

CASES 927-AM-19 and 928-S-19

*PRELIMINARY MEMORANDUM
MARCH 7, 2019*

Petitioners: Fred Helmuth, d.b.a. FCH Enterprises LLC, via Agent Dan Cothorn

Request:

Case 927-AM-19

Amend the Zoning Map to change the zoning district designation from the AG-2 Agriculture Zoning District to the B-4 General Business Zoning District in order to establish and operate the proposed Special Use in related Zoning Case 928-S-19.

Case 928-S-19

Authorize multiple principal uses and buildings on the same lot, consisting of the following proposed uses: 35 Self-Storage Warehouse Units with heat and utilities to individual units, a Business Office, and a Public Recreation Facility as a Special Use on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current AG-2 Agriculture Zoning District in related zoning case 927-AM-19.

Location: A tract of land in the East Half of the Northeast Quarter of the Northeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township with an address of 3804 N Cunningham Avenue, Urbana.

Site Area: 7.05 acres

Time Schedule for Development: As soon as possible

Prepared by: Susan Burgstrom, Senior Planner

John Hall, Zoning Administrator

BACKGROUND

The petitioners would like to construct a multi-use development for which they are actively seeking tenants. The development would include a 35 Self-Storage Warehouses with heat to individual units, a Business Office, and a building for a Public Recreational Facility. At this time, they are communicating with a publishing company as a possible tenant for the office building, and with someone who would like to establish an indoor basketball facility. All of these uses are allowed by right in the B-4 Zoning District.

The petitioners require a Zoning Map Amendment (Case 927-AM-19) to change the zoning from AG-2 to B-4, and a Special Use Permit (Case 928-S-19) for having multiple uses and buildings on a lot in the proposed B-4 District.

The subject property has several dilapidated outbuildings on a vacant farmstead and approximately 5 acres of farmland in production.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the City.

The subject property is located within Somer Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Agriculture and vacant Residential	AG-2 Agriculture (Proposed rezoning to B-4)
North	Agriculture	B-4 General Business
East	Agriculture	AG-2 Agriculture
West	Commercial and Residential	B-4 General Business and R-5 Manufactured Home Park
South	Agriculture	AG-2 Agriculture

DRAINAGE CONCERNS AND NEED FOR A NEW SITE PLAN

The Saline Branch Drainage District has a tile that appears to run just north of the subject property south of Olympian Road; how the proposed development might affect the tile is unclear. The Saline Branch Drainage District was notified of this case, but no comments have been received.

There is a private 5-inch clay field tile noted as a red dashed line running diagonally through the basketball facility, potential future building, and south retention area on the Site Plan received March 5, 2019. The Site Plan notes that the drain tile will be relocated to the 15-foot wide side yard. There is some question whether 15 feet is an adequate width for tile maintenance.

There is also significant storm water surface flow in the same direction as the existing 5-inch clay field tile. John Hall, Zoning Administrator, has significant concerns about the effects of the proposed development on possible obstruction of the surface flows. There is also a question as to how the off-site surface flows will be kept out of the proposed detention basin in the vicinity of the 5-inch tile. Staff recommends further evaluation of drainage for the site, including a preliminary engineering evaluation of the management of the surface flows.

The photos from the Weckels (see Attachment K) illustrate the inundation of the subject property in the December 2018 storm. Based on these photos, it seems reasonable to establish minimum building elevations to prevent flooding of any buildings. Section 9.1E. of the Storm Water Management and Erosion Control Ordinance also requires all building elevations to be one foot above the “maximum created head” at the emergency overflow structure for any detention basin. Staff recommends some engineering analysis is necessary to better understand the implications of minimum building elevations.

Due to the increase in impervious area for the proposed use, a Storm Water Drainage Plan is required. The Plan will be reviewed by the P&Z Department’s independent engineering consultant, and any recommendations can be required as part of the construction permit process.

It would be appropriate for the petitioners to work with an engineer as soon as possible to determine how to mitigate the drainage issues, and how a septic system could be located to reduce conflict with the existing drainage system. A new Site Plan should be required.

SEPTIC SYSTEM CONCERNS

The site plan indicates a multi-flow system to be located near the 5-inch field tile. The multi-flow system is apparently proposed to have a surface discharge since no septic field is indicated, and that is no longer allowed. It is likely that the required septic system would need to be larger than the area indicated, which will impact the retention area and overall site design. Staff recommends a preliminary design of an actual septic system with comments from Michael Flanagan of the Health Department.

POSSIBLE VARIANCE NEEDED

The Site Plan received March 5, 2019, shows a front yard of 10 feet, which is less than the minimum 35 feet required along a federal or state highway. The site plan will need to be adjusted to allow 35 feet between the front property line and all buildings, principal structures, and the proposed detention basins, or a variance must be requested.

The variance would have to be advertised at least 15 days prior to a public hearing, which would make April 11th the earliest ZBA meeting that a hearing could occur.

DECISION POINTS FOR CASE 927-AM-19

P&Z Staff have made recommendations on many items in the Finding of Fact for the map amendment, denoted by text in ***BOLD ITALICS***, which can be accepted as is or discussed by the Board.

PROPOSED SPECIAL CONDITIONS

The following special condition is proposed for the Map Amendment:

- A. **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.

The following special conditions are proposed for the Special Use:

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 927-AM-19 by the County Board.**

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

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

- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Self-Storage Warehouses, Business Office and Public Recreational Facility until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- C. **Certification from the County Health Department that a 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.

- E. **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.

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

- G. **A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for 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 Storm Water Management and Erosion Control Ordinance.

- H. **The Special Use is subject to the approval of Case 927-AM-19.**

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

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

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

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

That no additional uses are established on the subject property.

- J. **The two existing major surface drainage patterns shall be retained and incorporated into the site plan and the proposed storm sewer system such that the proposed building layout shall not block nor change the existing path of surface drainage and a minimum clear width of 40 feet shall be provided for each of the two major surface drainage paths.**

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

To ensure that buildings and parking areas do not block surface drainage patterns.

- K. **The location of the proposed septic systems shall be marked and staked prior to any grading or construction activities and no construction activities or traffic shall be allowed in the area of the proposed septic systems except as required to install the septic systems.**

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

To ensure preservation of the soil characteristics necessary for good septic system function.

