feature-rich luminaire embodies the highest level of functionality with extraordinary efficacy which maximizes your application efficiency providing high levels of light for minimal cost specifically on small to medium sized parking lots like banks, restaurants, service stations, corporate offices and strip malls

CONSTRUCTION

Separated die-cast aluminum heat sink and mounting arm allow maximum air flow and separated electrical compartments to promote cool operating environments extending component life. This modular design allows for ease of maintenance and future light engine upgrades. The KAX features a field rotatable optical assembly enabling on-the-fly adjustments when plans change, and can even be tilted upwards if necessary for additional forward throw. The housing is completely sealed against moisture and environmental contaminants (IP66) Low EPA (0.7 ft²) for optimized pole wind loading.

FINISH

Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Available in both textured and non-textured finishes.

OPTICS

Individually formed acrylic lenses are engineered for superior application efficiency which maximizes the light in the areas where it is most needed. Light engines are available in 3000 K, 4000 K or 5000 K (minimum 70 CRI) configurations. In its standard configuration the KAX has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight. With the TILT option, the optical assembly can be raised up to 80 degrees for additional forward throw or to provide vertical illumination.

ELECTRICAL

Light engine(s) configurations consist of high-efficacy LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long life (>L80/100,000 hours). Class 1 electronic drivers are designed to have a power factor >90%, THD <20%, and an expected life of 100,000 hours. Easily serviceable 10kV surge protection device meets a minimum Category C Low operation (per ANSI/IEEE C62.41.2)

INSTALLATION

The base of the mounting arm features a universal mounting template to facilitate quick and easy installation. Mounting bolts featuring a 1000-hour salt fog finish are utilized to secure the luminaire providing up to a 1.5 G vibration load rating per ANSI C136.31. The KAX utilizes the AERIS™ series pole drilling pattern. Optional bi-level motion sensor and NEMA 3, 5 or 7 pin twist lock photocontrol receptacle are also available.

LISTINGS

CSA Listed for wet locations. Light engines and electrical compartment are IP66 rated. Rated for temperatures as low as -40°C minimum ambient.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org to confirm which versions are qualified.

WARRANTY

5-year limited warranty. Complete warranty terms located at www.acuitybrands.com/locations/resources/terms_and_conditions.asp

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

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FEATURES & SPECIFICATIONS

INTENDED USE — Square straight steel pole for up to 39-foot mounting height.

CONSTRUCTION — Weldable-grade, hot-rolled, commercial-quality carbon steel tubing with a minimum yield of 55,000 psi (11-gauge), or 50,000 psi (7-gauge). Uniform wall thickness of .1196" or .1793". Shaft is one-piece with a full-length longitudinal high-frequency electric resistance weld. Uniformly square in cross-section with flat sides, small corner radii and excellent torsional qualities. Available shaft widths are 4, 5 and 6 inches.

Anchor base is fabricated from hot-rolled carbon steel plate conforming to ASTM A36, that meets or exceeds a minimum-yield strength of 36,000 psi. Base plate and shaft are circumferentially welded top and bottom. Base cover is finished to match pole.

A handhole having nominal dimensions of 3" x 5" for all shafts. Included is a cover with attachment screws.

Top cap provided with all drill-mount and open top "PT" poles.

Fasteners are high-strength galvanized, zinc-plated or stainless steel.

Finish: Must specify finish.

Grounding Provision located immediately inside handhole rim. Grounding hardware is not included (provided by others).

Anchor bolts: Top portion of anchor bolt is galvanized per ASTM A-153. Made of steel rod having a minimum yield strength of 55,000 psi.

Note: Specifications subject to change without notice.

Actual performance may differ as a result of end-user environment and application.

Catalog Number
Notes
Type



Anchor Base Poles

SSS

SQUARE STRAIGHT STEEL

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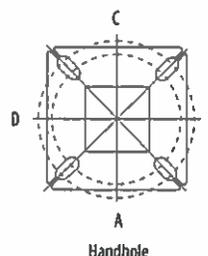
ORDERING INFORMATION Lead times will vary depending on options selected. Consult with your sales representative. **Example: SSS 20 5C DM19 DDB**

Series	Nominal fixture mounting height	Nominal shaft base size/wall thickness	Mounting ²	Options	Finish ³	
SSS	10 – 39 feet (See back page.)	(See back page.)	Tenon mounting PT Open top (includes top cap) T20 2-3/8" O.D. (2" NPS) T25 2-7/8" O.D. (2-1/2" NPS) T30 3-1/2" O.D. (3" NPS) T35 4" O.D. (3-1/2" NPS) Drill mounting⁴ DM19 1 at 90° DM28 2 at 180° DM28 PL 2 at 180° with one side plugged DM29 2 at 90° DM39 3 at 90° DM49 4 at 90° CSX/DSX/AERIS™/OMERO™ Drill mounting⁴ DM19AS 1 at 90° DM28AS 2 at 180° DM29AS 2 at 90° DM39AS 3 at 90° DM49AS 4 at 90°	AERIS™ Suspend drill mounting^{4,5} DM19AST_ 1 at 90° DM28AST_ 2 at 180° DM29AST_ 2 at 90° DM39AST_ 3 at 90° DM49AST_ 4 at 90° OMERO™ Suspend drill mounting^{4,5} DM19MRT_ 1 at 90° DM28MRT_ 2 at 180° DM29MRT_ 2 at 90° DM39MRT_ 3 at 90° DM49MRT_ 4 at 90°	Shipped installed L/AB Less anchor bolts VD Vibration damper TP Tamper proof H1-18Sxx Horizontal arm bracket (1 fixture) ^{4,5} FDLxx Festoon outlet less electrical ⁴ CPL12xx 1/2" coupling ⁴ CPL34xx 3/4" coupling ⁴ CPL1xx 1" coupling ⁴ NPL12xx 1/2" threaded nipple ⁴ NPL34xx 3/4" threaded nipple ⁴ NPL1xx 1" threaded nipple ⁴ EHHxx Extra handhole ^{4,6} MAEX Match existing ⁷ USPOM United States point of manufacture ⁸ IC Interior coating ⁹	Standard colors DDB Dark bronze DWH White DBL Black DMB Medium bronze DNA Natural aluminum Classic colors DSS Sandstone DGC Charcoal gray DTG Tennis green DBR Bright red DSB Steel blue Architectural colors (powder finish)¹⁰

NOTES:

- PT open top poles include top cap. When ordering tenon mounting and drill mounting for the same pole, follow this example: DM28/T20. The combination includes a required extra handhole.
- The drilling template to be used for a particular luminaire depends on the luminaire that is used. Refer to the Technical Data Section of the Outdoor Blinder for Drilling Templates.
- Insert "1" or "2" to designate fixture size: e.g. DM19A5T2.
- Specify location and orientation when ordering option.
 For 1st "x": Specify the height in feet above base of pole.
 Example: 5ft = 5 and 20ft = 20
 For 2nd "x": Specify orientation from handhole (A,B,C,D)
 Refer to the Handhole Orientation diagram above.
- Horizontal arm is 18" x 2-3/8" O.D. tenon standard.
- Combination of tenon-top and drill mount includes extra handhole.
- Must add original order number
- Use when mill certifications are required.
- Provides enhanced corrosion resistance.
- Additional colors available; see www.lithonia.com/archcolors or Architectural Colors brochure (Form No. 794.3). Powder finish standard.

HANDHOLE ORIENTATION



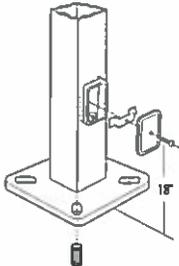
IMPORTANT INSTALLATION NOTES:

- Do not erect poles without having fixtures installed.
- Factory-supplied templates must be used when setting anchor bolts. Lithonia Lighting will not accept claim for incorrect anchorage placement due to failure to use Lithonia Lighting factory templates.
- If poles are stored outside, all protective wrapping must be removed immediately upon delivery to prevent finish damage.
- Lithonia Lighting is not responsible for the foundation design.

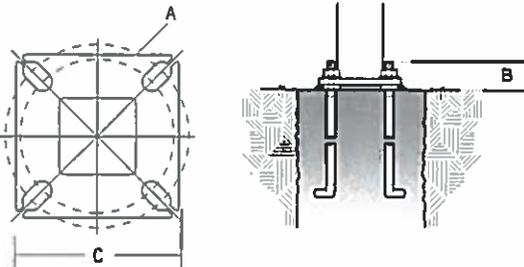
SSS Square Straight Steel Poles

TECHNICAL INFORMATION													
Catalog Number	Nominal mount ht. (ft)	Pole Shaft Size (in x ft)	Wall Thickness (in)	Gauge	EPA (ft ²) with 1.3 gust						Bolt Circle (in)	Bolt Size (in x in x in)	Approximate ship (lbs)
					80 mph	Max. weight	90 mph	Max. weight	100 mph	Max. weight			
SSS 10 4C	10	4.0 x 10.0	0.1196	11	30.6	765	23.8	595	18.9	473	8--9	3/4 x 18 x 3	75
SSS 12 4C	12	4.0 x 12.0	0.1196	11	24.4	610	18.8	470	14.8	370	8--9	3/4 x 18 x 3	90
SSS 14 4C	14	4.0 x 14.0	0.1196	11	19.9	498	15.1	378	11.7	293	8--9	3/4 x 18 x 3	100
SSS 16 4C	16	4.0 x 16.0	0.1196	11	15.9	398	11.8	295	8.9	223	8--9	3/4 x 18 x 3	115
SSS 18 4C	18	4.0 x 18.0	0.1196	11	12.6	315	9.2	230	6.7	168	8--9	3/4 x 18 x 3	125
SSS 20 4C	20	4.0 x 20.0	0.1196	11	9.6	240	6.7	167	4.5	150	8--9	3/4 x 18 x 3	140
SSS 20 4G	20	4.0 x 20.0	0.1793	7	14	350	11	275	8	200	8--9	3/4 x 30 x 3	198
SSS 20 5C	20	5.0 x 20.0	0.1196	11	17.7	443	12.7	343	9.4	235	10--12	1 x 36 x 4	185
SSS 20 5G	20	5.0 x 20.0	0.1793	7	28.1	703	21.4	535	16.2	405	10--12	1 x 36 x 4	265
SSS 25 4C	25	4.0 x 25.0	0.1196	11	4.8	150	2.6	100	1	50	8--9	3/4 x 18 x 3	170
SSS 25 4G	25	4.0 x 25.0	0.1793	7	10.8	270	7.7	188	5.4	135	8--9	3/4 x 30 x 3	245
SSS 25 5C	25	5.0 x 25.0	0.1196	11	9.8	245	6.3	157	3.7	150	10--12	1 x 36 x 4	225
SSS 25 5G	25	5.0 x 25.0	0.1793	7	18.5	463	13.3	333	9.5	238	10--12	1 x 36 x 4	360
SSS 30 4G	30	4.0 x 30.0	0.1793	7	6.7	168	4.4	110	2.6	65	8--9	3/4 x 30 x 3	295
SSS 30 5C	30	5.0 x 30.0	0.1196	11	4.7	150	2	50	--	--	10--12	1 x 36 x 4	265
SSS 30 5G	30	5.0 x 30.0	0.1793	7	10.7	267	6.7	167	3.9	100	10--12	1 x 36 x 4	380
SSS 30 6G	30	6.0 x 30.0	0.1793	7	19	475	13.2	330	9	225	11--13	1 x 36 x 4	520
SSS 35 5G	35	5.0 x 35.0	0.1793	7	5.9	150	2.5	100	--	--	10--12	1 x 36 x 4	440
SSS 35 6G	35	6.0 x 35.0	0.1793	7	12.4	310	7.6	190	4.2	105	11--13	1 x 36 x 4	540
SSS 39 6G	39	6.0 x 39.0	0.1793	7	7.2	180	3	75	--	--	11--13	1 x 36 x 4	605

BASE DETAIL



POLE DATA						
Shaft base size	Bolt circle A	Bolt projection B	Base square C	Template description	Anchor bolt description	Anchor bolt and template number
4"C	8-1/2"	2-3/4"-4"	8"	ABTEMPLATE PJ50004	AB18-0	ABSSS-4C
4"G	8-1/2"	2-3/4"-4"	8"	ABTEMPLATE PJ50004	AB30-0	ABSSS-4G
5"	10"-12"	3-3/8"-4"	11"	ABTEMPLATE PJ50010	AB36-0	ABSSS-5
6"	11"-13"	3-3/8"-4"	12-1/2"	ABTEMPLATE PJ50011	AB36-0	N/A



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IMPORTANT:

• These specifications are intended for general purposes only. Lithonia reserves the right to change material or design, without prior notice, in a continuing effort to upgrade its products.



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Excerpt of draft minutes from September 15, 2016 ZBA public hearing

6. New Public Hearings

Case 845-AM-16 Petitioner: **Kevin Modglin and Jeff Swan and Jeff Dazey, d.b.a. Advantage Trucking, LLC.** Request to amend the Zoning Map to change the zoning district designation from the **R-4 Multiple Family Residence Zoning District to the B-4 General Business Zoning District** in order to establish and operate the proposed Special Use in related Zoning Case 846-S-16. Location: **A 7.97 acre tract in Rantoul Township that is part of the Southwest Quarter of the Southwest Quarter of Section 15 and a part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 21 North, Range 9 East of the Third Principal Meridian in Rantoul Township and formerly known as the Cherry Orchard Apartments property with an address of 1512 CR 2700N, Rantoul.**

Case 846-S-16 Petitioner: **Kevin Modglin and Jeff Swan and Jeff Dazey, d.b.a. Advantage Trucking, LLC.** Request: **Part A: Authorize multiple principal uses and buildings on the same lot consisting of a Truck Terminal, Contractor’s Facility with Outdoor Storage and/or Operations, and 144 Self Storage Warehouse Units as a Special Use on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current R-4 Multiple Family Residence Zoning District** in related zoning case 845-AM-16 on the subject property described below and **Part B. Authorize the following waiver to the standard conditions of the “Truck Terminal” special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 55 feet in lieu of the minimum required 200 feet between any Truck Terminal and any adjacent residential district or residential use on the subject property described below; and Part C. Authorize the following waiver to the standard conditions of the “Truck Terminal” special use as per Section 6.1.3 of the Zoning Ordinance: No wire mesh fence surrounding the Truck Terminal in lieu of the minimum required 6 feet tall wire mesh fence on the subject property described below.** Location: **A 7.97acre tract in Rantoul Township that is part of the Southwest Quarter of the Southwest Quarter of Section 15 and a part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 21 North, Range 9 East of the Third Principal Meridian in Rantoul Township and formerly known as the Cherry Orchard Apartments property with an address of 1512 CR 2700 N, Rantoul.**

Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. He reminded the audience that when they sign the witness register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this time.

Mr. Thorsland informed the audience that Case 846-S-16 is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of hands for those who would like to cross examine and each person will be called upon. He requested that anyone called to cross examine go to the cross examination microphone to ask any questions. He said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. He noted that no new testimony is to be given during the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross examination.

Mr. Hall, Zoning Administrator, stated that on page 4 of the Preliminary Memorandum dated September 8, 2016, Special Conditions D. and E. should be revised to read as follows:

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

4
5 The special condition stated above is to ensure the following:

6 **That any proposed exterior lighting is in compliance with the Zoning Ordinance.**

7
8 **E. The Zoning Administrator shall not authorize a Zoning Compliance Certificate for the**
9 **proposed development until the petitioner has demonstrated that a 6 feet tall wire mesh**
10 **fence has been installed around the outdoor storage and operations area for the Truck**
11 **Terminal.**

12
13 The special condition stated above is to ensure the following:

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

15
16 Mr. Hall stated that the Board received a new Supplemental Memorandum #1 dated September 15, 2016, for
17 review. He said that the new supplemental memorandum includes a new Item 22.A. in the Case 845-AM-16
18 Finding of Fact and Item 8.J.(2) for Case 846-S-16. He said that the new evidence is based on a phone
19 conversation on September 9, 2016, between Susan Chavarria, Senior Planner, and Roy and Kathryn
20 Hatfield, 1516A CR 2700N, Rantoul, who are neighbors with a residence directly east of the subject
21 property.

22
23 Mr. Hall stated that staff received an email on September 14, 2016 (Attachment A), from Julie Krattz, Roy
24 and Kathryn Hatfield's daughter, regarding her concerns that will be written as evidence 22.B in the Case
25 8450AM-16 Finding of Fact and Item 8.J.(3) in the Case 846-S-16 Summary of Evidence. Mr. Hall stated
26 that Mr. and Mrs. Hatfield are concerned about the separation distance between the proposed special use and
27 their property line and are concerned that their property value will decrease because of the close proximity.
28 He said that Mr. and Mrs. Hatfield would prefer that the 200 feet minimum be maintained as per the Zoning
29 Ordinance. He said that Mr. and Mrs. Hatfield are also concerned that there will be more empty warehouses
30 if the petitioners construct the self-storage units because there are already numerous empty warehouses in the
31 area and wonders why they would build more. Mr. Hall said that Mr. and Mrs. Hatfield are concerned about
32 the earth berm and the site aesthetic and that the earth berm will be an eyesore and will not be maintained.
33 Mr. Hall said that Mr. and Mrs. Hatfield expressed that there are already weeds over their heads on the
34 property line that they share with the petitioners.

35
36 Mr. Hall stated that the email from Attorney Julie Krattz, daughter of Mr. and Mrs. Hatfield, poses several
37 detailed questions, but he is not going to summarize those questions. He said that the Board may want make
38 a special effort to review Ms. Krattz's email.

39
40 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

41
42 Mr. Thorsland called Kevin Modglin to testify.

43
44 Mr. Kevin Modglin, who resides at 425 Glenwood Drive, Rantoul, stated that his office is located in Urbana
45 and he drives from Rantoul to Urbana every day. He said that he would drive by the Cherry Orchard

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1 apartment complex for many years and he always thought that it was such a shame that the property sat in
2 such a poor condition. He said that approximately two years ago he began researching the ownership for the
3 subject property and was finally able to contact the owners so that they could purchase the property. He said
4 that he and his partners spent a considerable amount of their own money, and received assistance from the
5 Thomasboro Fire Protection District, for demolition of the buildings. He said that they were required to
6 abate the asbestos material. He said that the property looks a lot better, but it is a work in progress.
7

8 Mr. Modglin stated that he and his partners own a trucking business and that business shares a location in
9 Urbana with another company that they own, a concrete excavating company, and they foresee requiring
10 more space in the future for the trucking company. He said that it is their hope that they would be able to
11 relocate their trucking company at the subject property. He said that when he speaks about their trucking
12 company he is not discussing a business that has trucks coming in and out of the property delivering
13 material. He said that for the most part the trucks would come onto the property at the end of the day and
14 will go out of the property each morning. He said that there are currently trucks coming in and out of the
15 property because they are dropping dirt off so that the berms can be constructed to screen the property. He
16 said that after the berms are constructed the trucks will only come and go during normal intervals.
17

18 Mr. Modglin stated the trucks that they have are mainly associated with the excavating company. He said
19 that they are requesting approval of the self-storage warehouses as a means for them to generate revenue to
20 assist with paying the real estate taxes.
21

22 Mr. Thorsland asked Mr. Modglin if the berm is the only construction that has occurred on the property.
23

24 Mr. Modglin stated that the berm is the only construction that has occurred.
25

26 Mr. Thorsland asked Mr. Modglin when he realized that the current zoning of the property did not allow
27 their intended use.
28

29 Mr. Modglin stated that they were aware that the zoning would require amending when they purchased the
30 property. He said that they contacted staff and filed the appropriate paperwork and if the use is denied they
31 will do whatever is allowed in order to conform to the Zoning Ordinance.
32

33 Mr. Hall asked Mr. Modglin if they have brought in any offsite concrete onto the subject property for
34 crushing.
35

36 Mr. Modglin stated yes.
37

38 Mr. Hall asked Mr. Modglin if it is their intent to bring in more concrete.
39

40 Mr. Modglin stated yes, although they are at the mercy of the crushing company as to when the crushing will
41 occur. He said that it is to their benefit if they can add more concrete to the pile so that they can have more
42 rock.
43

44 Mr. Hall asked Mr. Modglin if the intent is to perform concrete crushing on the property beyond the current
45 pile.

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1 Mr. Modglin stated no.
2
3 Mr. Hall asked Mr. Modglin how they will control the dust that will be generated by the concrete crushing.
4
5 Mr. Modglin stated that when the concrete crushing operation occurs they have a water source on site that
6 basically keeps the dust down.
7
8 Mr. Hall asked Mr. Modglin if the concrete crushing will generate more noise than what is expected by the
9 trucks when they bring in loads of dirt for the berm.
10
11 Mr. Modglin stated that the noise from machine itself is pretty much just the motor. He said that the most
12 noise that will be made is from the machine that jackhammers the concrete into smaller pieces.
13
14 Mr. Hall stated that it appears that the crushing and jackhammering will be noisier than what the long term
15 use of the property will likely be.
16
17 Mr. Modglin stated that during the period of crushing there might be more noise but when that is complete
18 their will be minimal noise generated.
19
20 Mr. Hall asked Mr. Modglin if he is aware of the time period that the concrete crushing will last.
21
22 Mr. Modglin stated that should take no longer than one week.
23
24 Mr. Thorsland asked Mr. Modglin if the concrete that is being crushed will be utilized on the property.
25
26 Mr. Modglin stated yes. He said that the rock will be spread out on the site as the aggregate base.
27
28 Mr. Thorsland asked Mr. Modglin if most of the concrete came from the demolition of the previous
29 buildings.
30
31 Mr. Modglin stated that 75% of the concrete came from the demolition of the previous buildings.
32
33 Mr. Thorsland asked Mr. Modglin if they have already contracted with the concrete crushing company or is
34 it a contract that is in the works.
35
36 Mr. Modglin stated that they have not signed a contract with the concrete crushing company but it is in the
37 works.
38
39 Mr. Thorsland asked Mr. Modglin if during the time of contract negotiations with the concrete crushing they
40 will continue to bring in concrete onto the subject property.
41
42 Mr. Modglin stated that they will only bring in concrete onto the subject property if it comes from a source
43 that is close to the area, otherwise, the concrete will go to the recycle facilities.
44
45 Mr. Thorsland stated that the finding of fact explains the crushing as a one-time ordeal. He said that there

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1 are concerns about noise and dust during the crushing and the possibility of more crushing at a later date. He
2 asked Mr. Modglin if there is a possibility that more crushing will occur on property.
3
4 Mr. Modglin stated no. He said that it is not their intent to perform more crushing on the property.
5
6 Mr. Thorsland stated that the Board may want a special condition regarding the crushing, in that, it is only a
7 one-time event and not a continuous proposed use. He asked Mr. Modglin to indicate the intended
8 vegetation for the berm.
9
10 Mr. Modglin stated that they intend to sow grass on the berm and keep it mowed.
11
12 Mr. Thorsland asked Mr. Modglin if the berm is intended to shield the property from the adjacent residents.
13
14 Mr. Modglin stated yes.
15
16 Mr. Thorsland stated that the two items which concern him the most are the separation distance and the
17 fence. He said that the Board has become very knowledgeable about self-storage facilities and they know
18 what a good facility looks like and what a bad one looks like. He asked Mr. Modglin if there is another use
19 that they might be thinking about for the future that has not been discussed with staff. He informed Mr.
20 Modglin that now is the time to expose any future plans so that he does not have to come back before the
21 Board for approval. He asked Mr. Modglin to consider what they will do if the map amendment and special
22 use are denied.
23
24 Mr. Modglin stated that they would have to investigate what uses were allowed in the current zoning district.
25
26 Mr. Thorsland asked Mr. Modglin if there is a specific reason why the shop area will be located on the east
27 side of the property.
28
29 Mr. Modglin stated that they thought that the plan would present the best layout for their intended use.
30
31 Mr. Thorsland asked Mr. Modglin if the berm is the only construction that has occurred on the property.
32
33 Mr. Modglin stated that the berm is the only thing that has occurred.
34
35 Mr. Thorsland asked Mr. Modglin why there is no berm on the east side of the property.
36
37 Mr. Modglin stated that they did not believe that the berm was necessary on the east side of the property.
38
39 Mr. Thorsland asked Mr. Modglin if the closest resident to the property is located on the east side.
40
41 Mr. Modglin stated yes.
42
43 Ms. Lee asked Mr. Modglin if the shop buildings could be relocated to the west side of the property towards
44 Route 45, thus providing more separation distance from the adjacent residence.
45

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1 Mr. Modglin stated that there is an existing drive between the warehouses and the shop and to move the
2 shop, truck terminal, to the west would require reconfiguration of the location of the self-storage
3 warehouses. He said that relocation is possible, but they would have to reconfigure the entire plan.
4

5 Mr. Thorsland asked Mr. Modglin if the intention for the detention location is due to the natural slope of the
6 property.
7

8 Mr. Modglin stated yes.
9

10 Ms. Griest asked Mr. Modglin to indicate the separation distance between the storage units and the shops.
11

12 Mr. Modglin stated that it is 40 feet.
13

14 Ms. Griest stated that Mr. Modglin stated that the crushing of the concrete will be a one-time event. She
15 asked Mr. Modglin what the aggregate storage area will be used for in the future.
16

17 Mr. Modglin stated that they hope to stack concrete blocks which are 4 feet long, 10 feet wide and 2 feet tall,
18 to use as bins for different types of rock for small job sites.
19

20 Ms. Griest asked Mr. Modglin if the storage of the trucks and equipment will occur inside the storage area
21 and the buildings.
22

23 Mr. Modglin stated that the storage of the trucks and equipment will occur inside of the storage area and the
24 buildings.
25

26 Ms. Griest asked Mr. Modglin if they are building the berm to contain the noise. She asked Mr. Modglin
27 why a berm is not being constructed on the east side of the property between the facility and the residences.
28 She said that the residents on the east side of the subject property are the ones who are most closely to the
29 subject property as opposed to separating the activities from the road noise that is already there.
30

31 Mr. Modglin stated that the berm was primarily constructed to basically screen the proposed facility from the
32 road. He said that there is a hedge row on the east side of the truck terminal shop space and along the hedge
33 row there is a row of bushes located on the Hatfield's property. He said that there is an access drive off of
34 the township road and they intended to install the septic field in that area.
35

36 Mr. Thorsland stated that if the if septic system is installed in the access drive area then the access drive
37 would not be utilized any more.
38

39 Mr. Modglin stated that Mr. Thorsland was correct. He said that they would like to leave hedge row and
40 plant more bushes/shrubs along their east line and the Hatfield's west line.
41

42 Mr. Thorsland asked Mr. Hall if there is a minimum separation distance between the storage facility and a
43 residence.
44

45 Mr. Hall stated that there is no minimum separation distance between a storage facility and a residence. He

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1 said that not even a contractor's facility requires a 200 feet separation as a standard condition, but the Zoning
2 Ordinance requires a 200 feet separation for a truck terminal. He said that at a staff level this case was
3 advertised as both a truck terminal and as a contractor's facility. He said that since the relationship of the
4 companies is that they are owned by the same entities and it seems that the use is more like a contractor's
5 facility than a truck terminal but the Zoning Ordinance does not require a minimum separation between a
6 contractor's facility and an adjacent residential use. He said that the Zoning Ordinance has always required a
7 200 feet separation between a truck terminal and an adjacent residential use but what is important is that no
8 matter what the Ordinance requires that this Board finds that the proposed separation is adequate. He said
9 that the Board could determine that given the specifics of the particular truck terminal more than a 200 feet
10 separation is required.

11
12 Mr. DiNovo asked Mr. Hall if the property is zoned B-4 and a truck terminal is permitted as of right, where
13 does the 200 feet separation come in.

14
15 Mr. Hall stated that it comes in when there are multiple principal buildings proposed. He said that when
16 there is a special use permit for a truck terminal it has to meet the 200 feet separation.

17
18 Mr. DiNovo stated that since a special use permit is involved the provisions apply to a truck terminal
19 applies.

20
21 Mr. Passalacqua stated that Mr. Modglin indicated that there would not be any vehicular traffic on the east
22 side of the property due to the installation of the septic system. He asked Mr. Modglin if there would be any
23 doors or windows on the east side of the shop.

24
25 Mr. Modglin stated that they have not reached the final design phase of the shop building. He said that their
26 intent was to leave the hedge row on the east side; therefore, no windows or doors would be feasible other
27 than to just let light in at the top of the building.

28
29 Mr. Thorsland asked Mr. Modglin if the north shop space would have large doors to the north.

30
31 Mr. Modglin stated yes. He said that their intent is to have a couple of overhead doors facing the north and
32 then have one facing south in the open area and the other doors will face the west.

33
34 Mr. Thorsland stated that the memorandum indicates that any major repairs to the equipment will be
35 completed offsite, but general maintenance and repairs would happen on site during the work week.

36
37 Mr. Modglin stated that it is not typical for them to work past 6:00 p.m.

38
39 Mr. Thorsland stated that the storage units would have 24-hour, seven days per week access.

40
41 Mr. Modglin stated yes.

42
43 Mr. Thorsland asked Mr. Modglin to indicate what security measures would be utilized, such as, access
44 control.

45

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1 Mr. Modglin stated that they do not intend to have access control. He said that he currently rents two storage
2 units at a facility in Rantoul and there is no fence or gate at that facility.
3
4 Mr. Thorsland asked Mr. Modglin if he understands the full cut-off lighting requirement.
5
6 Mr. Modglin stated yes. He said that it is his understanding that the lighting will be reviewing during the
7 permitting process.
8
9 Mr. Thorsland stated that it would be nice for the plans to indicate the lighting, full cut-off, and any signs
10 that may be proposed.
11
12 Mr. Modglin stated that at this point he doesn't even know if he can acquire the proper zoning for the
13 property so that he can build the intended buildings, let alone know the details of the buildings.
14
15 Mr. Thorsland stated that the Board needs to know everything that is intended in order to approve the
16 requests. He said that it is good that nothing has been constructed yet; therefore, he is ahead of the game.
17 He asked Mr. Modglin if he visited staff with his intent, thus discovering that a map amendment and special
18 use was required.
19
20 Mr. Modglin stated yes.
21
22 Mr. Thorsland asked the Board if there were any questions for Mr. Modglin.
23
24 Mr. Randol asked Mr. Modglin to indicate the number of trucks that the operation owns.
25
26 Mr. Modglin stated that currently they own three tandems and one semi-truck. He said that they have three
27 trailers for the semi-truck.
28
29 Mr. Randol asked Mr. Modglin if they intend to make their fleet of trucks larger.
30
31 Mr. Modglin stated that currently four trucks are sufficient.
32
33 Mr. Randol asked Mr. Modglin why they do not desire to install a chain link fence around the property.
34
35 Mr. Modglin stated that a chain link fence is a headache to maintain because weeds grow up inside the fence
36 links and they tend to become unsightly.
37
38 Mr. DiNovo asked Mr. Modglin if he knows how long the property was on the market.
39
40 Mr. Modglin stated that the property was not on the market and it took two years for him to receive a
41 response from the owner.
42
43 Mr. Hall stated that the property was theoretically on the market because staff would receive calls from
44 prospective buyers that received the same results as Mr. Modglin. He said that for a property that was
45 supposedly on the market, it was not being marketed very aggressively.

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1 Mr. Hall stated that in the beginning this seemed like such a simple case, but now that there is a required
2 separation things are not as simple as it might have been thought. He asked Mr. Modglin if it might be
3 feasible to simply flip the location of the self-storage warehouses with the two shop spaces because there is
4 no known separation from the self-storage warehouses but there is a separation for shop space. He said that
5 the shop space and the self-storage warehouses take up almost identical amounts of the site and yet flipping
6 them does not get entirely rid of the separation issue but it does get rid of a large part of it. He said that he
7 can understand why there is not a berm in the vicinity of where the septic system is located, but couldn't
8 there be a berm east of the aggregate storage area if nothing else is proposed there. He said that a berm might
9 help with some of the issues related to noise and it might help mitigate less than the 200 feet separation. He
10 said that even though some things in this case are very subtle it might benefit from some further study to
11 make sure that this is the plan that has to happen, or there may be some adjustment that can be made.

12
13 Mr. Modglin stated that the plan is not set in stone. He said that they sat down and drew out what made the
14 most logical sense to them at the time. He said that if he lived where Mr. and Mrs. Hatfield lives he would
15 rather have the self-storage units further away rather than having them in next to them. He said that he and
16 his partners thought about having the self-storage units next to the Hatfield property, but they wanted to keep
17 the hedge row and they might have been required to remove the hedge row to make it work. He said that as
18 they prepared their plan they took the neighbors into account and they thought that placement of the shop at
19 its proposed location would be more acceptable.

20
21 Mr. Hall stated that if he were a neighbor he would prefer to have two hundred feet of blank wall more so
22 than self-storage warehouses.

23
24 Mr. Modglin stated that with the hedge row and shrubs the blank wall will not be as visible.

25
26 Mr. Hall asked Mr. Modglin if a berm along the east side of the aggregate storage area was possible.

27
28 Mr. Modglin stated that a berm in that area is not out of the question. He said that there is a one-acre lot that
29 sits between the Hatfield's residence and the square that bumps out on the east side. He said that there is an
30 access drive on the other side of the Hatfield's lot that is for sale right now.

31
32 Mr. Hall stated that he understands that the aggregate area is in the "L" shape of the lot and the south leg is
33 within the 200 feet separation; therefore, a berm at that location may help mitigate having less than 200 feet
34 separation.

35
36 Mr. Thorsland stated that the aggregate that is being discussed is the area behind the aggregate bins;
37 therefore, the back of the bins could be utilized as a berm that would place a visual and noise barrier. He
38 said that he would like to hear the testimony from the other witnesses before we get too detailed. He said
39 that existing drive is the reason why it might be hard to flip the site plan.

40
41 Mr. Modglin stated that they are not married to the layout, but they did take the neighbors into account when
42 they designed their plan.

43
44 Mr. Thorsland asked Mr. Modglin if the storage units will have storage availability on both sides.

45

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1 Mr. Modglin stated that the storage units will have storage availability on both sides.
2
3 Mr. Thorsland stated that if the double sided storage units would be more intrusive on the Hatfield property,
4 because there would be activity close to the property line.
5
6 Mr. DiNovo asked Mr. Modglin to indicate the height of the shop building.
7
8 Mr. Modglin stated that the 60' x 120' building will have a 12 feet overhead door and the shop would have a
9 16 feet overhead door.
10
11 Mr. Thorsland asked the Board if there were any additional questions for Mr. Modglin and there were none.
12
13 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Modglin and there was no one.
14
15 Mr. Thorsland called Katie Hatfield to testify.
16
17 Ms. Katie Hatfield, who resides at 1516 CR 2700N, Rantoul, stated that her property is next door to the
18 proposed truck terminal. She said that the 200 feet separation has been discussed and from the information
19 included in the Preliminary Memorandum, the proposed use would be 15 inches from her property, but
20 according to the map there will be 75 feet before there is a building.
21
22 Mr. Thorsland asked Ms. Hatfield if it was her understanding that the building would be on the property line.
23
24 Ms. Hatfield stated yes. She said that she is concerned about the statement in the memorandum which
25 indicates that Mr. Modglin will have outdoor storage and/or operations. She said that she would like Mr.
26 Modglin to explain what outdoor storage and/or operations actually means. She said that she has a concern
27 about the concrete crushing and grinding, because such operations could create a health problem.
28
29 Mr. Thorsland stated that Mr. Modglin testified that water is utilized to mitigate any dust that is created
30 during the concrete crushing. He said that the Board can request additional information from Mr. Modglin
31 regarding certifications, dust mitigation, and time period.
32
33 Ms. Hatfield stated that it sounds like it may be an EPA issue.
34
35 Mr. Thorsland stated that Mr. Modglin has discussed a short, but intense, period of time for the crushing of
36 the concrete. He said that he assumes that staff will receive complaints from the adjacent neighbors if the
37 dust issue is not remedied during the crushing.
38
39 Ms. Hatfield stated that Mr. Modglin did answer many of her questions, other than the grinding process and
40 the "and/or" statement in the memorandum.
41
42 Mr. Thorsland stated that Special Condition K. indicates the following: Outdoor operations may involve
43 nothing louder than loading and unloading earth, sand, rock, and gravel, and any noise must comply with the
44 Champaign County Nuisance Ordinance. Mr. Thorsland stated that the Nuisance Ordinance clearly states
45 that any noise may not occur before 7:00 a.m. or after 10:00 p.m.