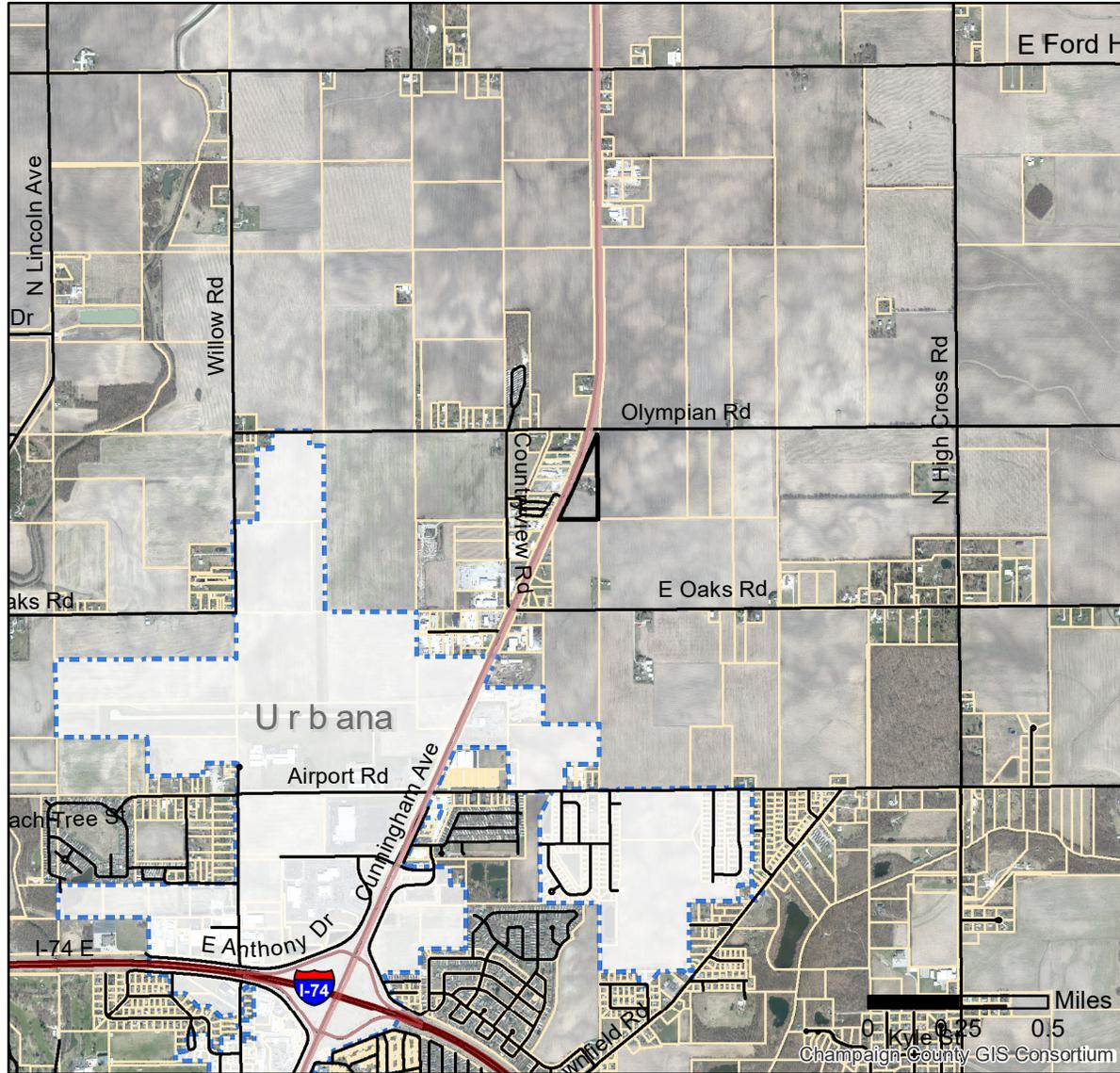
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received March 5, 2019
- C LRMP Land Use Goals, Objectives, and Policies
- D LRMP Appendix of Defined Terms
- E LRMP Land Use Management Areas Map approved in 2015
- F Copy of Right to Farm Resolution 3425
- G Urbana Future Land Use Map from the Urbana Comprehensive Plan 2005
- H Letter from Michael Flanagan, Champaign Urbana Public Health District, received January 24, 2018, regarding septic suitability for a previously proposed subdivision on the subject property
- I Preliminary Plat for the Rolfe Subdivision that was previously proposed for the subject property, received April 9, 2018
- J Email from Ed Clancy of Berns, Clancy & Associates received February 15, 2018
- K Pictures of flooding from Mack Weckel received February 28, 2019
- L Part of Saline Branch Drainage District Plan Sheet dated November 30, 1977
- M LESA Site Assessment worksheet completed by staff on February 22, 2019
- N Natural Resources Report from Champaign County Soil and Water Conservation District dated January 12, 2018 and received January 26, 2018
- O EcoCAT Natural Resource review and follow up letter from IDNR dated January 20, 2018 and received January 25, 2018
- P Site photos taken by P&Z Staff on February 27, 2019
- Q Summary of Evidence, Finding of Fact, and Final Determination for Case 927-AM-19
- R Summary of Evidence, Finding of Fact, and Final Determination for Case 928-S-19

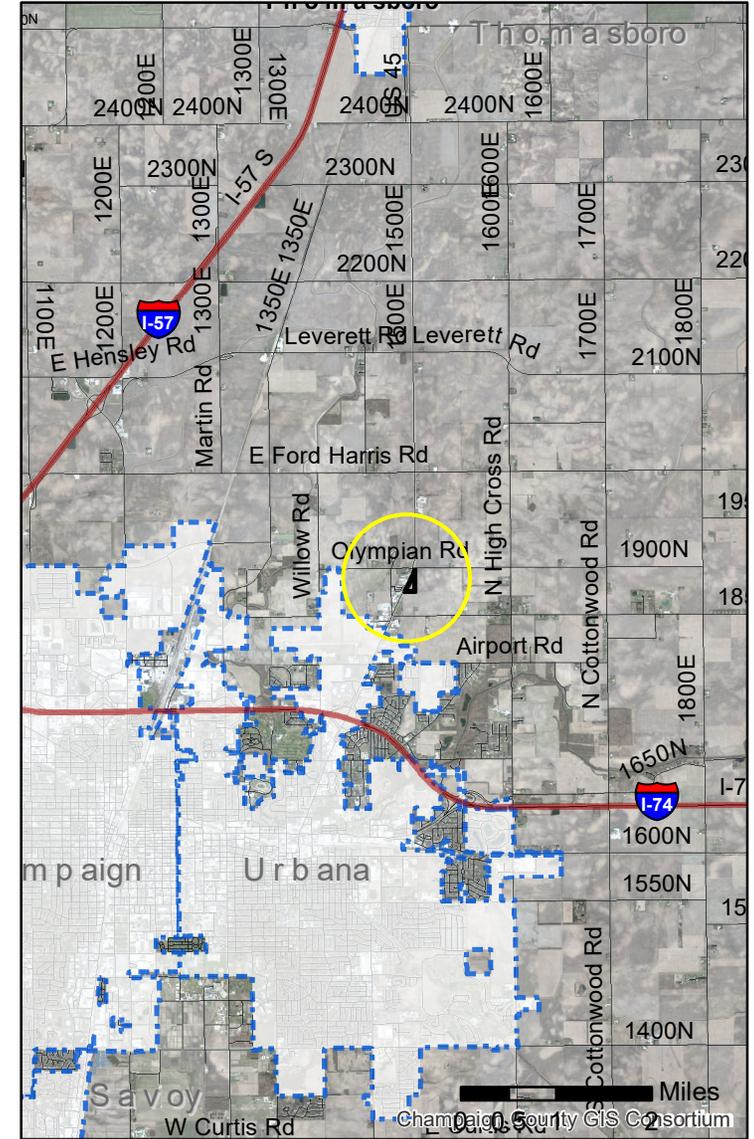
Location Map

Cases 927-AM-19 and 928-S-19
 March 14, 2019

Subject Property



Property location in Champaign County



Legend

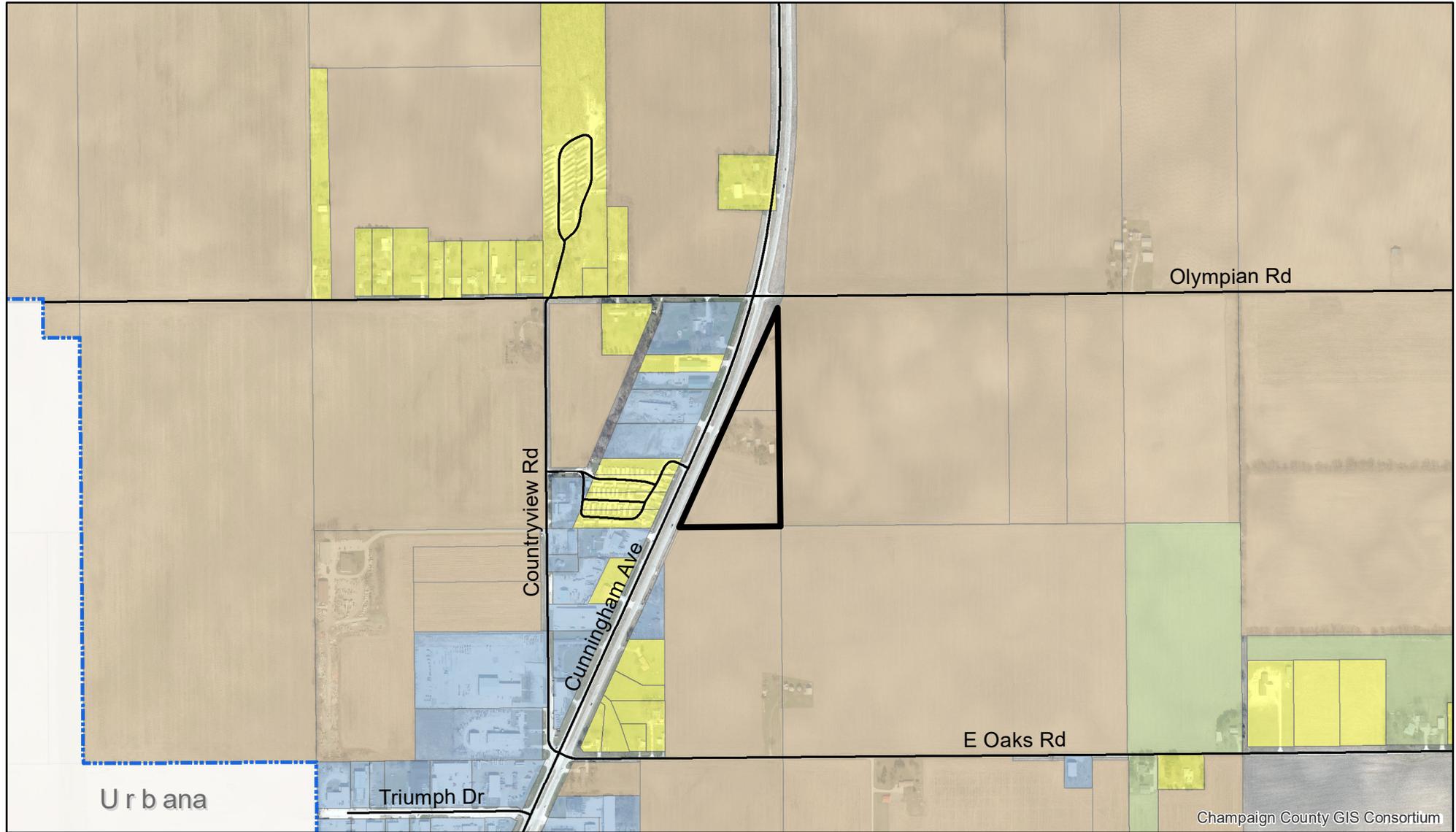
-  Subject Property
-  Corporate Limits
-  Streets
-  Parcels