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1 Mr. Hall stated that the Nuisance Ordinance does protect things in the district, but it is not very useful when
2 there are several districts side by side, because the expectations in one district may be different than the
3 expectations in another. He encouraged the Board to not rely on the Nuisance Ordinance for this situation
4 and that the Board should establish their own parameters.

5
6 Mr. Thorsland stated that this type of short term use is a hard thing to quantify.

7
8 Mr. DiNovo stated that the worst noise may be from the back-up alarms on the equipment.

9
10 Ms. Hatfield stated that the proposed septic system is very close to her driveway. She asked if the petitioners
11 could install their septic system further back on the subject property.

12
13 Mr. Thorsland stated that the rules for wastewater management have become very strict and the petitioners
14 will not be able to install their septic system until they meet all of the regulations. He said that the
15 Champaign County Health Department will review the permit application for compliance and will not
16 approve the application until all of the regulations are met.

17
18 Mr. Thorsland asked Ms. Hatfield if she had any additional concerns.

19
20 Ms. Hatfield stated that she had no additional concerns to discuss at this time.

21
22 Mr. Thorsland asked the Board and staff if there were any questions for Ms. Hatfield.

23
24 Mr. Hall stated that even though the shops are closer than the required 200 feet separation from the
25 Hatfield's property, the wall that faces the Hatfield's property is blank and no activity will take place in that
26 location. He said the previous testimony mentioned the possibility of flipping the site plan and locating the
27 self-storage warehouses near the Hatfield's property versus the shop/warehouse building. He said that if the
28 site plan is flipped, the self-storage warehouses could be as close as 25 feet of the Hatfield's property with
29 no waiver required. He asked Ms. Hatfield if the blank wall of the warehouse, located 75 feet from her
30 property line, would be better than having self-storage warehouses 75 feet from her property. He said that it
31 is true that the petitioners require a waiver for placing the shop/warehouse building closer than 200 feet from
32 the property line, but given the terms of the Zoning Ordinance, the self-storage warehouse could be 75 feet
33 from her property line. He requested comments from Ms. Hatfield regarding her preference regarding which
34 type of use she would rather have next to her residence.

35
36 Ms. Hatfield stated that once the self-storage warehouses are constructed there will be a lot of increased
37 activity; therefore, it will probably be better for everyone if the self-storage warehouses are constructed in
38 their current proposed location. She said that it appears that the self-storage units will be very close together.

39
40 Mr. Passalacqua stated that the size of the shop/warehouse building should assist in eliminating noise
41 generated on the subject property.

42
43 Mr. Thorsland stated that he is assuming that the buildings will be much like an agricultural building or
44 average pole shed. He said that there is an existing driveway on the subject property and testimony has
45 indicated that more vegetative plantings are proposed. He asked Ms. Hatfield if based on the testimony

Excerpt of draft minutes from September 15, 2016 ZBA public hearing

1 tonight, is she more comfortable with the location of the proposed buildings and the proposed uses.
2
3 Ms. Hatfield stated that she thinks she is more comfortable. She said that it doesn't appear that they will be
4 using the property on a daily basis. She said that she is still concerned about the proposed grinding because
5 it could be a terrible health issue.
6
7 Mr. Thorsland stated that the Board could indicate a one-time limit.
8
9 Ms. Hatfield stated that such a limit would be wonderful, but even one week of grinding is still a long time
10 and will create a lot of dust.
11
12 Mr. Thorsland stated that he believes that the petitioners are required by the EPA to mitigate the dust
13 pollution created by the grinding. He said that it may be a week of a lot of noise for the grinding of the
14 concrete for the driveways versus not having any material on the ground thus creating dust pollution. He
15 asked Ms. Hatfield if there was a lot of noise created by the apartment complex.
16
17 Ms. Hatfield stated that when they purchased their home the apartments were fine, but it went downhill and
18 the police were called to the property often.
19
20 Mr. Thorsland stated that there is a possibility that Mr. and Mrs. Hatfield will have better neighbors with the
21 current owners.
22
23 Ms. Hatfield stated that she and her husband would like to believe that the new owners of the property will
24 be better neighbors. She said that there were no apartments near the road and the one unit that was behind
25 their property was the one that caused the most problems.
26
27 Mr. DiNovo stated that the Board should remember that there are two cases before the Board tonight for the
28 subject property. He said that the special use permit allows the Board to discuss the details of the use and
29 the map amendment will rezone the property to B-4, General Business. He said that it is possible that the
30 petitioner's project may not move forward, but the property is rezoned to B-4. He asked Ms. Hatfield if she
31 has any concerns about what could occur in the B-4 District.
32
33 Ms. Hatfield stated yes. She said that the lot that is behind her property always concerned them and the
34 property is now vacant. She said that if the petitioner's project does not transpire he may not want to keep
35 the property; therefore, there has to be some control over what can occur there.
36
37 Mr. Thorsland stated that if the property is rezoned to B-4, General Business, other types of businesses and
38 uses could be proposed on the property. He said that if, for some reason, the current owners decide not to
39 finalize the project, there are other types of businesses which could occur next to the Hatfield's property.
40
41 Mr. Passalacqua asked if the Border Magic property is zoned B-4.
42
43 Mr. Thorsland stated that he recalled that there are portions of the Border Magic that is for sale.
44
45 Ms. Chavarria stated that there are warehouses which are part of the use on the property and those

Excerpt of draft minutes from September 15, 2016 ZBA public hearing

1 warehouses are available for rent. She said that Border Magic is still operating on the property.

2
3 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Hatfield and there was no one.

4
5 Mr. Thorsland called Bill Morfey to testify.

6
7 Mr. Bill Morfey, who resides at 1520 CR 2700N, Rantoul, stated that his property is approximately two
8 football field lengths from the subject property. He said that many of his questions have been answered at
9 tonight's meeting, but he would like to know hours of operation for the business and whether those hours are
10 for seven days per week. He said that he is concerned with the crushing that will occur on the property. He
11 said that he would assume that two thirds of the pile of concrete was hauled in from off-site. He said that he
12 has no issue with the proposed self-storage warehouses or the truck terminal, but the petitioners have already
13 jeopardized the neighbor's trust by hauling in concrete from other sites. He said that he does not believe that
14 they should be able to crush on the subject property and that if they hauled in the concrete then they can haul
15 it off.

16
17 Mr. Morfey stated that there is no berm proposed on the northeast corner of the subject property; therefore,
18 the view that he has from his rear patio is a pile of concrete. He said that a berm would assist with noise
19 control generated from the subject property. He said that currently there is corn north of their property which
20 assisted with the view, but soybeans will be planted next year and their view will not be as pleasant. He said
21 that he appreciates what the new owners have done with the property regarding cleaning it up, but he does
22 have concerns regarding the crushing.

23
24 Mr. Thorsland asked Mr. Morfey if his biggest concern is the onsite crushing, but he has no issue with a
25 stone driveway.

26
27 Mr. Morfey stated that Mr. Thorsland is correct. He said that it was a mess from the subject property to US
28 45 dirt when dirt was being hauled in for the berm.

29
30 Mr. Thorsland stated that perhaps the Board can impose a limit on the amount of additional concrete can be
31 brought onto the property for crushing.

32
33 Mr. Morfey stated that the property is probably not currently zoned for the crushing.

34
35 Mr. Thorsland stated that he not sure what the rules are about temporary grinding of aggregate.

36
37 Mr. Morfey stated that the crushing would be considered a nuisance.

38
39 Mr. Thorsland stated that Mr. Modglin testified that the crushing will be a one-time event.

40
41 Mr. Morfey stated that he wanted the Board to know that the petitioners are hauling in more concrete onto
42 the property from off-site locations for crushing. He said that if they want to crush the concrete that was
43 generated from the subject property, but no more concrete from off-site.

44
45 Mr. Thorsland noted that weather could be a contributing factor to the timing of the crushing.

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1 Mr. Morfey stated that he and his wife intend to be good neighbors to the petitioners and he would assume
2 that the petitioners would like to be good neighbors to the adjacent residences. He said that he would like
3 the Board and the petitioners to consider whether they would want these uses next to their home or families.
4

5 Mr. Thorsland stated that there is a lack of screening on the northeast side of the property. He asked Mr.
6 Morfey if he would appreciate the Board requiring screening on the northeast side of the property.
7

8 Mr. Morfey stated that he would appreciate a requirement for screening and cleaning of the pile.
9

10 Mr. Thorsland stated that the fence waiver is a huge request. He asked Mr. Morfey if he has any input
11 regarding what type of fencing he would prefer.
12

13 Mr. Morfey stated that his entire rear yard is fenced with a chain link fence and in the fall he is constantly
14 cleaning corn leaves out of it and the maintenance is huge so he understands the petitioner's reluctance for a
15 chain link fence.
16

17 Mr. DiNovo stated that the required fence is not a solid fence.
18

19 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Morfey and there was no one.
20

21 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
22 regarding these cases.
23

24 Mr. Thorsland called Mr. Robert Lakey to testify.
25

26 Mr. Robert Lakey, who resides at 4014 Clubhouse Drive, Champaign, stated that he owns the farmland
27 which surrounds the subject property and the petitioners have done a wonderful job in cleaning up the
28 property. He said that the subject property, in its previous condition, was a total mess and the septic drained
29 into his farm tiles and then to the ditch. He said that he is concerned that the berms may create a drainage
30 issue for his field. He said that a multi-flow system may work great, but there still has to be an outlet for the
31 water and he doesn't want it to outlet into his field.
32

33 Mr. Thorsland noted that multi-flow systems are not allowed anymore by the Champaign County Public
34 Health Department (CCPHD). He said that the CCPHD is in charge of approving the proposed septic
35 system's specifications and the petitioners will need to indicate a second site should the first site fail.
36

37 Mr. Lakey stated that the more that they build up the property the more runoff that will occur.
38

39 Mr. Thorsland stated that the roof of the buildings, the berm, and the impervious area will all create
40 additional runoff. He said that the recycled concrete will be used for the driveway and parking area;
41 therefore, there will be a net gain for keeping the water onsite plus there is a detention basin proposed. He
42 said that there is a stormwater management requirement that the petitioners must comply with to assure that
43 the stormwater is handled properly.
44

45 Mr. Lakey stated that proper drainage is the main thing that he is concerned about because he does not want

Excerpt of draft minutes from September 15, 2016 ZBA public hearing

1 standing water in his fields.
2
3 Mr. DiNovo asked Mr. Lakey to explain how the water drains in that area.
4
5 Mr. Lakey stated that the water drains to the ditch that runs east and west to the middle of the property.
6
7 Mr. DiNovo stated that the water then runs to the north.
8
9 Mr. Lakey stated that years ago there was a waste system that was not functioning properly and sewage was
10 found to be draining into the ditch.
11
12 Mr. Thorsland stated that the dry basin that is indicated on the site plan outlets to the ditch along US 45. He
13 said that perhaps more detail is required on the site plan, but the intent appears to be that the water will be
14 gathered up on the northwest corner of the property and will be sent to the ditch along US 45.
15
16 Mr. Passalacqua asked Mr. Lakey if the water generally drains to the west and then north.
17
18 Mr. Lakey stated that his tiles run north and south and the laterals run east and west that drain the ponds. He
19 said that the main goes to the ditch.
20
21 Mr. Passalacqua asked Mr. Lakey if his main line drains to US 45.
22
23 Mr. Lakey stated no. He said that it drains directly to the north.
24
25 Mr. Thorsland stated that there are no facilities proposed for the storage units and there is no residence
26 proposed on the property. He said that there is a septic system proposed which will be approved by the
27 CCPHD.
28
29 Mr. Lakey stated that in comparison to what the subject property looked before and how it looks now, he
30 appreciates everything that the new owners have done thus far.
31
32 Mr. Thorsland that one of the special conditions of approval is in regards to the "*Right to Farm Act*".
33
34 Mr. Lakey stated that he somewhat concerned about any garbage that my come onto his farmland. He said
35 that bags, boxes, etc., are a nuisance and he does not want to have to deal with it.
36
37 Mr. Thorsland stated that the proposed use does not appear to be the type of business that will generate a lot
38 of garbage.
39
40 Mr. Lakey stated that this appears to be a first class organization and the property currently looks great. He
41 said that his main concern was in regards to the drainage and septic.
42
43 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Lakey and there was no one.
44
45 Mr. Thorsland called Mr. Modglin back to the microphone.

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1 Mr. Thorsland asked Mr. Modglin if the concrete crusher is someone who does this regularly, and if so, do
2 they have to have a permit. He asked Mr. Modglin if the company that he is using for the crushing has a
3 brochure that he could submit as evidence regarding their dust mitigation.
4

5 Mr. Modglin stated that a permit is not required to crush concrete on your property. He said that he is sure
6 that he can obtain some information from the crushing company regarding dust concerns.
7

8 Mr. Thorsland stated that no decision will be received tonight. He said that before the next meeting, the
9 Board would like to receive documentation from the concrete crusher regarding dust mitigation and an
10 estimate regarding the amount of concrete that is currently on the property for crushing. He said that a
11 timeframe for the concrete crushing would be useful.
12

13 Ms. Griest stated that the site plan should indicate the separation distance between the property line and the
14 base of the berm. She said that the Board has seen cases where people will build a berm right up to their
15 property line, causing drainage issues on the adjacent property. She said that the site plan should indicate the
16 storage bins and aggregate storage areas.
17

18 Mr. Thorsland stated that the petitioners may review the option of placing a berm behind the storage bins and
19 aggregate storage areas. He said that the site plan should indicate any newly proposed berms and screening
20 behind the topsoil pile. He said that the distance between the shop and the self-storage units should also be
21 included on the site plan.
22

23 Mr. DiNovo stated that the required parking spaces should be indicated on the site plan.
24

25 Mr. Thorsland stated that a loading berth and handicapped parking spaces should be included on the site
26 plan. He said that the Board cannot waive any requirements of the Capitol Development Board.
27

28 Mr. Randol stated that employee parking should be included on the site plan.
29

30 Mr. Modglin stated that he did indicate the handicapped parking spaces on the current site plan.
31

32 Mr. Thorsland stated that the yellow areas on the site plan are very hard to read; therefore, he would
33 appreciate it if a different color could be utilized.
34

35 Mr. Modglin stated that the employee parking will be located in the open area which is west of the 60' x
36 120' shop area. He said that he currently has four hourly employees.
37

38 Mr. Passalacqua stated that the site plan should indicate any proposed exterior lighting.
39

40 Mr. Modglin stated that the proposed exterior lighting will consist of wall packs.
41

42 Mr. Thorsland stated that many times the wall packs are not full cut-off. He informed Mr. Modglin that staff
43 has detailed information regarding exterior lighting and what is required by the Zoning Ordinance.
44

45 Mr. Passalacqua stated that the hours of operation should be clarified. He asked Mr. Modglin if the self-

Excerpt of draft minutes from September 15, 2016 ZBA public hearing

1 storage units will be available to the renters 24 hours per day and 7 days a week.

2
3 Mr. Modglin stated that the self-storage units will be available 24 hours per day and 7 days a week. He said
4 that the shop/truck terminal operates Monday through Friday, 7:00 a.m. to 5:00 p.m. He said that there are
5 some rare occasions when they will work on a Saturday morning, but they do not typically ever work on
6 Sunday.

7
8 Ms. Griest stated that it appears that the full project will take years to complete. She said that it is in Mr.
9 Modglin's best interest to designate what will be done in the storage area during the interim construction
10 stages. She said that if the area will be used for alternative parking or storage area, then it should be
11 indicated on the site plan.

12
13 Mr. Thorsland asked Mr. Hall for a suggested continuance date.

14
15 Mr. Hall stated that given the amount of new cases that have been received, he is wondering if the Board
16 should consider re-instating the October 13th meeting and continuing Cases 845-AM-16 and 846-S-16 to that
17 meeting.

18
19 Mr. Thorsland entertained a motion to re-instate the October 13th meeting.

20
21 **Ms. Griest moved, seconded by Mr. Randol, to re-instate the October 13th meeting. The motion**
22 **carried by voice vote.**

23
24 Mr. Thorsland asked Mr. Modglin if he is available for the October 13th meeting.

25
26 Mr. Modglin stated yes.

27
28 Mr. Thorsland entertained a motion to continue Cases 845-AM-16 and 846-S-16 to the October 13, 2016,
29 meeting.

30
31 **Ms. Griest moved, seconded by Mr. Randol, to continue Cases 845-AM-16 and 846-S-16 to the**
32 **October 13, 2016, meeting. The motion carried by voice vote.**

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845-AM-16

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

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

Date: ***{October 13, 2016}***

Petitioners: **Kevin Modglin, Jeff Swan, and Jeff Dazey, d.b.a. Advantage Trucking, LLC**

Request: **Amend the Zoning Map to change the zoning district designation from the R-4 Multiple Family Residence Zoning District to the B-4 General Business Zoning District in order to establish and operate the proposed Special Use in related Zoning Case 846-S-16.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 15, 2016**, and **October 13, 2016**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 846-S-16)

- *1. Petitioners Kevin Modglin, 425 Glenwood Drive, Rantoul; Jeff Swan, 900 Jack Street, Paxton; and Jeff Dazey, 11833 East 1725 North, Oakwood, d.b.a. Advantage Trucking, LLC, own the subject property.
- *2. The subject property is a 7.97 acre tract in Rantoul Township that is part of the Southwest Quarter of the Southwest Quarter of Section 15 and a part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 21 North, Range 9 East of the Third Principal Meridian in Rantoul Township and formerly known as the Cherry Orchard Apartments property with an address of 1512 CR2700N, Rantoul.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Rantoul, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.
 - *B. The subject property is located within Rantoul Township, which has a Plan Commission. Townships with Plan Commissions have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Rantoul Township Plan Commission. No comments have been received.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: “N/A.”
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following: **“Future zoning for Village of Rantoul designates this area as a commercial zoning.”**

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *6. Land use and zoning on the subject property and in the vicinity are as follows:
 - *A. The subject property is a 7.97 acre tract and is currently zoned R-4 Multi Family Residential. The site is currently vacant after demolition of the Cherry Orchard Apartments in 2016.
 - *B. Land to the north of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - *C. Land to the southwest of the subject property is zoned B-4 General Business and is in commercial use. Land to the southeast is zoned AG-1 and is in agricultural production.