Champaign County
 Department of
**PLANNING &
 ZONING**

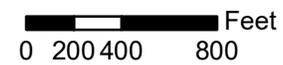
Land Use Map

Cases 927-AM-19 and 928-S-19
March 14, 2019



Legend

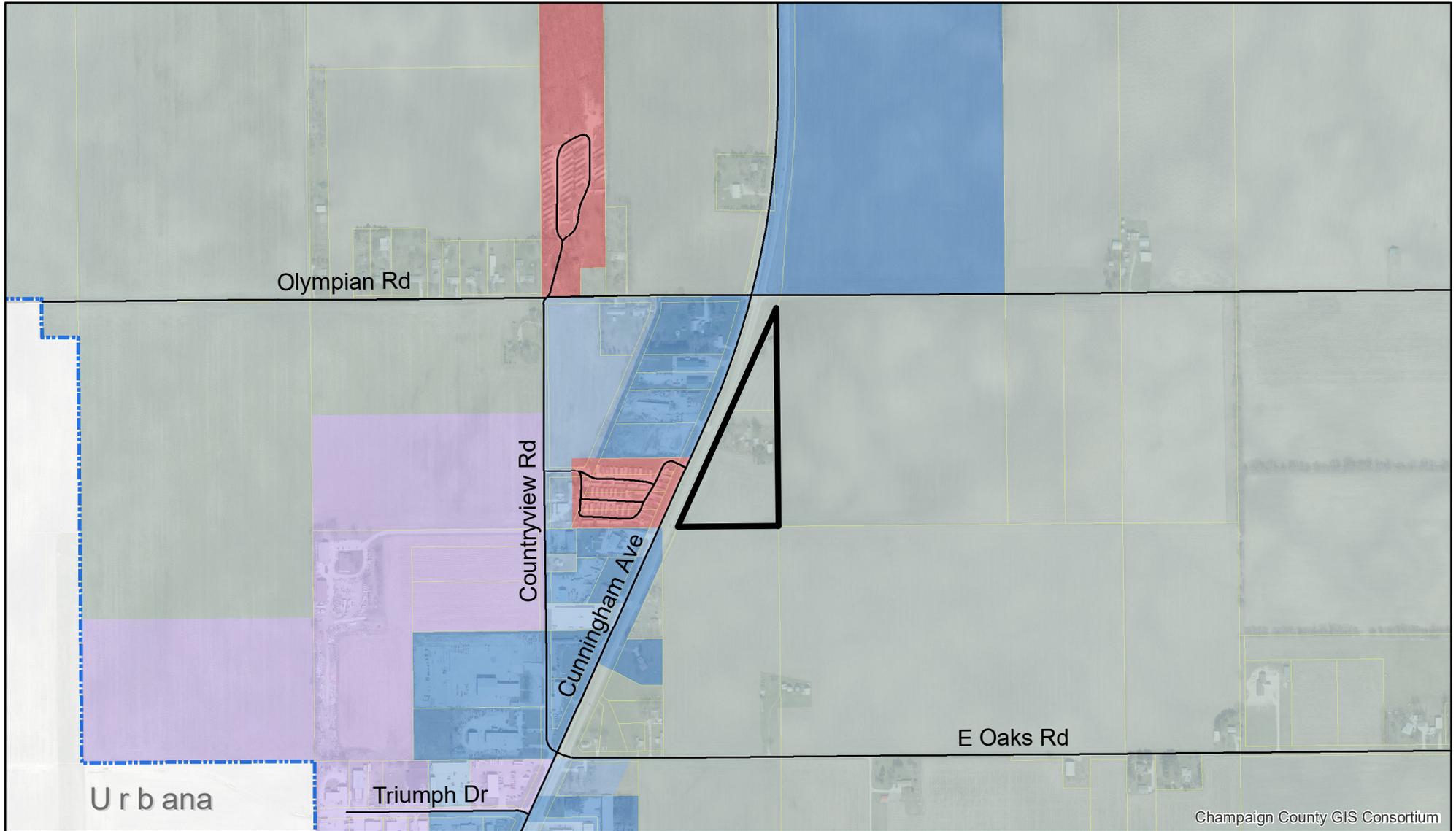
- | | | |
|--------------------|----------------|------------|
| Subject Property | Agriculture | Commercial |
| Municipal Boundary | Ag-Residential | Industrial |
| Streets | Residential | |



Champaign County
Department of
PLANNING &
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Zoning Map