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- *D. Land to the east of the subject property is zoned AG-1 Agriculture and is in use as agricultural production to the northeast, vacant property to the east, and single family residential to the southeast.
 - *E. Land to the west is zoned AG-1 Agriculture and is in agricultural production.
- *7. Regarding the site plan and proposed operations of the subject property:
- *A. The site plan received June 14, 2016, indicates the following proposed improvements to the vacant lot:
 - * (1) One 18,200 square feet “shop space” building;
 - * (2) Four self-storage buildings with a total of 144 units that are 10 feet by 12 feet each:
 - *a. A 150 feet by 24 feet building with 30 units;
 - *b. A 170 feet by 24 feet building with 34 units;
 - *c. A 190 feet by 24 feet building with 38 units; and
 - *d. A 210 feet by 24 feet building with 42 units.
 - * (3) A dry basin detention area (green space) north of the proposed buildings;
 - * (4) An earth berm on the north, west, and south sides of the property;
 - * (5) A gravel area surrounding the storage units and shop space; and
 - * (6) Use of an existing asphalt drive with access to CR2700N.
 - *B. In a letter accompanying the zoning case applications received June 14, 2016, co-petitioner Kevin Modglin indicated the following:
 - * (1) “Advantage Trucking, LLC desires to use the property for a truck terminal and also for self-storage units per the attached site lay-out plan. Our development intentions are very preliminary at this stage. It was our intention upon purchase of this property to remove the blighted buildings and seek a change in the zoning for our desired use. The cost to remove the blighted buildings required a large cash outlay up front from our company and we will need twelve to twenty-four months to build sufficient cash reserves to begin putting together the engineering and architectural plans required for the development of the property. If approved, we intend to develop the property over the course of two to five years.”
 - * (2) “The truck terminal would be used for the storage, maintenance and repair of Advantage Trucking, LLC’s vehicles. We currently have four dump trucks and one semi-tractor with two different trailers. Our trucks haul gravel, sand and dirt locally... Major repairs for our trucks and trailers are done at qualified repair facilities, so permanent employees would not be working out of the shop building full time.”

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- * (3) “The southern part of the shop building would be used for storage of personal and recreational vehicles of the shareholders of Advantage Trucking, LLC. The shop building would be heated and have water and electricity. There would be one restroom with a new private septic system for waste disposal.”
- * (4) “The self-storage units would be constructed with a typical unit size of 10' x 20'. The units would not be heated or air conditioned. Electricity would not be available to the individual units. Lighting would be achieved by wall units mounted to the buildings with a low wattage as not to affect traffic or neighboring properties. We intend to develop and build the storage unit buildings one at a time as the units fill to capacity in each building.”
- * (5) “At this time, we do not intend to have a perimeter fence around the storage units or the property. Access would be controlled by a gate at the main entrance.”
- *C. In an email received August 24, 2016, co-petitioner Kevin Modglin indicated the following:
 - * (1) “Our trucking business is a gravel and dirt hauling business. We haul aggregates (sand, rock, gravel) and dirt for construction local construction projects and almost exclusively for Mid Illinois Concrete & Exc. Our geographic location is an approximate radius of 75 – 100 miles centered around Champaign-Urbana”.
- *D. In an email received August 26, 2016, co-petitioner Kevin Modglin submitted a revised site plan, which indicated the following new information:
 - * (1) Approximate yard and setback distances for all proposed buildings;
 - * (2) Outdoor storage areas for aggregate and other materials;
 - * (3) Proposed septic field location east of the shop space; and
 - * (4) Proposed screening on the east side of the subject property, which is adjacent to a single family residence.
 - * (5) “Equipment stored inside would be our trucks. We currently have 3 Tandems and 1 Semi. Equipment stored outside would consist of 3 semi dump trailers, a bulldozer, a farm tractor with disc and a front end loader.”
- *E. In an email received August 31, 2016, co-petitioner Kevin Modglin stated that they will bring in a concrete crusher in late 2016 or early 2017, depending on the availability of the crusher. They do not intend to crush concrete at the subject property in the future; it would be a one-time event.
- *F. In an email received September 30, 2016, co-petitioner Kevin Modglin submitted a revised Site Plan with the following updated information:
 - * (1) Regarding parking and handicap accessibility:

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- *a. The revised site plan shows 29 parking spaces, including 3 marked for accessibility. Accessible marking and signage details are shown, and there is a note that accessible spaces will be paved with concrete.
- *b. Measurements are now provided for the space between the proposed storage buildings.

 - *a. The 30 feet of space should allow for a 12 feet wide through lane and parallel parking by storage unit renters, which would be in addition to the 29 marked spaces.
 - *b. Staff calculated that 1 space would be needed for every 3 of the 144 proposed storage units, or 48 spaces. It would be feasible to have 15 parallel spaces between the northern two storage buildings; 17 spaces between the 2 middle storage buildings; and 19 spaces between the southern 2 storage buildings, for a total of 51 unmarked spaces.
- *(2) Regarding screening: The revised site plan shows vegetative screening on the east side of the proposed shop building, in addition to the existing trees and hedges along the east property line.
- *(3) Regarding drainage and the proposed earth berm:

 - *a. The revised site plan shows “grade drainage swale for positive drainage” that would ultimately flow toward an existing ditch along US Route 45.
 - *b. The petitioners have extended the proposed earth berm around the northeast corner of the subject property. Mr. Modglin confirmed that the earth berm is proposed to be approximately 8 feet tall.
- *(4) Regarding yard requirements:

 - *a. Yard measurements on the revised plan show there is more than sufficient space between the property line and proposed buildings to exceed Zoning Ordinance requirements.
 - *b. The revised site plan shows 10 feet of separation between the property line and the proposed earth berm.
 - *c. The revised site plan shows 75 feet between the proposed truck terminal (shop space) and the nearest lot with a dwelling; Part B of Case 846-S-16 could be revised to state 75 feet instead of the 55 feet currently indicated.
- *(5) Regarding outdoor lighting:

 - *a. The revised site plan shows an array of lighting intensities in the proposed parking areas. Blue arrows on the sides of the buildings indicate where lighting will be installed. Blue “0.0” numbers indicate areas where lighting will not extend. Red numbers indicate more intense lighting areas.

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- *b. The lighting specifications sheets are for full cut-off models and are compliant with the Zoning Ordinance lighting requirements for Special Use Permits.
- *G. In an email received October 3, 2016, co-petitioner Kevin Modglin submitted a revised Site Plan with the following updated information:

 - * (1) Proposed aggregate storage area with four bins, 20 feet by 30 feet each, located north of the shop space;
 - * (2) A proposed sign on the corner of CR 2700N and US45; and
 - * (3) 2 proposed signs on either side of the subject property access drive.
- *H. In an email received October 3, 2016, Mr. Modglin responded to questions ZBA members had at the September 15, 2016, hearing:

 - * (1) The concrete crusher contractor estimates that it will take 7 to 15 Working Days to finish crushing the pile on the subject property.
 - * (2) Advantage Trucking's normal business operations are 7:00 AM to 5:00 PM, Monday thru Friday. We do work some Saturdays throughout the year, depending on our work load. Saturday work is typically from Spring thru Fall, but sometimes it is required during the winter months. We rarely work on Sundays, but it does happen on occasion.
 - * (3) The area where the proposed self-storage will be developed in stages will remain a grass landscape area until developed.
- *I. In an email received October 6, 2016, Mr. Modglin stated the following:

 - * (1) The concrete crusher would be located on the north end of the property, and would work from west to east.
- *J. In a second email received October 6, 2016, Mr. Modglin submitted a revised Site Plan with the following updated information:

 - * (1) The proposed septic field has been moved northeast of the proposed north shop space rather than to the east of the southern shop space so that it is at least 55 feet from the adjacent residential lot.
 - * (2) The proposed well has been moved from the northeast corner of the north shop space to the southeast corner of the dry basin detention area.
- *K. Previous Zoning Use Permits on the subject property are as follows:

 - * (1) ZUPA# 32-16-02 was approved on March 8, 2016, for Advantage Trucking to demolish 7 buildings, remove septic tanks and wells.
- *L. Previous Zoning Cases on the subject property are as follows:

 - * (1) Case 467-AM-83 was approved on May 17, 1983 to rezone the subject property from AG-1 Agriculture to R-4 Multi Family Residential.

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- *M. Previous Zoning Cases in the immediate area of the subject property are as follows:
- * (1) Case 562-AM-86 was approved on May 29, 1986 to rezone the property on the southwest corner of CR2700N and US45 North from AG-1 to B-4 zoning in order to establish self-storage units.
 - * (2) Case 941-AM-94 approved October 25, 1994 was to rezone a subdivision from AG-1 to AG-2 to create 6 residential lots east of the subject property.
 - * (3) Case 057-V-96 approved November 7, 1996 was a variance for average lot width and for a lot area of less than one acre on a residential property east of the subject property.
 - * (4) Case 146-AM-98 approved July 23, 1998 was to rezone a lot from a mixed B-4/R-5 zoning to all B-4, just south of the subject property.
 - * (5) Case 290-S-01 was approved on May 31, 2001 for a new Rantoul Township maintenance facility on the southwest corner of CR2700N and US45 North.
 - * (6) Case 469-S-04 was approved on November 23, 2004 for a multiple use Special Use Permit for a light assembly business and Mobile Home sales office on the property from Case 146-AM-08.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

- *8. Regarding the existing and proposed zoning districts:
- *A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - * (1) The R-4, Multiple Family Residence DISTRICT is intended to provide areas for SINGLE FAMILY, TWO FAMILY, and MULTIPLE FAMILY DWELLINGS set in a medium density housing environment.
 - * (2) The B-4, General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.
 - B. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
 - (1) There are 21 types of uses authorized by right in the R-4 District and there are 117 types of uses authorized by right in the B-4 District:
 - a. There are 10 uses authorized by right in the R-4 District that are also authorized by right in the B-4 District:
 - (a) SUBDIVISIONS totaling three lots or less;
 - (b) SUBDIVISIONS totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS;
 - (c) Agriculture, including customary accessory uses;
 - (d) Institution of an Educational, Philanthropic or Eleemosynary Nature;
 - (e) Church, Temple, or church related TEMPORARY USES on church PROPERTY;
 - (f) Municipal or GOVERNMENT BUILDING;

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- (g) Police station or fire station;
 - (h) Library, museum or gallery;
 - (i) Public park or recreational facility; and
 - (j) Lodge or private club.
- b. The following 102 uses are authorized by right in the B-4 District and not at all in the R-4 District:
- (a) HOTEL – no more than 15 LODGING UNITS;
 - (b) HOTEL – over 15 LODGING UNITS;
 - (c) Minor RURAL SPECIALTY BUSINESS;
 - (d) Major RURAL SPECIALTY BUSINESS;
 - (e) Commercial greenhouse;
 - (f) Greenhouse (not exceeding 1,000 square feet);
 - (g) Garden Shop;
 - (h) Plant Nursery;
 - (i) PARKING GARAGE or PARKING LOT;
 - (j) Radio or Television Station;
 - (k) Telegraph Office;
 - (l) Railway Station;
 - (m) MOTOR BUS Station;
 - (n) **Truck Terminal**;
 - (o) Barber shop;
 - (p) Beauty shop;
 - (q) Reducing salon;
 - (r) Dressmaking shop;
 - (s) Drycleaning ESTABLISHMENT;
 - (t) Laundry and/or dry-cleaning pick-up;
 - (u) Millinery shop;
 - (v) Self-service laundry;
 - (w) Shoe repair shop;
 - (x) Tailor and pressing shop;
 - (y) Diaper service ESTABLISHMENT;
 - (z) Clothing repair and storage;
 - (aa) Medical and dental clinic;
 - (bb) Roadside produce sales stand;
 - (cc) Farm Equipment Sales & Service;
 - (dd) Feed and Grain (sales only);
 - (ee) Artist studio;
 - (ff) Banks, Savings and Loan Associations;
 - (gg) Insurance and Real Estate Offices;
 - (hh) Business Office;
 - (ii) Professional Office;
 - (jj) Vocational, Trade, or Business SCHOOL;
 - (kk) Meat and Fish Market;
 - (ll) Restaurant (indoor service only);
 - (mm) Supermarket or Grocery Store;
 - (nn) Drive-in Restaurant;

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- (oo) Tavern or Night Club;
- (pp) Bakery (less than 2,500 SF);
- (qq) Dairy store;
- (rr) Delicatessen;
- (ss) Confectionery store;
- (tt) Retail liquor store;
- (uu) Locker, cold storage for individual use;
- (vv) AUTOMOBILE, Truck Trailer and Boat Sales room (all indoors);
- (ww) AUTOMOBILE or Trailer Sales area (open lot);
- (xx) Major AUTOMOBILE Repair (all indoors);
- (yy) Minor AUTOMOBILE Repair (all indoors);
- (zz) Gasoline Service Station;
- (aaa) AUTOMOBILE washing facility;
- (bbb) Automotive Accessories (new);
- (ccc) Building material sales (excluding concrete or asphalt mixing);
- (ddd) Hardware Store;
- (eee) Electrical or gas appliance sales and service;
- (fff) Department Store;
- (ggg) Apparel shop;
- (hhh) Shoe store;
- (iii) Jewelry store;
- (jjj) Stationery-gift shop-art supplies;
- (kkk) Florist;
- (lll) Newsstand-bookstore;
- (mmm) Tobacconist;
- (nnn) Variety-dry goods store;
- (ooo) Music store;
- (ppp) Drugstore;
- (qqq) Photographic studio and equipment sales and service;
- (rrr) Furniture Store – Office Equipment sales;
- (sss) Antique sales and service;
- (ttt) Used Furniture Sales and Service;
- (uuu) Pet store;
- (vvv) Bicycle sales and service;
- (www) Fuel Oil, ice, coal, wood (sales only);
- (xxx) Monument Sales (excludes stone cutting);
- (yyy) Pawn Shop;
- (zzz) Sporting good sales and service;
- (aaaa) Heating, ventilating, air conditioning sales and service;
- (bbbb) Lawnmower sales and service;
- (cccc) Bait sales;
- (dddd) Billiard room;
- (eeee) Bowling Alley;
- (ffff) Dancing Academy or hall;
- (gggg) Outdoor commercial recreational enterprise (except amusement park);
- (hhhh) THEATER, indoor;
- (iiii) Commercial Fishing Lake;

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- (jjjj) VETERINARY HOSPITAL;
 - (kkkk) Wholesale business;
 - (llll) Warehouse;
 - (mmmm) Self-storage warehouses, providing heat and utilities to individual units
 - (nnnn) **Self-storage warehouses, not providing heat and utilities to individual units**
 - (oooo) Auction house (non-animal);
 - (pppp) Christmas Tree Sales Lot;
 - (qqqq) OFF-PREMISES SIGN;
 - (rrrr) SEXUALLY ORIENTED BUSINESSES.
 - (ssss) TEMPORARY USES;
 - (tttt) Contractors facilities with no outdoor STORAGE nor outdoor OPERATIONS;
 - (uuuu) **Contractors facilities with outdoor STORAGE and/or outdoor OPERATIONS;**
 - (vvvv) AGRICULTURAL DRAINAGE CONTRACTOR facility with no outdoor STORAGE and/or outdoor OPERATIONS;
 - (wwww) AGRICULTURAL DRAINAGE CONTRACTOR facility with outdoor STORAGE and/or outdoor OPERATIONS; and
 - (xxxx) SMALL SCALE METAL FABRICATING SHOP.
- c. There are no uses are authorized by right in the R-4 District that require a Special Use Permit in the B-4 District:
- d. The following 11 uses are authorized by right in the R-4 District but not at all in the B-4 District:
- (a) BOARDING HOUSE;
 - (b) SINGLE FAMILY DWELLING;
 - (c) TWO-FAMILY DWELLING;
 - (d) MULTI-FAMILY DWELLING;
 - (e) Fraternity, Sorority, or Student Cooperative;
 - (f) Dormitory;
 - (g) Home for the aged;
 - (h) NURSING HOME;
 - (i) Elementary SCHOOL, Jr. High SCHOOL, or High SCHOOL;
 - (j) Country club or golf course; and
 - (k) Country club clubhouse.
- e. The following 5 uses are authorized by right in the B-4 District but require a Special Use Permit in the R-4 District:
- (a) Township Highway Maintenance Garage;
 - (b) Telephone Exchange;
 - (c) Mortuary or Funeral Home;
 - (d) Private Kindergarten or Day Care Facility; and
 - (e) Private Indoor Recreational Development.