Cases 927-AM-19 and 928-S-19
March 14, 2019

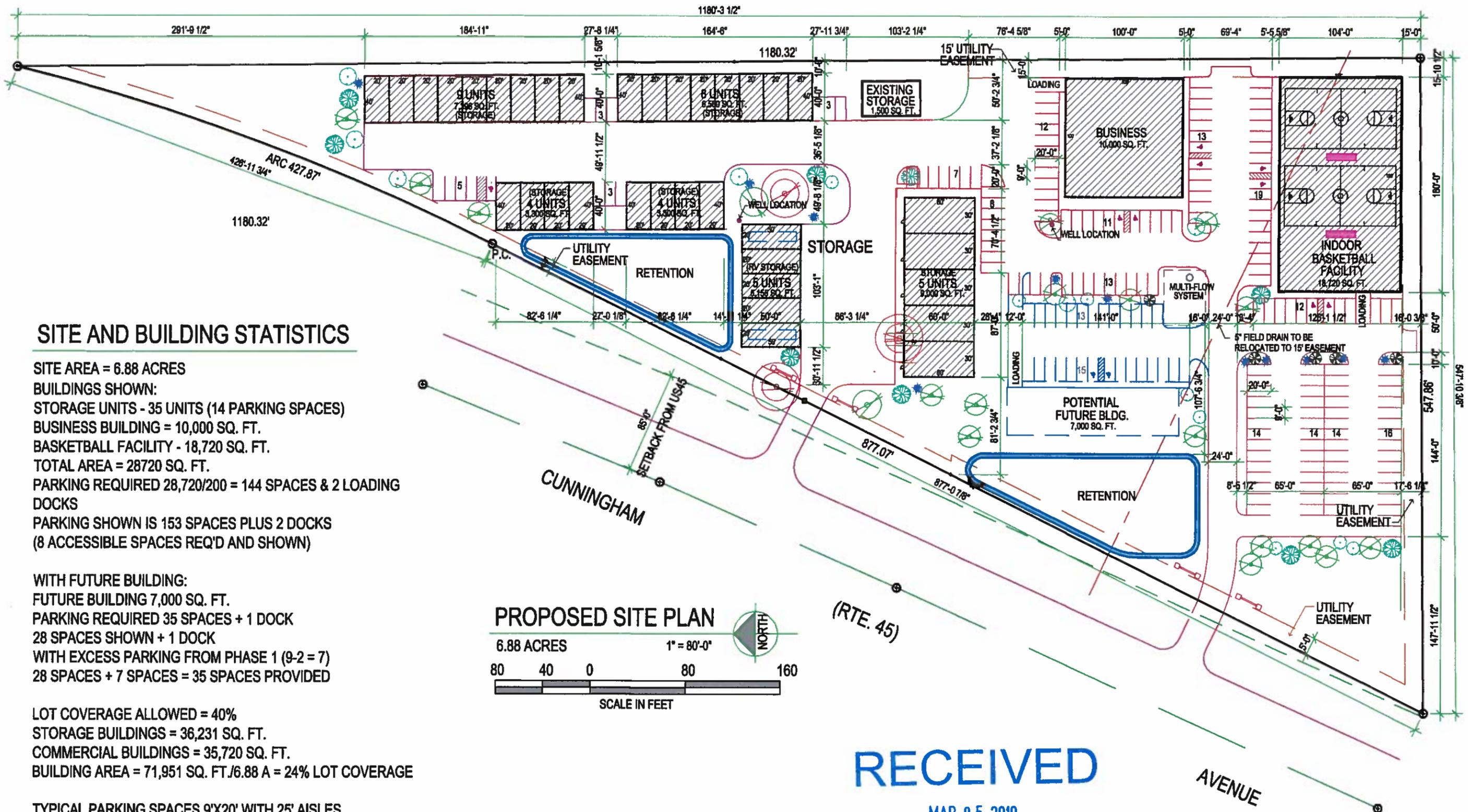


Legend

- | | | |
|------------------------|------|-----|
| Subject Property | AG-2 | CR |
| Urbana Corporate Limit | B-3 | I-1 |
| Streets | B-4 | R-5 |

0 200 400 800 Feet

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SITE AND BUILDING STATISTICS

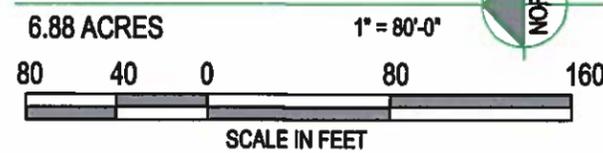
SITE AREA = 6.88 ACRES
 BUILDINGS SHOWN:
 STORAGE UNITS - 35 UNITS (14 PARKING SPACES)
 BUSINESS BUILDING = 10,000 SQ. FT.
 BASKETBALL FACILITY - 18,720 SQ. FT.
 TOTAL AREA = 28720 SQ. FT.
 PARKING REQUIRED 28,720/200 = 144 SPACES & 2 LOADING DOCKS
 PARKING SHOWN IS 153 SPACES PLUS 2 DOCKS
 (8 ACCESSIBLE SPACES REQ'D AND SHOWN)

WITH FUTURE BUILDING:
 FUTURE BUILDING 7,000 SQ. FT.
 PARKING REQUIRED 35 SPACES + 1 DOCK
 28 SPACES SHOWN + 1 DOCK
 WITH EXCESS PARKING FROM PHASE 1 (9-2 = 7)
 28 SPACES + 7 SPACES = 35 SPACES PROVIDED

LOT COVERAGE ALLOWED = 40%
 STORAGE BUILDINGS = 36,231 SQ. FT.
 COMMERCIAL BUILDINGS = 35,720 SQ. FT.
 BUILDING AREA = 71,951 SQ. FT./6.88 A = 24% LOT COVERAGE

TYPICAL PARKING SPACES 9'X20' WITH 25' AISLES

PROPOSED SITE PLAN



RECEIVED

MAR 05 2019

CHAMPAIGN CO. P & Z DEPARTMENT

reviewed on:

date: 2/22/19
drawing number:

title: **SITE PLAN**

file: **gaylord h. swisher, architect**
900 Pheasant Lane, Savoy, IL 61874

NORTH CUNNINGHAM COMPLEX
3804 NORTH CUNNINGHAM
URBANA, ILLINOIS

sheet number:



Champaign County Land Resource Management Plan Goals, Objectives and Policies

LRMP Goals

1 Planning and Public Involvement	Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.
2 Governmental Coordination	Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.
3 Prosperity	Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.
4 Agriculture	Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.
5 Urban Land Use	Champaign County will encourage <i>urban development</i> that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.
6 Public Health and Public Safety	Champaign County will ensure protection of the public health and public safety in land resource management decisions.
7 Transportation	Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.
8 Natural Resources	Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.
9 Energy Conservation	Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.
10 Cultural Amenities	Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 1 Planning and Public Involvement

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 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Policy 1.2.1

County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Policy 1.3.1

ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Policy 1.4.1

A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

Policy 1.4.2

The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

Goal 2 Governmental Coordination

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 Objectives

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Policy 2.1.1

The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

Policy 2.1.2

The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

Policy 2.1.3

The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 3 Prosperity

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

Goal 3 Objectives

Objective 3.1 Business Climate

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

Objective 3.2 Efficient County Administration

Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

Objective 3.3 County Economic Development Policy

Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 4 Agriculture

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

Goal 4 Objectives

Objective 4.1 Agricultural Land Fragmentation and Conservation

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.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to rural residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation

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*.

Policy 4.1.1

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.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 4.1.2

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

Policy 4.1.3

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

Policy 4.1.4 The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

Policy 4.1.5

- a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:
 - 1 new lot allowed per parcel less than 40 acres in area;
 - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
 - 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.
- b. The County will not allow further division of parcels that are 5 acres or less in size.

Policy 4.1.6

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*.

Policy 4.1.7

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

Policy 4.1.8

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

Policy 4.1.9

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Policy 4.2.1

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 provided better in a *rural* area than in an urban area.

Policy 4.2.2

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.

Policy 4.2.3

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 4.2.4

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.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Policy 4.3.1

On other than *best prime farmland*, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.

Policy 4.3.2

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.

Policy 4.3.3

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.

Policy 4.3.4

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.

Policy 4.3.5

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.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to *rural* residential *discretionary review* developments to best provide for site specific conditions by 2010.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Policy 4.6.1

The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

Policy 4.6.2

The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

Policy 4.6.3

The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Policy 4.9.1

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.

Goal 5 Urban Land Use

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

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Policy 5.1.1

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

Policy 5.1.2

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

Policy 5.1.3

The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

Policy 5.1.4

The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
- b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

Policy 5.1.5

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 5.1.6

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.

Policy 5.1.7

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

Policy 5.1.8

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

Policy 5.1.9

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any



Champaign County Land Resource Management Plan Goals, Objectives and Policies

discretionary development approval from the County that would otherwise be necessary without the annexation agreement.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Policy 5.2.1

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

Policy 5.2.2

The County will:

- a. ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland.

Policy 5.2.3

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality.

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Policy 5.3.1

The County will:

- a. require that proposed new *urban development* in unincorporated areas is sufficiently served by available *public services* and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* is sufficiently served by available *public services* and without undue public expense.

Policy 5.3.2

The County will:

- a. require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense.

Policy 5.3.3

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 6 Public Health and Public Safety

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.

Policy 6.1.1

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

Policy 6.1.2

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

Policy 6.1.3

The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.

Policy 6.1.4

The County will seek to abate blight and to prevent and rectify improper dumping.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Policy 6.2.1

The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 6.2.2

The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Policy 6.2.3

The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Goal 7 Transportation

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Policy 7.1.1

The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Policy 7.2.1

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

Policy 7.2.2

The County will encourage the maintenance and improvement of existing County railroad system lines and services.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 7.2.3

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

Policy 7.2.4

The County will seek to implement the County's Greenways and Trails Plan.

Policy 7.2.5

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

Policy 7.2.6

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

Goal 8 Natural Resources

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

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Policy 8.1.1

The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

Policy 8.1.2

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

Policy 8.1.3

As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

Policy 8.1.4

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

Policy 8.1.5

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

Policy 8.1.6

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

Policy 8.1.7

The County will ensure that existing and new developments do not pollute the groundwater supply.