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- (2) There are 10 types of uses authorized by Special Use Permit (SUP) in the R-4 District (including the 5 uses authorized by right in the B-4 District, see above) and 12 types of uses authorized by SUP in the B-4 District:
- a. The following 3 uses may be authorized by SUP in the both the R-4 District and B-4 District:
 - (a) Adaptive reuse of government buildings for any use permitted by right in B-1, B-2, B-3, B-4, B-5 and I-1;
 - (b) Electrical substation; and
 - (c) HOSPITAL.
 - b. The following 2 uses may be authorized by Special Use Permit in the R-4 District and not at all in the B-4 District:
 - (a) Residential PLANNED UNIT DEVELOPMENT; and
 - (b) Artificial lake of 1 or more acres.
 - c. The following 9 uses may be authorized by SUP in the B-4 District and not at all in the R-4 District:
 - (a) Private or commercial transmission and receiving towers (including antennas) over 100 feet in height;
 - (b) HELIPORT-RESTRICTED LANDING AREAS;
 - (c) Bakery (more than 2,500 SF);
 - (d) Amusement Park;
 - (e) KENNEL;
 - (f) Recycling of non-hazardous materials (all storage and processing indoors);
 - (g) **Contractors facilities with outdoor STORAGE and/or outdoor OPERATIONS;**
 - (h) AGRICULTURAL DRAINAGE CONTRACTOR facility with outdoor STORAGE and/or outdoor OPERATIONS; and
 - (i) LIGHT ASSEMBLY.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

9. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows...”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires

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- (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

REGARDING RELEVANT LRMP GOALS & POLICIES

(Note: bold italics typeface indicates staff’s recommendation to the ZBA)

10. LRMP Goal 1 is entitled “Planning and Public Involvement” and states:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but the proposed rezoning will **NOT IMPEDE** the achievement of Goal 1.

11. LRMP Goal 2 is entitled “Governmental Coordination” and states:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 2.

12. LRMP Goal 3 is entitled “Prosperity” and states:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. The proposed amendment **WILL HELP ACHIEVE** Goal 3 for the following reasons:

- A. The three objectives are:
- (1) Objective 3.1 is entitled “Business Climate” and states: Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.
 - (2) Objective 3.2 is entitled “Efficient County Administration” and states: “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”

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- (3) Objective 3.3 is entitled “County Economic Development Policy” and states: “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.”

B. Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of these objectives, the proposed rezoning will allow the Petitioners to establish a mix of business uses that could benefit Champaign County’s business climate; therefore, the proposed rezoning can be said to **HELP ACHIEVE** Goal 3.

13. LRMP Goal 4 is entitled “Agriculture” and states:

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. The proposed amendment will **HELP ACHIEVE** Goal 4 for the following reasons:

- A. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states: “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed rezoning will **HELP ACHIEVE** Objective 4.3 because of the following:

- (1) Objective 4.3 includes 5 subsidiary policies. Policy 4.3.1 does not appear to be relevant to the proposed rezoning.
- (2) **Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of 149A Benton silt loam and 152A Drummer silty clay loam, and has an average Land Evaluation (LE) of 100.
- b. The subject property was converted out of agricultural production to create multi-family housing prior go 1973, and has an existing paved access drive suitable to the purposes of proposed operations, making the subject property well-suited overall.
- c. Agricultural drainage should not be affected.
- d. The site is currently vacant after demolition of the Cherry Orchard Apartment Complex in 2016.
- e. The proposed site plan received June 14, 2016, indicates proposed dry basin detention areas.

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- f. The proposed development will include a new septic system.
 - g. There is a mix of residential, commercial, and agricultural uses surrounding the subject property.
 - h. The B-4 General Business District is intended to accommodate a range of commercial uses and is intended for application only adjacent to the urbanized areas of the county.
 - i. The subject property is located along the east side of US Route 45 North, approximately 0.4 miles south of the Village of Rantoul and 0.7 miles north of the Village of Thomasboro.
- (3) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.3 for the following reasons:

- a. The subject property is located approximately 2.2 miles from the Thomasboro Fire Protection District station. A notice of these related zoning cases was sent to the Thomasboro Fire Protection District but no comments have been received.
- (4) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.4 for the following reasons:

- a. No roadway improvements are necessary for the proposed project.
 - b. No connection to public water or sewer is planned; the petitioners plan to install a new septic system and utilize existing wells.
- (5) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a) **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
 - b) **The use is otherwise appropriate in a rural area and the site is very well suited to it.”**

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The proposed rezoning will **HELP ACHIEVE** Policy 4.3.5 for the following reasons:

- a. The proposed use in related Case 846-S-16 **DOES NOT** serve surrounding agricultural land uses or an important public need.
 - b. The subject property is 0.4 miles from the Village of Rantoul and the Village's most recent Comprehensive Plan Map from 2006 shows the subject property to be in the Mixed Use future land use area.
 - c. Truck Terminals and Self-Storage Warehouses are by-right USES in the B-4 DISTRICT.
 - d. Contractor's Facilities with Outdoor Storage and/or Outdoor Operations are allowed by-right in the B-4 DISTRICT if all outdoor storage is located in the REAR YARD and is completely screened by a Type D Screen meeting the provisions of Section 7.6.3. Otherwise, they are authorized only by Special Use Permit in the B-4 DISTRICT.
 - e. The proposed development in related Case 846-S-16 **IS** otherwise appropriate in a rural area based on the following:
 - (a) In item 13.B.(2)a.(a) of this Finding of Fact, the Zoning Board of Appeals has recommended that the existing and proposed use of the subject property **DOES NOT** negatively affect agricultural activities.
 - (b) In item 13.B.(2)a.(b) of this Finding of Fact, the Zoning Board of Appeals has recommended that the existing and proposed use of the subject property **IS NOT** negatively affected by surrounding agricultural activities; and
 - (c) In items 13.B.(2)a.(c), and (d) of this Finding of Fact the Zoning Board of Appeals has recommended that the existing and proposed use of the subject property **WILL NOT** damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.
 - f. Regarding whether the site is very well suited to the proposed land use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
- B. Objective 4.2 is entitled "Development Conflicts with Agricultural Operations" and states, "Champaign County will require that each *discretionary review* development will not interfere with agricultural operations."

The proposed rezoning will **HELP ACHIEVE** Objective 4.2 because of the following:

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- (1) **Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 for the following reasons:

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
 - b. On the basis of the proposed development in related Case 846-S-16 that was **{GRANTED / DENIED}** by the Zoning Board of Appeals, the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 based on the following:
 - (a) The proposed development in related Case 846-S-16 **DOES NOT** support agriculture.
 - (b) The subject property was converted out of agricultural production to create multi-family housing prior go 1973 and has an existing paved access drive suitable to the purposes of proposed operations, making the subject property well-suited overall.
 - (c) In an email received August 24, 2016, Kevin Modglin stated, “Our geographic location is an approximate radius of 75 – 100 miles centered around Champaign-Urbana. We chose this site for a couple of reasons...access to a major highway in close proximity to Champaign-Urbana, the price was right, and we were able to take a site in need of redevelopment and improve it.”
- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
- a) **is a type that does not negatively affect agricultural activities; or**
 - b) **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
 - c) **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

- a. On the basis of the proposed development in related Case 846-S-16, the proposed rezoning that was **{GRANTED / DENIED}** by the Zoning Board of Appeals, will **HELP ACHIEVE** Policy 4.2.2 based on the following:
 - (a) The traffic generated by the proposed rezoning is likely only to occur on rural roads between the subject property and US45 North, which is an area with no agricultural activities.

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- (b) The existing and proposed use of the subject property **IS NOT** negatively affected by surrounding agricultural activities.
 - (c) The existing and proposed use of the subject property **WILL NOT** interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems based on the following:
 - i.* Agricultural drainage should not be affected.
 - ii.* The Site Plan received June 14, 2016, indicates an earth berm that will surround the proposed uses and serve as a buffer to the farmland located on the north side of the subject property.
 - (d) The existing and proposed use of the subject property **WILL NOT** interfere with agricultural activities or damage or negatively affect *rural* roads based on the following:
 - i.* The traffic generated by the proposed rezoning is likely only to occur on rural roads between the subject property and US45 North, which is an area with no agricultural activities.
 - ii.* The existing and proposed use of the subject property **WILL NOT** damage or negatively affect other agriculture-related infrastructure.
- (3) **Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.3 for the following reason:

- a. A special condition has been added to the map amendment regarding Champaign County’s Right to Farm Resolution.

- (4) **Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.4 for the following reasons:

- a. The proposed use on the subject property **WILL NOT** create nuisance conditions or inhibit adjacent agricultural activities. A buffer between the use and nearby agriculture is not warranted.
- b. Nonetheless, the petitioners propose an earth berm on the north, west and south sides of the subject property, which will create a buffer between the proposed uses and the adjacent farmland to the north.

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- C. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states: “Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”

The proposed rezoning will **HELP ACHIEVE** Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, and 4.1.9 do not appear to be relevant to the proposed rezoning.
- (2) Policy 4.1.1 states, “**Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.**”

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.1 because the Site Plan received October 2, 2015 will remove no additional land from agricultural production.

- (3) Policy 4.1.6 states: “**Provided that the use, design, site and location are consistent with County policies regarding:**
 - i. **Suitability of the site for the proposed use;**
 - ii. **Adequacy of infrastructure and public services for the proposed use;**
 - iii. **Minimizing conflict with agriculture;**
 - iv. **Minimizing the conversion of farmland; and**
 - v. **Minimizing the disturbance of natural areas; then**
 - a) **On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
 - b) **On best prime farmland, the County may authorize non-residential discretionary development; or**
 - c) **The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.6 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of 149A Benton silt loam and 152A Drummer silty clay loam, and has an average Land Evaluation (LE) of 100.
- b. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed

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rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding site suitability on best prime farmland and will **HELP ACHIEVE** Policy 4.3.5.”

- c. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
 - d. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policies 4.2.1, 4.2.2, 4.2.3, and 4.2.4.
 - e. Regarding compliance with policies having to do with minimizing the conversion of best prime farmland, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.1.7.
 - f. Regarding compliance with policies having to do with minimizing the disturbance of natural areas, there are no natural areas on the subject property and the proposed amendment **WILL NOT IMPEDE** the achievement of Goal 8.
- (4) Policy 4.1.8 states, “**The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.**”
- The proposed rezoning will **HELP ACHIEVE** Policy 4.1.8 for the following reasons:
- a. The soil on the subject property is best prime farmland and consists of 149A Benton silt loam and 152A Drummer silty clay loam, and has an average Land Evaluation (LE) of 100.
 - b. The Site Assessment (SA) portion of the LESA analysis scored 135 out of 200 points.
 - c. The total LESA Score of 235 receives the second highest protection rating in LESA which is “high rating for protection.” Even though the LESA score indicates a “high rating for protection”, this property has been out of agricultural production and in use as multi-family housing for many years, and the LESA score should not guide the County Board in this instance.

14. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 has 3 objectives and 15 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 5 for the following reasons:

- A. The Land Resource Management Plan defines “urban land use” as generally any land use that is connected and served by a public sanitary system and “urban development” is defined as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary system.
- B. The subject property is not serviced by sanitary sewer or a public water supply.
- C. The uses proposed in related Case 846-S-16 do not need access to a sanitary sewer or a public water supply and should not be considered to be “urban development”.

15. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:
Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 6.

16. LRMP Goal 7 is entitled “Transportation” and states as follows:
Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

The proposed amendment will **NOT IMPEDE** the achievement of Goal 7.

17. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

The proposed amendment will **NOT IMPEDE** the achievement of Goal 8.

18. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

The proposed amendment will **NOT IMPEDE** the achievement of Goal 9.

19. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

The proposed amendment will **NOT IMPEDE** the achievement of Goal 10.

GENERALLY REGARDING THE LASALLE FACTORS

20. In the case of *LaSalle National Bank of Chicago v. County of Cook* the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the

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validity of any proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. The *Champaign County Zoning Ordinance* does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

- A. ***LaSalle* factor: The existing uses and zoning of nearby property.** Table 1 summarizes the land uses and zoning of the subject property and nearby properties.

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	vacant	R-4 Multiple Family Residential (Proposed rezoning to B-4)
North	Agriculture	AG-1 Agriculture
East	Vacant and Residential	R-4 Multiple Family Residential and AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Commercial and Agriculture	B-4 General Business and R-5 Mobile Home Park

- B. ***LaSalle* factor: The extent to which property values are diminished by the particular zoning restrictions.** Regarding this factor:
- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
 - (2) This area has a mix of land uses and the subject property had been multi-family residences for years prior to its demolition in 2016.
 - (3) In regards to the value of nearby residential properties, it is not clear if the requested map amendment would have any effect.
- C. ***LaSalle* factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.** Regarding this factor:
- (1) There has been no evidence submitted regarding property values.
 - (2) This area has a mix of land uses and the subject property had been multi-family residences for years prior to its demolition in 2016.
 - (3) There are concerns that the proposed truck terminal will increase noise levels for adjacent residents.
- D. ***LaSalle* factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:

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- (1) The gain to the public of the proposed rezoning is positive because it will develop a vacant property, which will be more desirable than the previous dilapidated multi-family housing and the existing vacant lot.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.** Regarding whether the site is well suited to the proposed land use, the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
- (1) The former Cherry Orchard Apartment Complex buildings have been vacant since 2011 and were demolished by the petitioners in 2016.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use **IS** a service better provided in a rural area.
- (2) In the review of Policy 4.3.5 the ZBA has recommended the following:
- a. The proposed use **DOES NOT** serve surrounding agricultural land uses or an important public need.
- b. The proposed development **IS** otherwise appropriate in a rural area.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
- (1) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
- (2) The subject property is 0.4 miles from the Village of Rantoul and the Village's most recent Comprehensive Plan Map from 2006 shows the subject property to be in the Mixed Use future land use area.
- I. Overall, the proposed map amendment **IS CONSISTENT** with the LaSalle and Sinclair factors.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

21. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:
- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

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This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance; with the exception of the 200 feet minimum separation distance requirement (Part B Waiver for this Case), the proposed site plan appears to be in compliance with those requirements.

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

It is not clear whether or not the proposed rezoning will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The ZBA has recommended that the proposed rezoning will **NOT IMPEDE** Goal 7 Transportation regarding coordination with existing plans and policies, but no Traffic Impact Assessment has been made.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed rezoning will not trigger the need for stormwater management; however, creation of additional impervious area due to the construction of the proposed buildings in related Special Use Case 846-S-16 will trigger the need for stormwater management; this will be a part of the construction permit approval process. No Stormwater Management Plan has been submitted.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

(1) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

(2) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

- F. Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

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

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

- H. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- I. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- (1) The proposed Special Use in related Case 846-S-16 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
 - (2) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan, although the proposed Special Use Permit is not urban in use.
- J. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

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

The proposed Special Use in related Case 846-S-16 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

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

The proposed use will not take any land out of production.

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

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

22. Public Comments:

*A. On August 26, 2016, staff received a phone call from a resident who was concerned about the potential noise the proposed facility might create. The resident also stated that mud was being tracked out onto CR2700N and US Route 45 North from the subject property.

*B. Roy and Kathryn Hatfield, 1516A CR 2700 N, Rantoul, are the neighbors with a residence directly east of the subject property. In a phone conversation on September 9, 2016, Mrs. Hatfield expressed the following concerns:

*(1) Regarding the proposed 55 feet separation distance between the proposed special use and their property line, she is concerned that their property value will decrease because of the close proximity. She would prefer that the 200 feet minimum be maintained as per the Zoning Ordinance.

*(2) Regarding the proposed uses, she is concerned that there will be more empty warehouses if the petitioners construct the self-storage units. She says that there are already numerous empty warehouses in the area and wonders why they would build more.

*(3) Regarding the earth berm and site aesthetic, she is concerned that the proposed earth berm will be an eyesore and will not be maintained. She said that there are already weeds over their heads on the property line they share with the petitioners.

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*B. Julie Krattz, daughter of Mr. and Mrs. Hatfield, submitted an email received September 14, 2016 with the following concerns:

* (1) "Part A authorized multiple.... consisting of a 'Truck Terminal, Contractors Facility with Outdoor Storage and/or Operations and 144 Self-Storage Warehouse Units without heat and utilities to individual units, as a Special Use...' The option of 'and/or Operations' does not define or disclose what the property will actually be used for. The proposal of 144 storage units without utilities can only be construed as a ruse for future use... The proposal also states that these units will be developed over time which gives the Petitioners a lot of time to change the "use" of the property as they so desire."

* (2) "The 'Use' of the land seems to be a mystery, misrepresented or concealed. The actual future is not disclosed. Kevin Modglin admits in his letter of June 3, 2016 that the 'development intentions are very preliminary at this stage'."

* (3) "If they are going to grind concrete as stated in an email, whether one time or in the future, drainage is a significant issue per EPA regulations. It is obvious that the Petitioners intend to grind concrete on the property. There is currently a large pile of concrete on the land. One time or not, EPA regulates the enclosure of the facility, drainage and the removal of slurry. The entire package is void of any mention of EPA compliance or permits. LRMP Policy 8.1.7 specifically states, 'The County will ensure that existing and new developments do not pollute the groundwater supply.' Ms. Chavarria directed an email to Kevin Modglin dated August 31, 2016 asking about his intent on removing the broken concrete currently on the property. His response is non responsive at best. He simply states that it will be done later in the fall or spring and is a one-time deal...nothing about how it will be removed. Page 6 addresses the dust. It states, 'Fugitive dust from the subject property is prohibited during loading and unloading and also while earth is being stored.' They cannot control the wind, which in turn will blow the dust on the neighboring properties, both residential and farm land. With regard to noise, I am told that there are workers out there at 6:00 am. The dump trucks, diesel and earth movers are NOT quiet. I also understand that another neighbor has already complained about the damage they have done to CR2700N. My mother said it was recently repaved and is already worn down to the tar. Who will maintain and pay for the road?"

* (4) "On August 24, 2016 Mr. Modglin emails the County stating the 'trucking business is a gravel and dirt hauling business. We haul aggregates (sand, rock, gravel) and dirt for construction local [sic] construction projects and "almost exclusively for Mid Illinois Concrete and Exc.' Kevin Modglin owns Mid Illinois Concrete and Excavation. Excavation requires the disposal of concrete."

* (5) "We strongly object to Part B and C of Case No. 846-S-16 addressing the waivers of the setback lines. My parents live in the house adjacent to the land in issue. This will encroach on their property. The proposed building will nearly sit on top of them and will be highly visible, trees or not. In reply to the fence, if it is currently required, why waive it? The Petitioners are bringing unknown material

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on the property...keep it on that property and not all over the road and neighboring resident's property.”

- *C. Kathryn Hatfield called on September 26, 2016, with the concern that the well the petitioners plan to dig will be directly across from their own well, which might affect their water quantity or pressure.