Policy 8.1.8

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

Policy 8.1.9

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 8.2.1

The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*. *Best prime farmland* is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Policy 8.3.1

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a. the operation poses no significant adverse impact to existing land uses;
- b. the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c. provisions are made to fully reclaim the site for a beneficial use.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Policy 8.4.1

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

Policy 8.4.2

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

Policy 8.4.3

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

Policy 8.4.4

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

Policy 8.4.5

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

Policy 8.4.6

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Policy 8.5.1

For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 8.5.2

The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

Policy 8.5.3

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

Policy 8.5.4

The County will support efforts to control and eliminate invasive species.

Policy 8.5.5

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Policy 8.6.1

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

Policy 8.6.2

- a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.
- b. With regard to *by-right development* on *good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

Policy 8.6.3

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

Policy 8.6.4

The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

Policy 8.6.5

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

Policy 8.6.6

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 8.7.1

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

Policy 8.7.2

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

Policy 8.7.3

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

Policy 8.7.4

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

Policy 8.7.5

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

Policy 8.7.6

The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Policy 8.8.1 The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

Policy 8.8.2 In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 9 Energy Conservation

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

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Policy 9.1.1

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Policy 9.2.1

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

Policy 9.2.2

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 10 Cultural Amenities

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

Goal 10 Objective

Objective 10.1 Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Goal 10 Objectives and Policy

Objective 10.1 Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Policy 10.1.1

The County will work to identify historic structures, places and landscapes in the County.



APPENDIX: LRMP DEFINED TERMS

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy.

best prime farmland

'Best prime farmland' consists of soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

by right development

'By right development' is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County's Planning and Zoning Department. At the present time, 'by right' development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for 'over-the-counter' at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

contiguous urban growth area

Unincorporated land within the County that meets one of the following criteria:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
- land surrounded by incorporated land or other urban land within the County.

discretionary development

A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.

discretionary review

The County may authorize certain non-agricultural land uses in unincorporated areas of the County provided that a public review process takes place and provided that the County Board or County Zoning Board of Appeals (ZBA) finds that the development meets specified criteria and approves the development request. This is referred to as the 'discretionary review' process.

The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For 'discretionary review' requests, a public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

good zoning lot (commonly referred to as a 'conforming lot')

A lot that meets all County zoning, applicable County or municipal subdivisions standards, and other requirements in effect at the time the lot is created.

parks and preserves

Public land established for recreation and preservation of the environment or privately owned land that is participating in a conservation or preservation program

pre-settlement environment

When used in reference to outlying Champaign County areas, this phrase refers to the predominant land cover during the early 1800s, when prairie comprised approximately 92.5 percent of land surface; forestland comprised roughly 7



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percent; with remaining areas of wetlands and open water. Riparian areas along stream corridors containing 'Forest Soils' and 'Bottomland Soils' are thought to most likely be the areas that were forested during the early 1800s.

public infrastructure

'Public infrastructure' when used in the context of rural areas of the County generally refers to drainage systems, bridges or roads.

public services

'Public services' typically refers to public services in rural areas of the County, such as police protection services provided the County Sheriff office, fire protection principally provided by fire protection districts, and emergency ambulance service.

rural

Rural lands are unincorporated lands that are not expected to be served by any public sanitary sewer system.

site of historic or archeological significance

A site designated by the Illinois Historic Preservation Agency (IHPA) and identified through mapping of high probability areas for the occurrence of archeological resources in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/3). The County requires Agency Report from the IHPA be submitted for the County's consideration during discretionary review of rezoning and certain special use requests. The Agency Report addresses whether such a site is present and/or nearby and subject to impacts by a proposed development and whether further consultation is necessary.

suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

well-suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

- 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 affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

urban development

The construction, extension or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system.

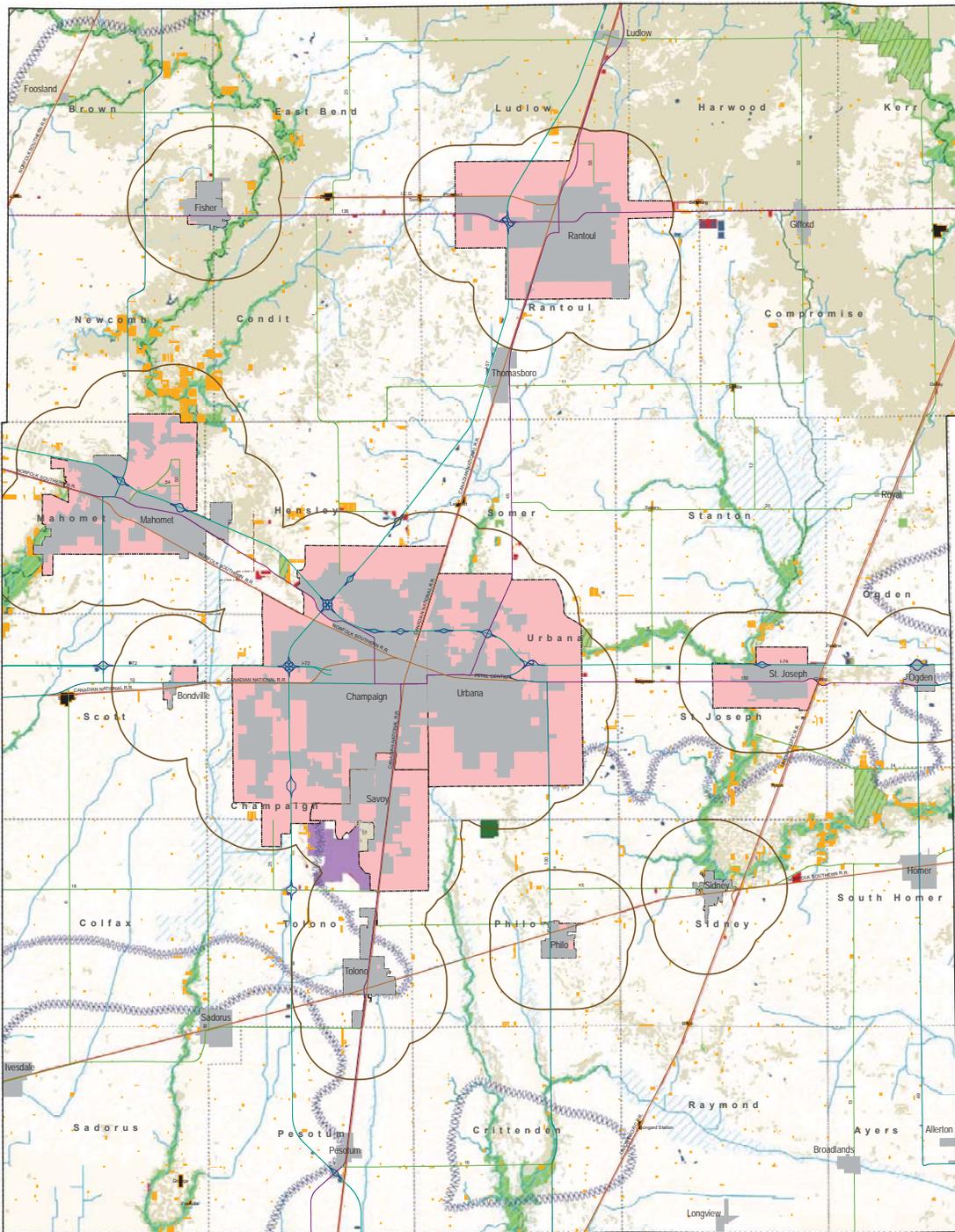
urban land

Land within the County that meets any of the following criteria:

- within municipal corporate limits; or
- unincorporated land that is designated for future urban land use on an adopted municipal comprehensive plan, adopted intergovernmental plan or special area plan and served by or located within the service area of a public sanitary sewer system.

urban land use

Generally, land use that is connected and served by a public sanitary sewer system.



Land Use Management Areas

The Land Use Management Area map defines spatial extents of policies based on language and intent of the LRMP.