REGARDING SPECIAL CONDITIONS OF APPROVAL

23. Proposed Special Conditions of Approval:

- A. LRMP Policy 4.2.3 requires discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following condition is intended to provide for that:

The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425 (see attached).

The above special condition is necessary to ensure the following:

Conformance with Land Resource Management Plan Policy 4.2.3.

- B. The Site Plan received on <DATE> is the official site plan for approval in Cases 845-AM-16 and 846-S-16.

The above special condition is necessary to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.

DOCUMENTS OF RECORD

1. Application for Map Amendment received May 27, 2016
2. Application for Special Use Permit received June 14, 2016, with attachments:
 - A Site layout plan dated May 26, 2016 and received June 14, 2016
 - B Plat of Survey by Theodore P. Hartke, dated April 22, 2016 and received June 14, 2016
 - C Letter from petitioners received June 14, 2016
3. Case file from ZUPA #32-16-02 approved March 8, 2016
4. Natural Resources Report from Champaign County Soil and Water Conservation District dated June 8, 2016 and received June 10, 2016
5. LESA Site Assessment worksheet completed by staff on August 23, 2016
6. Email from Kevin Modglin received August 24, 2016
7. Email from Kevin Modglin received August 26, 2016, with attachment:
 - A Revised site plan received August 26, 2016
8. Email from Kevin Modglin received August 31, 2016
9. Preliminary Memorandum dated September 8, 2016 for Cases 845-AM-16 and 846-S-16, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site layout plan dated May 26, 2016 and received June 14, 2016
 - C Email from Kevin Modglin received August 26, 2016, with attachment:
 - Revised site plan received August 26, 2016
 - D Plat of Survey by Theodore P. Hartke, dated April 22, 2016 and received June 14, 2016
 - E Letter received June 14, 2016, as an attachment to the Rezoning/Special Use applications
 - F LRMP Land Use Goals, Objectives, and Policies
 - G LRMP Appendix of Defined Terms
 - H Copy of Right to Farm Resolution 3425
 - I Natural Resources Report from Champaign County Soil and Water Conservation District dated June 8, 2016 and received June 10, 2016
 - J LESA Site Assessment worksheet completed by staff on August 23, 2016
 - K Email from Kevin Modglin received August 24, 2016
 - L Email from Kevin Modglin received August 31, 2016
 - M Site Images packet
 - N Summary of Evidence, Finding of Fact, and Final Determination for Case 845-AM-16
 - O Summary of Evidence, Finding of Fact, and Final Determination for Case 846-S-16
10. Email from Julie Krattz received September 14, 2016
11. Supplemental Memorandum #1 dated September 15, 2016, with attachment:
 - A Email from Julie Krattz received September 14, 2016

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12. Email from Kevin Modglin received September 30, 2016, with attachments:
 - Revised Site Plan
 - Outdoor lighting specification sheets for 3 full cutoff models and one light pole model

13. Email from Kevin Modglin received October 3, 2016, with attachment:
 - Revised Site Plan

14. Email from Kevin Modglin received October 6, 2016

15. Email #2 from Kevin Modglin received October 6, 2016, with attachment:
 - Revised Site Plan

16. Supplemental Memorandum #2 dated October 6, 2016, with attachments:
 - A Email to petitioners dated September 16, 2016 requesting information mentioned by ZBA members at the September 15, 2016 public hearing
 - B Revised Site Plan received September 30, 2016
 - C Email from Kevin Modglin received October 3, 2016, with attachment:
 - Revised Site Plan received October 3, 2016
 - D Revised Site Plan received October 6, 2016
 - E Outdoor lighting specification sheets for 3 full cutoff models and one light pole model, received September 30, 2016
 - F Excerpt of draft minutes from the September 15, 2016 ZBA public hearing
 - G Revised Finding of Fact for Case 845-AM-16 dated October 13, 2016
 - H Revised Summary of Evidence for Case 846-S-16 dated October 13, 2016

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 15, 2016**, and **October 13, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
 - A. Regarding Goal 3:
 - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioners to establish a mixed use business that could benefit Champaign County's economic base.
 - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment **WILL HELP ACHIEVE** Goal 3 Prosperity.
 - B. Regarding Goal 4:
 - (1) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because of the following:
 - a. Policy 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 13.C.(2)).
 - b. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.C.(3)).
 - c. Policy 4.1.8 requiring that the County consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development (see Item 13.C.(4)).
 - (2) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because of the following:
 - a. Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 13.B.(1)).
 - b. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(2)).

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- c. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.B.(3)).
 - d. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.B.(4)).
- (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because of the following:
- a. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.A.(2)).
 - b. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.A.(3)).
 - c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.A.(4)).
 - d. Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture or is appropriate in a rural area (see Item 13.A.(5)).
- (4) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
- D. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
- Goal 1 Planning and Public Involvement
 - Goal 2 Governmental Coordination
 - Goal 5 Urban Land Use
 - Goal 6 Public Health and Public Safety
 - Goal 7 Transportation
 - Goal 8 Natural Resources
 - Goal 9 Energy Conservation
 - Goal 10 Cultural Amenities
- E. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:
- A. This area has a mix of commercial, warehouse, and single family residential uses. The subject property was multi-family residential until its demolition by the petitioners in 2016.

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- B. It is impossible to establish property values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
 - C. The gain to the public of the proposed rezoning is positive because it will develop a vacant property, which will be more desirable than the previous dilapidated multi-family housing and the existing vacant lot.
 - D. The former Cherry Orchard Apartment Complex buildings have been vacant since 2011 and were demolished by the petitioners in 2016.
 - E. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use is a service better provided in a rural area.
 - F. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. Establishing the B-4 District at this location **WILL** help classify, regulate, and restrict the location of the uses authorized in the B-4 District (Purpose 2.0 (i), see Item 21.G.).
 - B. Establishing the AG-2 District in this location **WILL** help protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses (Purpose 2.0 (n) Item 21.I).
 - C. The proposed rezoning and proposed Special Use **WILL NOT** hinder the development of renewable energy sources (Purpose 2.0(r), see Item 21.M).
4. The proposed Zoning Ordinance map amendment is subject to the following special condition:
- A. LRMP Policy 4.2.3 requires discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following condition is intended to provide for that:

The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425 (see attached).

The above special condition is necessary to ensure the following:

Conformance with Land Resource Management Plan Policy 4.2.3.

B. The Site Plan received on <DATE> is the official site plan for approval in Cases 845-AM-16 and 846-S-16.

The above special condition is necessary to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.

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 845-AM-16** should **{BE ENACTED / NOT BE ENACTED}** by the County Board **SUBJECT TO THE FOLLOWING SPECIAL CONDITION:**

- A. LRMP Policy 4.2.3 requires discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following condition is intended to provide for that:

The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425 (see attached).

The above special condition is necessary to ensure the following:
Conformance with Land Resource Management Plan Policy 4.2.3.

- B. The Site Plan received on <DATE> is the official site plan for approval in Cases 845-AM-16 and 846-S-16.**

The above special condition is necessary to ensure the following:
That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

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**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

Final Determination: *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}*

Date: *{October 13, 2016}*

Petitioners: **Kevin Modglin, Jeff Swan, and Jeff Dazey, d.b.a. Advantage Trucking, LLC**

Request: **Part A: Authorize multiple principal uses and buildings on the same lot consisting of a Truck Terminal, Contractor’s Facility with Outdoor Storage and/or Operations, and 144 Self-Storage Warehouse Units without heat and utilities to individual units, as a Special Use on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current R-4 Multiple Family Residence Zoning District in related zoning case 845-AM-16 on the subject property described below.**

Part B: Authorize the following waiver to the standard conditions of the “Truck Terminal” special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 55 feet in lieu of the minimum required 200 feet between any Truck Terminal and any adjacent residential district or residential use on the subject property described below.

Part C: Authorize the following waiver to the standard conditions of the “Truck Terminal” special use as per Section 6.1.3 of the Zoning Ordinance: No wire mesh fence surrounding the Truck Terminal in lieu of the minimum required 6 feet tall wire mesh fence on the subject property described below.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 15, 2016**, and **October 13, 2016**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 845-AM-16)

- *1. Petitioners Kevin Modglin, 425 Glenwood Drive, Rantoul; Jeff Swan, 900 Jack Street, Paxton; and Jeff Dazey, 11833 East 1725 North, Oakwood, d.b.a. Advantage Trucking, LLC, own the subject property.
- *2. The subject property is a 7.97 acre tract in Rantoul Township that is part of the Southwest Quarter of the Southwest Quarter of Section 15 and a part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 21 North, Range 9 East of the Third Principal Meridian in Rantoul Township and formerly known as the Cherry Orchard Apartments property with an address of 1512 CR2700N, Rantoul.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Rantoul, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.
 - *B. The subject property is located within Rantoul Township, which has a Plan Commission. Townships with Plan Commissions have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Rantoul Township Plan Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *4. Land use and zoning on the subject property and in the vicinity are as follows:
 - *A. The subject property is a 7.97 acre tract and is currently zoned R-4 Multi Family Residential. The site is currently vacant after demolition of the Cherry Orchard Apartments in 2016.
 - *B. Land to the north of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - *C. Land to the southwest of the subject property is zoned B-4 General Business and is in commercial use. Land to the southeast is zoned AG-1 and is in agricultural production.
 - *D. Land to the east of the subject property is zoned AG-1 Agriculture and is in use as agricultural production to the northeast, vacant property to the east, and single family residential to the southeast.
 - *E. Land to the west is zoned AG-1 Agriculture and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- 5. Regarding the site plan and operations of the proposed Special Use:

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- *A. The site plan received June 14, 2016, indicates the following proposed improvements to the vacant lot:
- * (1) One 18,200 square feet “shop space” building;
 - * (2) Four self-storage buildings with a total of 144 units that are 10 feet by 12 feet each:
 - * a. A 150 feet by 24 feet building with 30 units;
 - * b. A 170 feet by 24 feet building with 34 units;
 - * c. A 190 feet by 24 feet building with 38 units; and
 - * d. A 210 feet by 24 feet building with 42 units.
 - * (3) A dry basin detention area (green space) north of the proposed buildings;
 - * (4) An earth berm on the north, west, and south sides of the property;
 - * (5) A gravel area surrounding the storage units and shop space; and
 - * (6) An existing asphalt drive with access to CR2700N.
- *B. In a letter accompanying the zoning case applications received June 14, 2016, co-petitioner Kevin Modglin indicated the following:
- * (1) “Advantage Trucking, LLC desires to use the property for a truck terminal and also for self-storage units per the attached site Jay-out plan. Our development intentions are very preliminary at this stage. It was our intention upon purchase of this property to remove the blighted buildings and seek a change in the zoning for our desired use. The cost to remove the blighted buildings required a large cash outlay up front from our company and we will need twelve to twenty-four months to build sufficient cash reserves to begin putting together the engineering and architectural plans required for the development of the property. If approved, we intend to develop the property over the course of two to five years.”
 - * (2) “The truck terminal would be used for the storage, maintenance and repair of Advantage Trucking, LLC’s vehicles. We currently have four dump trucks and one semi-tractor with two different trailers. Our trucks haul gravel, sand and dirt locally... Major repairs for our trucks and trailers are done at qualified repair facilities, so permanent employees would not be working out of the shop building full time.”
 - * (3) “The southern part of the shop building would be used for storage of personal and recreational vehicles of the shareholders of Advantage Trucking, LLC. The shop building would be heated and have water and electricity. There would be one restroom with a new private septic system for waste disposal.”
 - * (4) “The self-storage units would be constructed with a typical unit size of 10' x 20'. The units would not be heated or air conditioned. Electricity would not be available

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to the individual units. Lighting would be achieved by wall units mounted to the buildings with a low wattage as not to affect traffic or neighboring properties. We intend to develop and build the storage unit buildings one at a time as the units fill to capacity in each building.”

- * (5) “At this time, we do not intend to have a perimeter fence around the storage units or the property. Access would be controlled by a gate at the main entrance.”
- *C. In an email received August 24, 2016, co-petitioner Kevin Modglin indicated the following:
- * (1) “Our trucking business is a gravel and dirt hauling business. We haul aggregates (sand, rock, gravel) and dirt for construction local construction projects and almost exclusively for Mid Illinois Concrete & Exc. Our geographic location is an approximate radius of 75 – 100 miles centered around Champaign-Urbana”.
- *D. In an email received August 26, 2016, co-petitioner Kevin Modglin submitted a revised site plan, which indicated the following new information:
- * (1) Approximate yard and setback distances for all proposed buildings;
 - * (2) Outdoor storage areas for aggregate and other materials;
 - * (3) Proposed septic field location east of the shop space; and
 - * (4) Proposed screening on the east side of the subject property, which is adjacent to a single family residence.
 - * (5) “Equipment stored inside would be our trucks. We currently have 3 Tandems and 1 Semi. Equipment stored outside would consist of 3 semi dump trailers, a bulldozer, a farm tractor with disc and a front end loader.”
- *E. In an email received August 31, 2016, co-petitioner Kevin Modglin stated that they will bring in a concrete crusher in late 2016 or early 2017, depending on the availability of the crusher. They do not intend to crush concrete at the subject property in the future; it would be a one-time event.
- *F. In an email received September 30, 2016, co-petitioner Kevin Modglin submitted a revised Site Plan with the following updated information:
- * (1) Regarding parking and handicap accessibility:
 - *a. The revised site plan shows 29 parking spaces, including 3 marked for accessibility. Accessible marking and signage details are shown, and there is a note that accessible spaces will be paved with concrete.
 - *b. Measurements are now provided for the space between the proposed storage buildings.
 - * (a) The 30 feet of space should allow for a 12 feet wide through lane and parallel parking by storage unit renters, which would be in addition to the 29 marked spaces.

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- *(b) Staff calculated that 1 space would be needed for every 3 of the 144 proposed storage units, or 48 spaces. It would be feasible to have 15 parallel spaces between the northern two storage buildings; 17 spaces between the 2 middle storage buildings; and 19 spaces between the southern 2 storage buildings, for a total of 51 unmarked spaces.
- *(2) Regarding screening: The revised site plan shows vegetative screening on the east side of the proposed shop building, in addition to the existing trees and hedges along the east property line.
- *(3) Regarding drainage and the proposed earth berm:
- *a. The revised site plan shows “grade drainage swale for positive drainage” that would ultimately flow toward an existing ditch along US Route 45.
- *b. The petitioners have extended the proposed earth berm around the northeast corner of the subject property. Mr. Modglin confirmed that the earth berm is proposed to be approximately 8 feet tall.
- *(4) Regarding yard requirements:
- *a. Yard measurements on the revised plan show there is more than sufficient space between the property line and proposed buildings to exceed Zoning Ordinance requirements.
- *b. The revised site plan shows 10 feet of separation between the property line and the proposed earth berm.
- *c. The revised site plan shows 75 feet between the proposed truck terminal (shop space) and the nearest lot with a dwelling; Part B of Case 846-S-16 could be revised to state 75 feet instead of the 55 feet currently indicated.
- *(5) Regarding outdoor lighting:
- *a. The revised site plan shows an array of lighting intensities in the proposed parking areas. Blue arrows on the sides of the buildings indicate where lighting will be installed. Blue “0.0” numbers indicate areas where lighting will not extend. Red numbers indicate more intense lighting areas.
- *b. The lighting specifications sheets are for full cut-off models and are compliant with the Zoning Ordinance lighting requirements for Special Use Permits.
- *G. In an email received October 3, 2016, co-petitioner Kevin Modglin submitted a revised Site Plan with the following updated information:
- *(1) Proposed aggregate storage area with four bins, 20 feet by 30 feet each, located north of the shop space;
- *(2) A proposed sign on the corner of CR 2700N and US45; and

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- *(3) 2 proposed signs on either side of the subject property access drive.
- *H. In an email received October 3, 2016, Mr. Modglin responded to questions ZBA members had at the September 15, 2016, hearing:

 - *(1) The concrete crusher contractor estimates that it will take 7 to 15 Working Days to finish crushing the pile on the subject property.
 - *(2) Advantage Trucking's normal business operations are 7:00 AM to 5:00 PM, Monday thru Friday. We do work some Saturdays throughout the year, depending on our work load. Saturday work is typically from Spring through Fall, but sometimes it is required during the winter months. We rarely work on Sundays, but it does happen on occasion.
 - *(3) The area where the proposed self-storage will be developed in stages will remain a grass landscape area until developed.
- *I. In an email received October 6, 2016, Mr. Modglin stated the following:

 - *(1) The concrete crusher would be located on the north end of the property, and would work from west to east.
- *J. In a second email received October 6, 2016, Mr. Modglin submitted a revised Site Plan with the following updated information:

 - *(1) The proposed septic field has been moved northeast of the proposed north shop space rather than to the east of the southern shop space so that it is at least 55 feet from the adjacent residential lot.
 - *(2) The proposed well has been moved from the northeast corner of the north shop space to the southeast corner of the dry basin detention area.
- *K. Previous Zoning Use Permits on the subject property are as follows:

 - *(1) ZUPA# 32-16-02 was approved on March 8, 2016, for Advantage Trucking to demolish 7 buildings, remove septic tanks and wells.
- *L. Previous Zoning Cases on the subject property are as follows:

 - *(1) Case 467-AM-83 was approved on May 17, 1983 to rezone the subject property from AG-1 Agriculture to R-4 Multi Family Residential.
- *M. Previous Zoning Cases in the immediate area of the subject property are as follows:

 - *(1) Case 562-AM-86 was approved on May 29, 1986 to rezone the property on the southwest corner of CR2700N and US45 North from AG-1 to B-4 zoning in order to establish self-storage units.
 - *(2) Case 941-AM-94 approved October 25, 1994 was to rezone a subdivision from AG-1 to AG-2 to create 6 residential lots east of the subject property.

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- * (3) Case 057-V-96 approved November 7, 1996 was a variance for average lot width and for a lot area of less than one acre on a residential property east of the subject property.
- * (4) Case 146-AM-98 approved July 23, 1998 was to rezone a lot from a mixed B-4/R-5 zoning to all B-4, just south of the subject property.
- * (5) Case 290-S-01 was approved on May 31, 2001 for a new Rantoul Township maintenance facility on the southwest corner of CR2700N and US45 North.
- * (6) Case 469-S-04 was approved on November 23, 2004 for a multiple use Special Use Permit for a light assembly business and Mobile Home sales office on the property from Case 146-AM-08.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a “Truck Terminal” and “Self-Storage Warehouses not providing heat and utilities to individual units” in the B-4 General Business Zoning DISTRICT in the *Zoning Ordinance*:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
 - (3) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (4) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing,

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processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

- (5) “AREA, BUILDING” is the total area taken on a horizontal plane at the largest floor level of the MAIN or PRINCIPAL BUILDING and all ACCESSORY BUILDINGS on the same LOT exclusive of uncovered porches, terraces, steps, or awnings, marquees, and non-permanent CANOPIES and planters.
- (6) “AREA, LOT” is the total area within the LOT LINES.
- (7) “BERTH, LOADING” is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
- (8) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (9) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (10) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
- (11) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (12) “COVERAGE” is the percentage of the LOT AREA covered by the BUILDING AREA.
- (13) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations

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- (14) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (15) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (16) “LOT, CORNER” is a LOT located:
- (a) at the junction of and abutting two or more intersecting STREETS; or
 - (b) at the junction of and abutting a STREET and the nearest shoreline or high water line of a storm of floodwater runoff channel or basin; or
 - (c) at and abutting the point of abrupt change of a single STREET where the interior angle is less than 135 degrees and the radius of the STREET is less than 100 feet.
- (17) “OPERATIONS” are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
- (18) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (19) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (20) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (21) “STORAGE” is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
- (22) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
- (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (23) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (24) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.

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- (25) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (26) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (27) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- B. Section 4.2.1.F. states that more than one main or principal structure or building per lot is authorized by Special Use Permit in the R-4 Multiple Family Residence, B-1 Rural Trade Center, B-2 Neighborhood Business, B-3 Highway Business, B-4 General Business, B-5 Central Business, I-1 Light Industry, and I-2 Heavy Industry Zoning Districts.
1. Subsection 4.2.1.F.2 identifies the criteria that must be met:
 - a. The requirements of Section 9.1.11, SPECIAL USES, shall be met.
 - b. The USES are permitted either by right or as a SPECIAL USE in the DISTRICT in which the LOT or parcel of land is located.
 - c. The regulations and standards for the DISTRICT in which the LOT is located shall be met.
 - d. A LOT may be occupied by two or more MAIN or PRINCIPAL STRUCTURES or BUILDINGS as authorized by a SPECIAL USE under this section, when adequate OPEN SPACE is provided between all STRUCTURES and BUILDINGS in accordance with the following standards:
 - i. For STRUCTURES in the Business or Industrial DISTRICTS the required minimum depth of such OPEN SPACE shall be determined

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by doubling the required SIDE YARD in the DISTRICT in which the LOT or parcel is located.

- ii. The minimum depth of such OPEN SPACE, for the purpose of these standards, shall be measured at the closest point between BUILDINGS including any projecting eave, balcony, canopy, awning, or other similar projection.
 - iii. Single Family, Two-Family, Multiple Family or institutional BUILDINGS shall be located on the LOT in conformance to the provisions of Section 4.2.2C.
- C. Section 4.3.3 H. defines screening types:
- (1) Type A: Decorative opaque fence, shrubs or other vegetative material or a landscaped berm planted and maintained with a minimum HEIGHT of four feet as measured from the highest adjacent grade.
 - (2) Type B: An opaque fence or wall with a minimum HEIGHT of four feet as measured from the highest adjacent grade.
 - (3) Type C: A landscape berm or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of six feet as measured from the highest adjacent grade.
 - (4) Type D: A landscaped berm, or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of eight feet as measured from the highest adjacent grade.
- D. Section 4.3.10 states the following:
- (1) Any USE or CONSTRUCTION for which a Zoning Use Permit is required shall also comply with the relevant requirements of the Champaign County Stormwater Management and Erosion Control Ordinance.
 - (2) The limits on maximum LOT COVERAGE contained in Section 5.3 notwithstanding, no more than 16 percent of the surface of any LOT or LOTS in common ownership on January 1, 1998 shall consist of impervious area, including paving consisting of gravel and rock and including any specific impervious area addition to adjacent public STREETS that is required to accommodate the USE or CONSTRUCTION, unless the LOT is exempt pursuant to, or complies with, the Storm Water Management and Erosion Control Ordinance.
- E. Section 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full

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cutoff means that the lighting fixture emits no light above the horizontal plane.

- b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- (2) Subsection 6.1.3 establishes the following standard conditions for Truck Terminals:
- a. A minimum 6 feet tall wire mesh fence, with the specific location and area to be enclosed by required fencing shall be determined by the BOARD.
 - b. A separation distance of 200 feet between any R DISTRICT or residential USE.

- F. Section 7.3.6 establishes requirements for on-premises signs in the B-4 Zoning District:
- (1) One freestanding sign per property frontage is permitted, providing that no projecting sign exceeding 35 square feet or off-premises sign exists on the same frontage; except two per premises for lodging, food, outdoor recreational or auto service facilities along interstate highways.
 - (2) Maximum area permitted per sign is 1 square foot per lineal feet of frontage, up to a maximum of 75 square feet in the B-4 District.
 - (3) Maximum height permitted per sign is 20 feet at the property line plus one foot per additional two feet of setback up to a maximum of 35 feet in the B-4 District.
 - (4) The sign may be located within a required front yard but in no case shall any part of the sign project over a public right-of-way.

- G. Section 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS:
- (1) Section 7.4.1 A. states, "All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served".
 - (2) Section 7.4.1 C.1. states, "Parking spaces for heavy motor trucks, motor buses or other vehicles shall be of dimensions specified for off-street loading berths.
 - (3) Section 7.4.1 C.2. states, "The number of such PARKING SPACES shall be the sum of the individual requirements of the various individual ESTABLISHMENTS

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- computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT.”
- (4) Section 7.4.1 C.3.e. states, “Any other establishments than specified will provide one parking space for every 200 square feet of floor area.”
- (5) Section 7.4.1 C.4. states, “Required parking SCREENS for commercial ESTABLISHMENTS shall be provided as follows:
- a. Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.
 - b. Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.”
- (6) Section 7.4.2 refers to off-street LOADING BERTHS:
- a. All LOADING BERTHS shall have vertical clearance of at least 14 feet.
 - b. All LOADING BERTHS shall be designed with appropriate means of vehicular access to a STREET or ALLEY in a manner which will least interfere with traffic movement.
 - c. No VEHICLE repair or service work shall be performed on any LOADING BERTH.
 - d. No LOADING BERTH shall be located less than 10 feet from any FRONT LOT LINE and less than five feet from any side or REAR LOT LINE.
 - e. Section 7.4.2 C. states, “Off-street LOADING BERTHS for commercial ESTABLISHMENTS shall be provided as follows:
 - (a) All LOADING BERTHS shall be located on the same LOT or tract of land as the ESTABLISHMENT served except when serving adjacent ESTABLISHMENTS when the LOADING BERTH requirement is sufficient to serve both ESTABLISHMENTS.
 - (b) No such BERTH shall be located within any YARD abutting a residential DISTRICT or located less than 100 feet from the

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BUILDING RESTRICTION LINE of any LOT in the R DISTRICT or any LOT containing a DWELLING conforming as to USE unless such BERTH is screened from public view by a Type C SCREEN. If the berth is located adjacent to an elevated loading dock, however, a Type D SCREEN shall be used to screen both the loading berth and the loading dock.

- (c) No LOADING BERTH shall be located within 50 feet of the nearest point of intersection of two STREETS.
 - (d) All LOADING BERTHS shall be improved with a compacted base at least six inches thick and shall be surfaced with at least two inches of some all-weather dustless material.
 - (e) Schedule of off-street LOADING BERTHS is provided under Section 7.4.2 C.5. on page 7-23 of the Zoning Ordinance.
- G. Section 7.6 establishes the following conditions for Outdoor Storage and/or Outdoor Operations:
- (1) Part 7.6.1 states that “Outdoor STORAGE and/or OPERATIONS shall be allowed in all DISTRICTS only as ACCESSORY USES unless permitted as a principal USE in Section 5.2 and shall be allowed in any YARD in all DISTRICTS subject to the provisions of Section 7.2 without a permit provided that outdoor STORAGE and/or outdoor OPERATIONS shall not be located in any required off-street PARKING SPACES or LOADING BERTHS.
 - (2) Part 7.6.2 states that “a Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE and/or outdoor OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
 - a. Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or
 - b. Any designated urban arterial street or MAJOR STREET.”
 - (3) Part 7.6.3 A. states that “The screen shall meet the requirements of Sections 4.3.3 E, F and G.”
 - (4) Part 7.6.3 B. states that “when the HEIGHT of items to be stored is taller than eight feet, trees of a minimum three inch caliper shall be planted at a spacing sufficient to ensure that once the trees achieve maturity the taller items will be screened in addition to screening required by Section 7.6.2.

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- H. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- I. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. That the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:

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- a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- J. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioners testified on the application, **“Direct access to Route 45 ensures convenience for the public to the self-storage warehouses and minimum to no disturbance of the public with trucks coming into or leaving the truck terminal.”**
 - B. The subject property is adjacent to US45 North and is located about 4 miles south of the I-57 interchange at Rantoul.
 - C. In an email received August 24, 2016, Kevin Modglin stated, “Our geographic location is an approximate radius of 75 – 100 miles centered around Champaign-Urbana. We chose this site for a couple of reasons... access to a major highway in close proximity to Champaign-Urbana, the price was right, and we were able to take a site in need of redevelopment and improve it.”

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

(Note: bold italics typeface indicates staff’s recommendation to the ZBA)

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioners have testified on the application, **“This property is located directly on a major US Highway (Route 45) and serves as an excellent location for truck transportation for work done in northern part of the county. Future Rantoul zoning for this area is mixed use.”**

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- B. Regarding surface drainage:
- (1) The Natural Resource Report by the Champaign County Soil and Water Conservation District received June 10, 2016, indicates the following:
 - a. “The site does not currently have large elevation changes.”
 - b. “It is likely that this site contains agricultural tile; if any tile is found, care should be taken to maintain the tile in working order. Severe wetness may be a limitation associated with the soil on the site.”
 - (2) Agricultural drainage should not be affected.
 - (3) In a phone call received September 2, 2016, Jeff Tock, Attorney for the Triple Fork Drainage District, expressed concern about increased impervious area and drainage from the proposed development and where it will flow.
- C. Regarding impacts on traffic:
- (1) The subject property fronts the north side of CR2700N and is on the east side of US Route 45 North. The property only has access on CR2700N. Regarding the general traffic conditions on CR2700N at this location and the level of existing traffic and the likely change from the proposed Special Use:
 - a. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). CR2700N had an ADT of 250 near the subject property in 2011. US45 North had an ADT of 7,350 near the subject property in 2015.
 - b. The Illinois Department of Transportation’s *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. There is 2 feet of gravel shoulder on both sides of the 20 feet wide road.
 - c. The pavement surface of CR2700N in the vicinity of the subject property is oil and chip. The pavement width is about 20 feet, which would equate to a maximum recommended traffic volume of no more than 400 ADT.
 - d. Information on the traffic generated by the proposed Special Use was not submitted. In an email received August 26, 2016, co-petitioner Kevin Modglin stated that they have 3 Tandems and 1 Semi that will that will be used regularly.
 - e. The subject property is adjacent to US Route 45 North and is located about 4 miles south of the I-57 interchange at Rantoul.
- D. Regarding fire protection on the subject property, the subject property is located approximately 2.2 miles from the Thomasboro Fire Protection District station. A notice of these related zoning cases was sent to the Thomasboro Fire Protection District but no comments have been received.

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- E. No part of the subject property is located within a mapped floodplain.
- F. The Natural Resources Report completed by the Champaign County Soil and Water Conservation District received June 10, 2016, states that the soil on the subject property is best prime farmland, consists of 149A Benton silt loam and 152A Drummer silty clay loam, and has an average Land Evaluation (LE) of 100.
- G. Regarding outdoor lighting on the subject property:
- (1) No outdoor lighting was indicated on the Site Plan received June 14, 2016.
 - (2) In a letter accompanying the zoning case applications received June 14, 2016, co-petitioner Kevin Modglin stated that “lighting would be achieved by wall units mounted to the buildings with a low wattage as not to affect traffic or neighboring properties”.
 - (3) In an email received September 30, 2016, Mr. Modglin submitted lighting specification sheets and a revised Site Plan with details on outdoor lighting.
 - a. The lighting specifications sheets are for full cut-off models and are compliant with the Zoning Ordinance lighting requirements for Special Use Permits.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) The petitioners propose to install a new septic system.
- I. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.

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- d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
- e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
- f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
- g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
- i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
- j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.

J. Regarding public comments:

***(1) On August 26, 2016, staff received a phone call from a resident who was concerned about the potential noise the proposed facility might create. The resident also stated that mud was being tracked out onto CR2700N and US Route 45 North from the subject property.**

***(2) Roy and Kathryn Hatfield, 1516A CR 2700 N, Rantoul, are the neighbors with a residence directly east of the subject property. In a phone conversation on September 9, 2016, Mrs. Hatfield expressed the following concerns:**

***a. Regarding the proposed 55 feet separation distance between the proposed special use and their property line, she is concerned that their property value**

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will decrease because of the close proximity. She would prefer that the 200 feet minimum be maintained as per the Zoning Ordinance.

- *b. Regarding the proposed uses, she is concerned that there will be more empty warehouses if the petitioners construct the self-storage units. She says that there are already numerous empty warehouses in the area and wonders why they would build more.
- *c. Regarding the earth berm and site aesthetic, she is concerned that the proposed earth berm will be an eyesore and will not be maintained. She said that there are already weeds over their heads on the property line they share with the petitioners.

*(3) Julie Krattz, daughter of Mr. and Mrs. Hatfield, submitted an email received September 14, 2016 with the following concerns:

- *a. "Part A authorized multiple.... consisting of a 'Truck Terminal, Contractors Facility with Outdoor Storage and/or Operations and 144 Self-Storage Warehouse Units without heat and utilities to individual units, as a Special Use...' The option of 'and/or Operations' does not define or disclose what the property will actually be used for. The proposal of 144 storage units without utilities can only be construed as a ruse for future use... The proposal also states that these units will be developed over time which gives the Petitioners a lot of time to change the "use" of the property as they so desire."
- *b. "The 'Use' of the land seems to be a mystery, misrepresented or concealed. The actual future is not disclosed. Kevin Modglin admits in his letter of June 3, 2016 that the 'development intentions are very preliminary at this stage'."
- *c. "If they are going to grind concrete as stated in an email, whether one time or in the future, drainage is a significant issue per EPA regulations. It is obvious that the Petitioners intend to grind concrete on the property. There is currently a large pile of concrete on the land. One time or not, EPA regulates the enclosure of the facility, drainage and the removal of slurry. The entire package is void of any mention of EPA compliance or permits. LRMP Policy 8.1.7 specifically states, 'The County will ensure that existing and new developments do not pollute the groundwater supply.' Ms. Chavarria directed an email to Kevin Modglin dated August 31, 2016 asking about his intent on removing the broken concrete currently on the property. His response is non responsive at best. He simply states that it will be done later in the fall or spring and is a one-time deal...nothing about how it will be removed. Page 6 addresses the dust. It states, 'Fugitive dust from the subject property is prohibited during loading and unloading and also while earth is being stored.' They cannot control the wind, which in turn will blow the dust on the neighboring properties, both residential and farm land. With regard to noise, I am told that there are workers out there at

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6:00 am. The dump trucks, diesel and earth movers are NOT quiet. I also understand that another neighbor has already complained about the damage they have done to CR2700N. My mother said it was recently repaved and is already worn down to the tar. Who will maintain and pay for the road?"

*d. "On August 24, 2016 Mr. Modglin emails the County stating the 'trucking business is a gravel and dirt hauling business. We haul aggregates (sand, rock, gravel) and dirt for construction local [sic] construction projects and "almost exclusively for Mid Illinois Concrete and Exc.' Kevin Modglin owns Mid Illinois Concrete and Excavation. Excavation requires the disposal of concrete."

*e. "We strongly object to Part B and C of Case No. 846-S-16 addressing the waivers of the setback lines. My parents live in the house adjacent to the land in issue. This will encroach on their property. The proposed building will nearly sit on top of them and will be highly visible, trees or not. In reply to the fence, if it is currently required, why waive it? The Petitioners are bringing unknown material on the property...keep it on that property and not all over the road and neighboring resident's property."

*(4) Kathryn Hatfield called on September 26, 2016, with the concern that the well the petitioners plan to dig will be directly across from their own well, which might affect their water quantity or pressure.

- K. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **"There is a commercial property across the county road (Border Magic & Boulder Magic), and Rantoul's Comprehensive Zoning Plan designates this area for commercial use."**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) A Truck Terminal is authorized by-right in the B-4 General Business Zoning District.
 - (2) Self-storage Warehouses are authorized by-right in the B-4 General Business Zoning District.