Policy Areas		Administrative Boundaries		 CHAMPAIGN COUNTY LRMP LAND USE MANAGEMENT PLAN 2010-2020	N  0 2.25 4.5 Miles Map Produced February 25, 2015
Rural Best Prime Farmland Non Best Prime Farmland Existing Natural Area Areas which may contain Natural Areas Parks and Preserves Mahomet Aquifer (approx.) Primary Sand & Gravel Aquifers (approx.) * Stream Lake		Extraterritorial Jurisdiction Extraterritorial Jurisdiction Boundary Agreement Township Boundary Floodplain			
Urban Settlement Contiguous Urban Growth Area * also situated above the Mahomet Aquifer		Existing Land Uses Commercial / Industrial Residential Existing Incorporated Area Airport		Roads Interstate Federal Highway State Highway County Highway Railroad	

RESOLUTION NO. 3425

**A RESOLUTION PERTAINING TO THE
RIGHT TO FARM IN CHAMPAIGN COUNTY**

WHEREAS, the Chairman and the Board of Champaign County have determined that it is in the best interest of the residents of Champaign County to enact a Right to Farm Resolution which reflects the essence of the Farm Nuisance Suit Act as provided for in the Illinois Compiled Statutes, 740 ILCS 70 (1992); and

WHEREAS, the County wishes to conserve, protect, and encourage development and improvement of its agricultural land for the production of food and other agricultural products; and

WHEREAS, when nonagricultural land uses extend into agricultural areas, farms often become the subject of nuisance suits. As a result, farms are sometimes forced to cease operations. Others are discouraged from making investments in farm improvements.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Chairman and the Board of Champaign County as follows:

1. That the purpose of this resolution is to reduce the loss to the county of its agricultural resources by limiting the circumstances under which farming operations are deemed a nuisance.

2. That the term "farm" as used in this resolution means that part of any parcel of land used for the growing and harvesting of crops, for the feeding, breeding, and management of livestock; for dairying or other agricultural or horticultural use or combination thereof.

3. That no farm or any of its appurtenances should be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation.

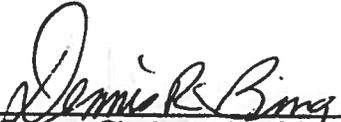
RESOLUTION NO. 3425

4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 24th day of May, A.D., 1994.



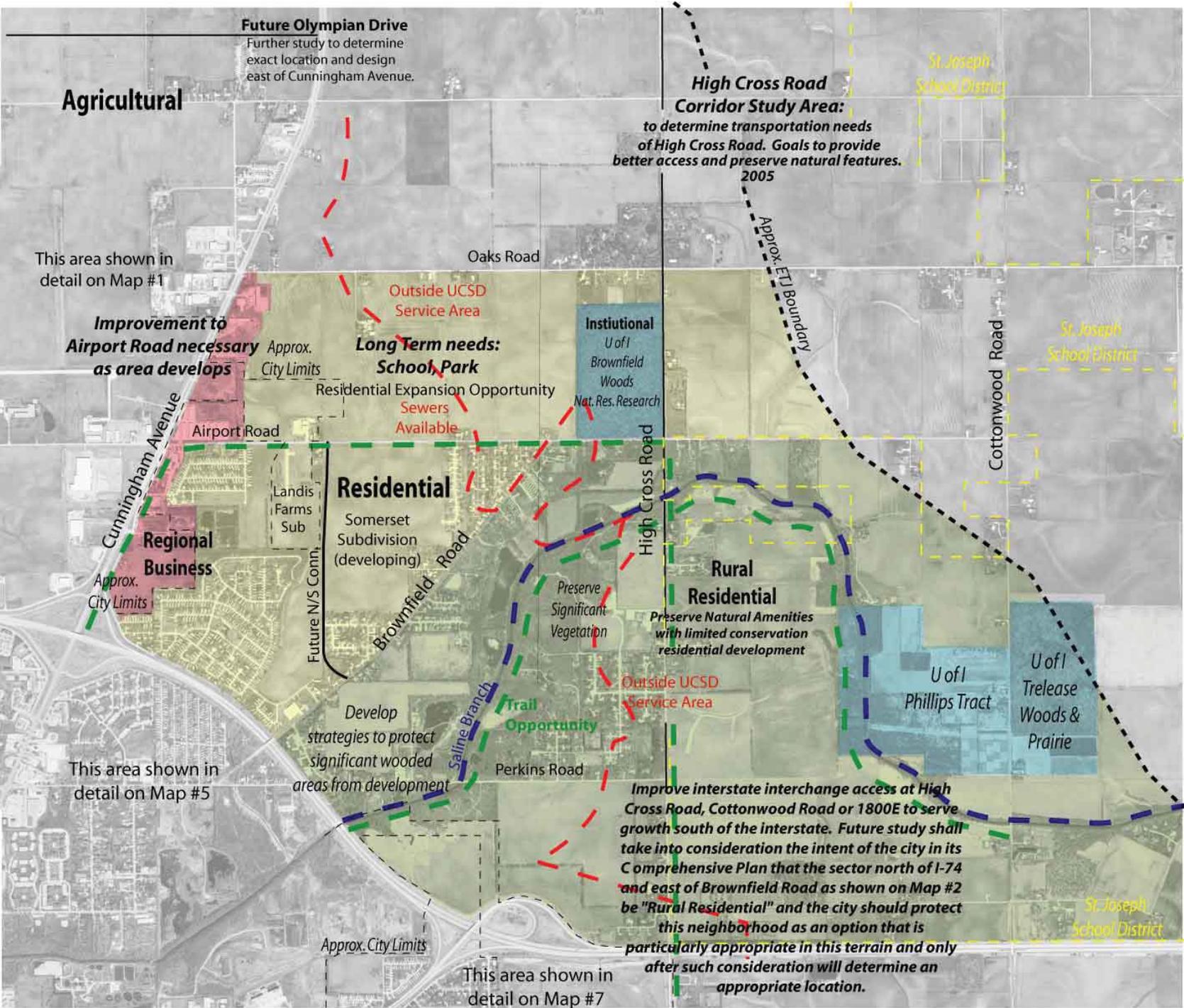
Chairman, County Board of the
County of Champaign, Illinois

ATTEST: 

County Clerk and Ex-Officio
Clerk of the County Board

Map #2

Northeast Urbana / Champaign County



This area shown in detail on Map #1

Improvement to Airport Road necessary as area develops

Future Olympian Drive
Further study to determine exact location and design east of Cunningham Avenue.

High Cross Road Corridor Study Area:
to determine transportation needs of High Cross Road. Goals to provide better access and preserve natural features. 2005

Long Term needs: School, Park

Residential Expansion Opportunity
Sewers Available

Residential

Somerset Subdivision (developing)

Rural Residential

Preserve Natural Amenities with limited conservation residential development

This area shown in detail on Map #5

Develop strategies to protect significant wooded areas from development

Improve interstate interchange access at High Cross Road, Cottonwood Road or 1800E to serve growth south of the interstate. Future study shall take into consideration the intent of the city in its Comprehensive Plan that the sector north of I-74 and east of Brownfield Road as shown on Map #2 be "Rural Residential" and the city should protect this neighborhood as an option that is particularly appropriate in this terrain and only after such consideration will determine an appropriate location.

This area shown in detail on Map #7

ADOPTED

April 11, 2005
Map Created by City of Urbana
Community Development Services Dept.

201 West Kenyon Road
Champaign, IL 61820



Phone: (217) 363-3269
Fax: (217) 373-7905

Public Health
Prevent. Promote. Protect.

**Champaign County
Public Health Department**

January 5, 2018

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JAN 24 2018

CHAMPAIGN CO. P & Z DEPARTMENT

Mr. Edward L. Clancy, PE, LS
Vice President
Berns, Clancy & Associates
Urbana, IL 61803-0755

Dear Mr. Clancy:

This letter is in regard to the Rolfe Subdivision in a part of the Northeast Quarter of Section 33, Township 20 North, Range 9 East of the third Principal Meridian, Somer Township, Champaign County, Illinois. According to the *Plat Act (765 ILCS 205/2)*, we are authorized to review the plat with respect to private sewage disposal systems.

The distance from the Rolfe Subdivision to that of municipal sanitary sewer and municipal water is such that the installation of onsite wastewater treatment systems designed to service this Subdivision meet the requirements as defined in the *Illinois Private Sewage Disposal Licensing Act and Code*, the *Illinois Water Well Construction Code* and the *Health Ordinance of Champaign County*.