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- (3) More than one main or principal structure or building per lot is authorized by Special Use Permit in the B-4 General Business Zoning District.
- (4) Regarding the requirement that a Truck Terminal be separated by 200 feet from the nearest residential DISTRICT or residential USE: the rear of the proposed truck terminal (shop space) building is 75 feet from the nearest lot with a residence, which is the reason for requesting the waiver in Part B of the Special Use.
- (5) Regarding parking on the subject property for the proposed Truck Terminal, Contractor's Facility with outdoor storage and/or operations, and Self-Storage Warehouses:
- a. A Truck Terminal, for the purpose of establishing minimum Zoning Ordinance requirements, can be considered a commercial use.
 - b. Commercial uses not specifically listed in the Zoning Ordinance must provide 1 space per every 200 square feet of floor area or portion thereof.
 - c. Other than 3 handicap accessible spaces, no parking was indicated on the site plan received August 26, 2016.
 - d. The "shop space" on the subject property will be the determining square footage for the truck terminal/contractor's facility. The shop space has 18,200 square feet; this floor area would require 91 parking spaces at least 9 feet by 20 feet in dimension.
 - (a) The shop space would be used only by the stakeholders in the company and employees; no clients are expected to visit the site.
 - (b) In a recent zoning case for a contractor's facility (Case 822-S-15), where no clients were expected on-site, the ZBA approved a reduced number of required parking spaces, which included sufficient parking for all owners, employees, one visitor, and one handicap accessible space.
 - e. In addition, as interpreted by the Zoning Administrator, self-storage warehouses require 1 space per 3 storage units and must provide handicap accessible spaces. The proposed self-storage facility has 144 units, which would thus require at least 48 parking spaces.
 - f. The proposed building footprint (shop space and self-storage buildings) totals approximately 35,480 square feet. Paragraph 7.4.2 C.5. requires two loading berths of minimum 12 feet by 70 feet dimensions for commercial and industrial establishments of 25,000 to 39,999 square feet of floor area.
 - g. Section 7.4.1 C.4. of the Zoning Ordinance requires parking screens for commercial establishments.
- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*:

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- (1) The proposed Special Use must comply with the Champaign County *Stormwater Management and Erosion Control Ordinance* because the amount of impervious area on the subject property has increased by more than the 16% Maximum Exempt Impervious Area allowed as per Section 4.2 of the *Stormwater Management and Erosion Control Ordinance*.
 - (2) The Ordinance states that stormwater detention is required if there is one acre or more of impervious surface area; the proposed Special Use has approximately 2.75 acres of impervious area.
 - (3) No Stormwater Management Plan has been submitted.
 - (4) The Site Plan received June 14, 2016, shows a dry basin detention area (green space) and earth berms on the subject property.
 - (5) Compliance with the SWMEC Ordinance will be a requirement of the construction permit approval process.
 - (6) In a phone call received September 2, 2016, Jeff Tock, Attorney for the Triple Fork Drainage District, expressed concern about increased impervious area and drainage from the proposed development and where it will flow.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the B-4 General Business Zoning District:
- (1) Truck Terminals and Self-Storage Warehouses are by-right USES in the B-4 DISTRICT.
 - (2) Contractor's Facilities with Outdoor STORAGE and/or OPERATIONS are allowed by-right in the B-4 DISTRICT if all outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN meeting the provisions of Sections 7.6.2. and 7.6.3. Otherwise, they are authorized only by Special Use Permit in the B-4 DISTRICT.
- G. Currently, the subject property is zoned R-4 Multi Family Residential and the Petitioner has requested to rezone the property to B-4 General Business in related Case 845-AM-16. Regarding whether or not the proposed Special Use will preserve the essential character of the District in which it will be located:
- (1) All three proposed uses are allowed by-right in the B-4 District; the proposed Special Use Permit is to allow multiple uses and buildings.

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- (2) The subject property is located on CR2700N. Land use and zoning in the immediate area of the subject property are discussed under Item 4 of this Summary of Evidence.
- H. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.
- (1) The Revised Site Plan received August 26, 2016 provided no indication that the proposed Special Use complies with the Illinois Accessibility Code.

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
- A. Regarding the proposed Special Uses:
- (1) Truck Terminals and Self-Storage Warehouses are by-right USES in the B-4 DISTRICT.
 - (2) Contractor's Facilities with Outdoor STORAGE and/or OPERATIONS are allowed by-right in the B-4 DISTRICT if all outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN meeting the provisions of Section 7.6.3. Otherwise, they are authorized only by Special Use Permit in the B-4 DISTRICT.
 - (3) More than one main or principal structure or building per lot is authorized by Special Use Permit in the B-4 General Business Zoning District.
- B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
- (1) Subsection 5.1.12 of the Ordinance states the general intent of the B-4 District and states as follows (capitalized words are defined in the Ordinance):

The B-4, General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.
 - (2) The types of uses authorized in the B-4 District are in fact the types of uses that have been determined to be acceptable in the B-4 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- C. The proposed Special Use Permit *IS* in harmony with the general purpose of the Zoning Ordinance, as follows:

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

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance; with the exception of the 200 feet minimum separation distance requirement (Part B Waiver for this Case), the proposed site plan appears to be in compliance with those requirements.

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

It is not clear whether or not the proposed rezoning will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

Information on the traffic generated by the proposed Special Use was not submitted. In an email received August 26, 2016, co-petitioner Kevin Modglin stated that they have 3 Tandems and 1 Semi that will be used regularly.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The creation of additional impervious area due to the construction of the proposed buildings will trigger the need for stormwater management; this will be a part of the construction permit approval process.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

- a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

- b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

- c. On August 26, 2016, staff received a phone call from a resident who was concerned about the potential noise the proposed facility might create. The resident also stated that mud was being tracked out onto CR2700N and US Route 45 North from the subject property.

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- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

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

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

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

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- a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
 - b. In related Case 845-AM-16, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan, although the proposed Special Use Permit is not urban in use.
- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

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

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

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

The proposed Special Use will not take any land out of production.

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

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioners testified on the application: “N/A.”
 - B. The existing use on the property is a nonconforming use – the Cherry Orchard Apartment Complex was built prior to the adoption of the Zoning Ordinance on October 10, 1973.

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- C. The redevelopment of the site will readily make the vacant site more compatible with its surroundings. There is an existing mixed use warehouse and landscaping border contractor business directly to the south of the subject property.

GENERALLY REGARDING OTHER CONSIDERATIONS RELATED TO THE WAIVERS OF STANDARD CONDITIONS

- 12. Regarding the necessary waivers of standard conditions:
 - A. Waive the standard condition of Section 6.1.3 of the Zoning Ordinance that requires a separation distance of 55 feet in lieu of the required 200 feet between any Truck Terminal and any adjacent residential structure and/or use:
 - (1) The closest residential structure is approximately ~~35~~30 feet from the east property line and approximately ~~110~~105 feet from the nearest proposed structure.
 - (2) The 55 feet separation distance was calculated as the width of the eastern lot that is now part of the subject property, prior to receipt of the revised Site Plan received August 26, 2016.
 - a. Separation distance is calculated as the outermost boundary of the Special Use area to the closest shared property line. In this Case, staff determined that the east side of the proposed shop space is the outermost boundary of the proposed Special Use area.
 - b. The revised Site Plan received August 26, 2016 shows the east side of the proposed shop space as 75 feet from the shared property line with the residence.
 - B. Waive the standard condition of Section 6.1.3 of the Zoning Ordinance that requires a 6 feet tall wire mesh fence surrounding the Truck Terminal:
 - *(1) In a letter accompanying the zoning case applications received June 14, 2016, co-competitor Kevin Modglin indicated the following:
 - a. "At this time, we do not intend to have a perimeter fence around the storage units or the property. Access would be controlled by a gate at the main entrance."

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 13. Regarding proposed special conditions of approval:
 - A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 845-AM-16 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.
 - B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Truck Terminal, Contractor's Facility with Outdoor Storage and/or Operations, and 144 Self-Storage Warehouse Units without heat and utilities to individual units, until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- C.** Certification from the County Health Department that the septic system on the subject property has sufficient capacity for the proposed uses is a requirement for approval of the Zoning Use Permit.

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

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

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

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

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

- ED.** The Zoning Administrator shall not authorize a Zoning Compliance Certificate for the proposed development until the petitioner has demonstrated that a 6 feet tall wire mesh fence has been installed around the outdoor storage and operations area for the Truck Terminal.

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

- FE.** The petitioners must plant evergreen screening along the east lot line to screen the proposed uses from adjacent residential properties, 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 within one year of the approval of Zoning Case 845-AM-16.

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.

- GF.** Two loading berths meeting Zoning Ordinance requirements will be constructed on the property prior to the Zoning Administrator authorizing a Zoning Compliance Certificate.

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

That off-street parking is in compliance with the Zoning Ordinance.

- HG.** The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes:

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(A) the 2006 or later edition of the International Building Code; (B) the 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code. The special condition stated above is required to ensure the following:

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

- H.** A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.

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

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

- I.** The Special Use is subject to the approval of Case 845-AM-16.

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

That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.

- KJ.** Outdoor operations may involve nothing louder than loading and unloading earth, sand, rock, and gravel, and any noise must comply with the Champaign County Nuisance Ordinance.

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

That operations promote the public health, safety, and general welfare.

- LK.** Fugitive dust from the subject property is prohibited during loading and unloading, and also while earth it is being stored.

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

That operations promote the public health, safety, and general welfare.

- ML.** No business operations in the self-storage area can include anything other than simple storage.

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

That no additional uses are established on the subject property.

- M.** The one-time concrete crushing event will occur on the north end of the subject property and may not exceed 15 working days, during which time dust that is generated will be minimized.

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

That negative impacts on public safety, comfort and general welfare are minimized.

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N. Within 200 feet of the nearest adjacent residential property, any vegetation other than trees and/or bushes that are used for screening must be kept no taller than 8 inches.

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

That neighborhood concerns regarding maintenance of the special use are addressed.

O. The Site Plan received on <DATE> is the official site plan for approval in Cases 845-AM-16 and 846-S-16.

The above special condition is necessary to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.

DOCUMENTS OF RECORD

1. Application for Map Amendment received May 27, 2016
2. Application for Special Use Permit received June 14, 2016, with attachments:
 - A Site layout plan dated May 26, 2016 and received June 14, 2016
 - B Plat of Survey by Theodore P. Hartke, dated April 22, 2016 and received June 14, 2016
 - C Letter from petitioners received June 14, 2016
3. Case file from ZUPA #32-16-02 approved March 8, 2016
4. Natural Resources Report from Champaign County Soil and Water Conservation District dated June 8, 2016 and received June 10, 2016
5. LESA Site Assessment worksheet completed by staff on August 23, 2016
6. Email from Kevin Modglin received August 24, 2016
7. Email from Kevin Modglin received August 26, 2016, with attachment:
 - A Revised site plan received August 26, 2016
8. Email from Kevin Modglin received August 31, 2016
9. Preliminary Memorandum dated September 8, 2016 for Cases 845-AM-16 and 846-S-16, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site layout plan dated May 26, 2016 and received June 14, 2016
 - C Email from Kevin Modglin received August 26, 2016, with attachment:
 - Revised site plan received August 26, 2016
 - D Plat of Survey by Theodore P. Hartke, dated April 22, 2016 and received June 14, 2016
 - E Letter received June 14, 2016, as an attachment to the Rezoning/Special Use applications
 - F LRMP Land Use Goals, Objectives, and Policies
 - G LRMP Appendix of Defined Terms
 - H Copy of Right to Farm Resolution 3425
 - I Natural Resources Report from Champaign County Soil and Water Conservation District dated June 8, 2016 and received June 10, 2016
 - J LESA Site Assessment worksheet completed by staff on August 23, 2016
 - K Email from Kevin Modglin received August 24, 2016
 - L Email from Kevin Modglin received August 31, 2016
 - M Site Images packet
 - N Summary of Evidence, Finding of Fact, and Final Determination for Case 845-AM-16
 - O Summary of Evidence, Finding of Fact, and Final Determination for Case 846-S-16
10. Email from Julie Krattz received September 14, 2016
11. Supplemental Memorandum #1 dated September 15, 2016, with attachment:
 - A Email from Julie Krattz received September 14, 2016

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12. Email from Kevin Modglin received September 30, 2016, with attachments:
 - Revised Site Plan
 - Outdoor lighting specification sheets for 3 full cutoff models and one light pole model

13. Email from Kevin Modglin received October 3, 2016, with attachment:
 - Revised Site Plan

14. Email from Kevin Modglin received October 6, 2016

15. Email #2 from Kevin Modglin received October 6, 2016, with attachment:
 - Revised Site Plan

16. Supplemental Memorandum #2 dated October 6, 2016, with attachments:
 - A Email to petitioners dated September 16, 2016 requesting information mentioned by ZBA members at the September 15, 2016 public hearing
 - B Revised Site Plan received September 30, 2016
 - C Email from Kevin Modglin received October 3, 2016, with attachment:
 - Revised Site Plan received October 3, 2016
 - D Revised Site Plan received October 6, 2016
 - E Outdoor lighting specification sheets for 3 full cutoff models and one light pole model, received September 30, 2016
 - F Excerpt of draft minutes from the September 15, 2016 ZBA public hearing
 - G Revised Finding of Fact for Case 845-AM-16 dated October 13, 2016
 - H Revised Summary of Evidence for Case 846-S-16 dated October 13, 2016

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **846-S-16** held on **September 15, 2016**, and **October 13, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because: _____

2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*:

 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:

 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}*:

 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:

 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*:

 - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because*}*:

 - h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because*}*:

 - i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because*}*:

(Note the Board may include other relevant considerations as necessary or desirable in each case.)

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

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.

- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.

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- 4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
 - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.

- 5. The requested Special Use *IS* an existing nonconforming use.

- 6. ***SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:***
 - A. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning Ordinance: that requires a **separation distance of 55 feet in lieu of the required 200 feet between any Truck Terminal and any adjacent residential district or use:**
 - (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because _____
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because _____
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because _____
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because _____
 - (5) The requested waiver ***SUBJECT TO THE PROPOSED SPECIAL CONDITIONS {IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure because _____

 - B. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning Ordinance: that requires a **6 feet tall wire mesh fence surrounding the Truck Terminal:**
 - (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because _____
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because _____
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because _____
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because _____

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- (5) The requested waiver ***SUBJECT TO THE PROPOSED SPECIAL CONDITIONS {IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure because _____

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

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 845-AM-16 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.

- B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Truck Terminal, Contractor’s Facility with Outdoor Storage and/or Operations, and 144 Self-Storage Warehouse Units without heat and utilities to individual units, until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- C. Certification from the County Health Department that the septic system on the subject property has sufficient capacity for the proposed uses is a requirement for approval of the Zoning Use Permit.**

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

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

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

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

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

- ED. The Zoning Administrator shall not authorize a Zoning Compliance Certificate for the proposed development until the petitioner has demonstrated that a 6 feet tall wire mesh fence has been installed around the outdoor storage and operations area for the Truck Terminal.**

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

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- FE.** The petitioners must plant evergreen screening along the east lot line to screen the proposed uses from adjacent residential properties, 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 within one year of the approval of Zoning Case 845-AM-16.

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.

- GF.** Two loading berths meeting Zoning Ordinance requirements will be constructed on the property prior to the Zoning Administrator authorizing a Zoning Compliance Certificate.

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

That off-street parking is in compliance with the Zoning Ordinance.

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

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

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

- IH.** A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.

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

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

- JL.** The Special Use is subject to the approval of Case 845-AM-16.

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

That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.

- KJ.** Outdoor operations may involve nothing louder than loading and unloading earth, sand, rock, and gravel, and any noise must comply with the Champaign County Nuisance Ordinance.

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

That operations promote the public health, safety, and general welfare.

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- LK.** Fugitive dust from the subject property is prohibited during loading and unloading, and also while earth it is being stored.

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

That operations promote the public health, safety, and general welfare.

- ML.** No business operations in the self-storage area can include anything other than simple storage.

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

That no additional uses are established on the subject property.

- M.** The one-time concrete crushing event will occur on the north end of the subject property and may not exceed 15 working days, during which time dust that is generated will be minimized.

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

That negative impacts on public safety, comfort and general welfare are minimized.

- N.** Within 200 feet of the nearest adjacent residential property, any vegetation other than trees and/or bushes that are used for screening must be kept no taller than 8 inches.

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

That neighborhood concerns regarding maintenance of the special use are addressed.

- O.** The Site Plan received on <DATE> is the official site plan for approval in Cases 845-AM-16 and 846-S-16.

The above special condition is necessary to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **846-S-16** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants **Kevin Modglin, Jeff Swan, and Jeff Dazey, d.b.a. Advantage Trucking, LLC**, to authorize the following as a Special Use on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current R-4 Multi Family Residential Zoning District in related Zoning Case 845-AM-16:

Part A: Authorize multiple principal uses and buildings on the same lot consisting of a Truck Terminal, Contractor’s Facility with Outdoor Storage and/or Operations, and 144 Self-Storage Warehouse Units without heat and utilities to individual units, as a Special Use on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current R-4 Multiple Family Residence Zoning District in related zoning case 845-AM-16 on the subject property described below.

SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS:

Part B: Authorize the following waiver to the standard conditions of the “Truck Terminal” special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 55 feet in lieu of the minimum required 200 feet between any Truck Terminal and any adjacent residential district or residential use on the subject property described below.

Part C: Authorize the following waiver to the standard conditions of the “Truck Terminal” special use as per Section 6.1.3 of the Zoning Ordinance: No wire mesh fence surrounding the Truck Terminal in lieu of the minimum required 6 feet tall wire mesh fence on the subject property described below.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 845-AM-16 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.

- B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Truck Terminal, Contractor’s Facility with Outdoor Storage and/or Operations, and 144 Self-Storage Warehouse Units without heat and utilities to individual units, until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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- C.** Certification from the County Health Department that the septic system on the subject property has sufficient capacity for the proposed uses is a requirement for approval of the Zoning Use Permit.

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

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

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

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- ED.** The Zoning Administrator shall not authorize a Zoning Compliance Certificate for the proposed development until the petitioner has demonstrated that a 6 feet tall wire mesh fence has been installed around the outdoor storage and operations area for the Truck Terminal.

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

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- FE.** The petitioners must plant evergreen screening along the east lot line to screen the proposed uses from adjacent residential properties, 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 within one year of the approval of Zoning Case 845-AM-16.

The above special condition is required to ensure the following:

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- GF.** Two loading berths meeting Zoning Ordinance requirements will be constructed on the property prior to the Zoning Administrator authorizing a Zoning Compliance Certificate.

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

That off-street parking is in compliance with the Zoning Ordinance.

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

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- H.** A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.

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That neighborhood concerns regarding maintenance of the special use are addressed.

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O. The Site Plan received on <DATE> is the official site plan for approval in Cases 845-AM-16 and 846-S-16.

The above special condition is necessary to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.

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

SIGNED:

ATTEST:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date