Based upon the soil evaluation findings at the Rolfe Subdivision, it appears private sewage disposal systems could be designed to serve these lots. Due to the shallow water table found on the site, curtain drains may be required to be installed around any conventional septic system to provide for a two-foot vertical separation of the limiting layer to the bottom of the seepage field for each septic system. The depth of these curtain drains will be determined by the depth of any proposed seepage field for each lot. If aeration septic systems are utilized at these sites for residential structures, curtain drains may be required to be installed to provide a one-foot vertical separation of the limiting layer to the bottom of the seepage field for each septic system. The field size after an aeration system may also be reduced by one third that of a conventional system.

Since Lot 2 has an existing water well, any onsite wastewater system will be required to maintain setback distances set forth in the *Illinois Private Sewage Disposal Licensing Act and Code*.

No subsurface seepage systems will be permitted to be installed in the flood zones of these lots. Careful consideration needs to be taken in locating the houses, water supplies, septic systems and other items that have setback requirements from the water supplies and septic systems. Not taking these items into account may limit or restrict the health department's ability to permit

Mr. Edward Clancy
January 5, 2018
Page 2

the private sewage disposal systems for these lots. Once the locations of the private sewage disposal systems are identified, they should be marked and the soils should be protected from the construction of the houses.

No system installed on these lots shall qualify for a permit to surface discharge to a common collector. According to the *Illinois Private Sewage Disposal Licensing Act and Code*, Section 905.110 a)2, "Discharges from lots platted after January 1, 2014 are not eligible to discharge into a common collector."

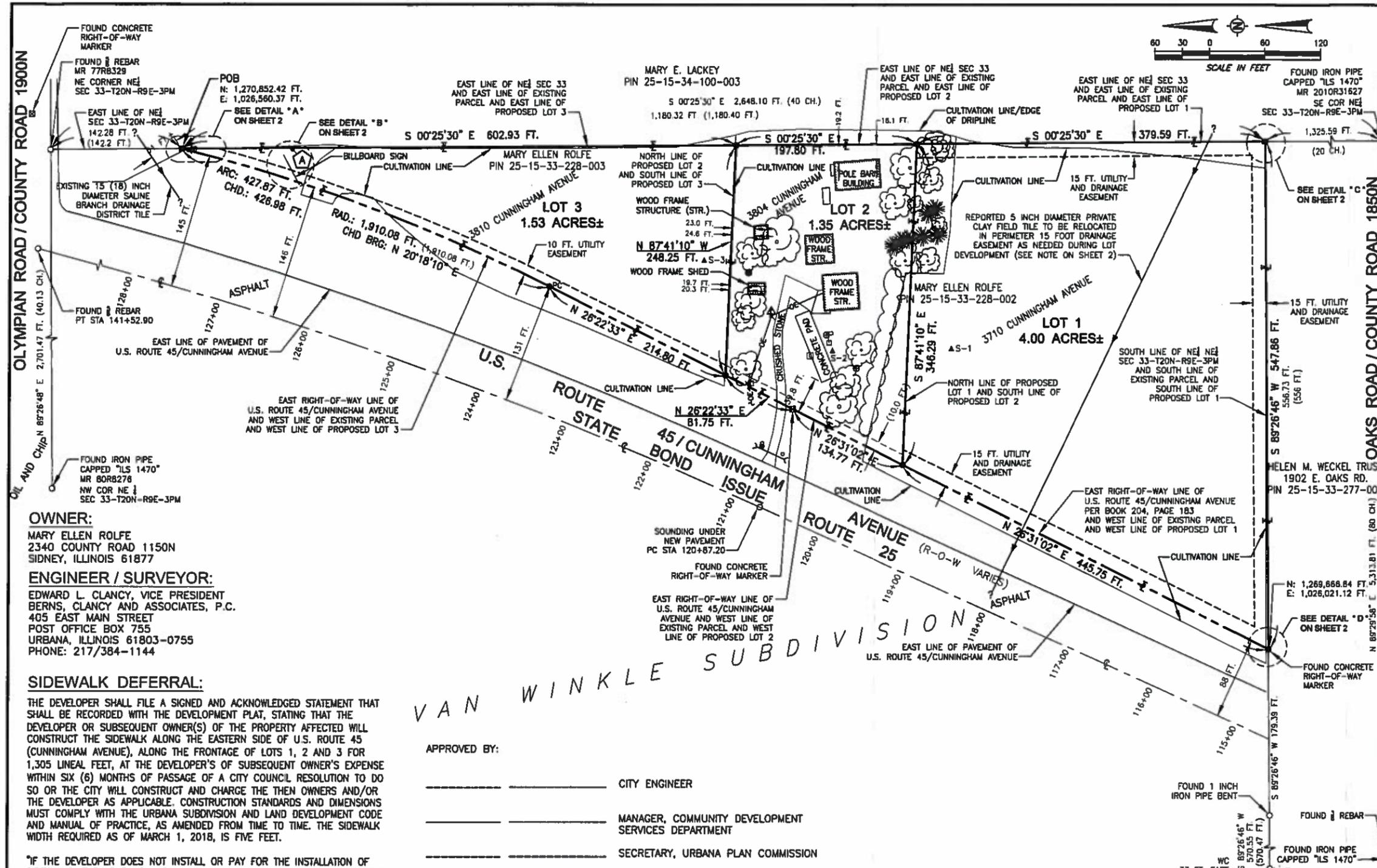
This information is based on the current *Private Sewage Disposal Licensing Act and Code*. If changes occur in the current code prior to the permitting of the private sewage disposal systems, the new requirements will be enforced during the permitting process.

Sincerely,



Michael Flanagan, LEHP, REHS
Program Coordinator





- LEGEND**
- 30 INCH LONG, 1/2 INCH DIAMETER IRON PIPE SURVEY MONUMENT SET WITH ALUMINUM CAP STAMPED "LS 2006 2207"
 - CONCRETE SURVEY MONUMENT/30 INCH LONG, 1/2 INCH DIAMETER IRON PIPE SURVEY MONUMENT SET WITH ALUMINUM CAP STAMPED "LS 2006 2207"
 - EXISTING IRON PIPE/PIN SURVEY MONUMENT FOUND
 - ⊠ EXISTING CONCRETE MARKER FOUND
 - EXISTING RIGHT-OF-WAY LINE
 - EXISTING EASEMENT LINE
 - PROPOSED EASEMENT LINE
 - ⊕ EXISTING CENTERLINE
 - TITLE LINE
 - ////// EXISTING BUILDING LINE
 - EXISTING POLE/POST
 - ☁ EXISTING BUSH/VEGETATION
 - ☀ EXISTING DECIDUOUS TREE/SIZE
 - ☀ EXISTING EVERGREEN TREE/SIZE
 - ⊕ EXISTING FLAG POLE
 - EXISTING PRIVATE MAILBOX
 - ⊠ EXISTING CABLE TELEVISION PEDESTAL
 - EXISTING WATER WELL
 - ⊕ EXISTING SANITARY SEWER CLEANOUT
 - ⊕ EXISTING UTILITY POLE/DOWN GUY/TRANSFORMER
 - EXISTING CULVERT
 - EXISTING OVERHEAD ELECTRIC LINE
 - ⊠ EXISTING ELECTRIC METER
 - POB POINT-OF-BEGINNING
 - () RECORD MEASUREMENT AND/OR DATA
 - DESTINATION OUTSIDE OF AREA
 - PIN PERMANENT INDEX NUMBER
 - PC POINT-OF-CURVATURE
 - CH. CHAIN (66 FT.) MEASUREMENT
 - ARC ARC MEASUREMENT
 - CHD. CHORD MEASUREMENT
 - CHD BRG CHORD BEARING MEASUREMENT
 - RAD. RADIUS
 - ▲ S-2 EXISTING SOIL CLASSIFICATION HOLE LOCATION/DESIGNATION
 - ⊠ KEYED ENCROACHMENT DESIGNATION

RECEIVED
 APR 09 2018
 CHAMPAIGN CO. P & Z DEPARTMENT

OWNER:
 MARY ELLEN ROLFE
 2340 COUNTY ROAD 1150N
 SIDNEY, ILLINOIS 61877

ENGINEER / SURVEYOR:
 EDWARD L. CLANCY, VICE PRESIDENT
 BERNS, CLANCY AND ASSOCIATES, P.C.
 405 EAST MAIN STREET
 POST OFFICE BOX 755
 URBANA, ILLINOIS 61803-0755
 PHONE: 217/384-1144

SIDEWALK DEFERRAL:

THE DEVELOPER SHALL FILE A SIGNED AND ACKNOWLEDGED STATEMENT THAT SHALL BE RECORDED WITH THE DEVELOPMENT PLAT, STATING THAT THE DEVELOPER OR SUBSEQUENT OWNER(S) OF THE PROPERTY AFFECTED WILL CONSTRUCT THE SIDEWALK ALONG THE EASTERN SIDE OF U.S. ROUTE 45 (CUNNINGHAM AVENUE), ALONG THE FRONTAGE OF LOTS 1, 2 AND 3 FOR 1,305 LINEAL FEET, AT THE DEVELOPER'S OF SUBSEQUENT OWNER'S EXPENSE WITHIN SIX (6) MONTHS OF PASSAGE OF A CITY COUNCIL RESOLUTION TO DO SO OR THE CITY WILL CONSTRUCT AND CHARGE THE THEN OWNERS AND/OR THE DEVELOPER AS APPLICABLE. CONSTRUCTION STANDARDS AND DIMENSIONS MUST COMPLY WITH THE URBANA SUBDIVISION AND LAND DEVELOPMENT CODE AND MANUAL OF PRACTICE, AS AMENDED FROM TIME TO TIME. THE SIDEWALK WIDTH REQUIRED AS OF MARCH 1, 2018, IS FIVE FEET.

"IF THE DEVELOPER DOES NOT INSTALL OR PAY FOR THE INSTALLATION OF SIDEWALKS, THEN THE CITY OF URBANA HAS THE AUTHORITY TO REQUEST THE PROPERTY OWNERS TO INSTALL SIDEWALKS ON THE SUBJECT PROPERTY WITHIN SIX (6) MONTHS OF PASSAGE BY THE CITY COUNCIL OF URBANA OF A RESOLUTION TO DO SO. THE CITY HAS THE AUTHORITY TO CONSTRUCT THE SIDEWALKS AND CHARGE THE THEN OWNERS FOR THE CONSTRUCTION IF THE THEN OWNERS DO NOT INSTALL THE SIDEWALKS AS REQUESTED. IT IS AGREED BY THE DEVELOPER THAT THIS OBLIGATION SHALL BE A COVENANT RUNNING WITH THE LAND."

I, EDWARD L. CLANCY, ILLINOIS PROFESSIONAL LAND SURVEYOR 2207, IN ACCORDANCE WITH PAB-0705 (THE PLAT ACT) DO HEREBY DESIGNATE CITY OF URBANA AS THE AGENT WHO MAY RECORD "ROLFE SUBDIVISION", A TRUE COPY OF WHICH HAS BEEN RETAINED BY ME TO ASSURE NO CHANGES HAVE BEEN MADE TO SAID PLAT.

RETURN TO: BERNS, CLANCY AND ASSOCIATES, P.C.
 405 EAST MAIN STREET
 URBANA, ILLINOIS 61802

VAN WINKLE SUBDIVISION

APPROVED BY:

_____ CITY ENGINEER

_____ MANAGER, COMMUNITY DEVELOPMENT SERVICES DEPARTMENT

_____ SECRETARY, URBANA PLAN COMMISSION

DATE: _____

ATTEST: _____ CITY CLERK, _____ DATE

OWNER'S AND ENGINEER'S STATEMENT

TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE DEVELOPMENT OF "ROLFE SUBDIVISION" OR ANY PART THEREOF, OR IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED THAT REASONABLE PROVISION HAS BEEN MADE FOR THE COLLECTION AND DIVERSION OF SURFACE WATERS INTO PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS THE RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF CONSTRUCTION OF "ROLFE SUBDIVISION".

AREA SUMMARY

LOT 1:	4.00 ACRES±
LOT 2:	1.35 ACRES±
LOT 3:	1.53 ACRES±
TOTAL PARCEL:	6.88 ACRES±

SIGNED AND SEALED APRIL 6, 2018

PRELIMINARY

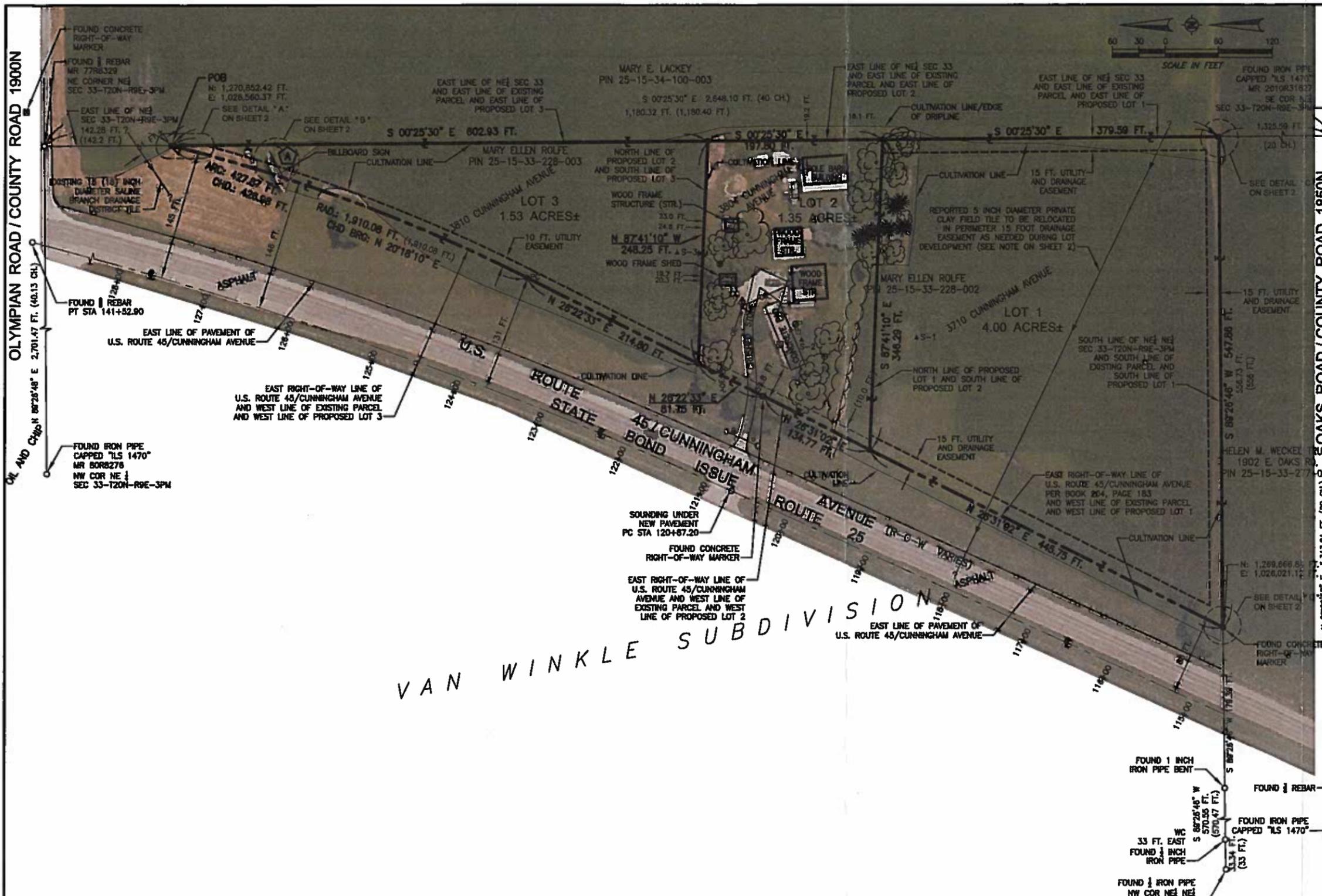
EDWARD L. CLANCY, L.S., P.E., VICE PRESIDENT
 BERNS, CLANCY AND ASSOCIATES, P.C.
 ILLINOIS PROFESSIONAL LAND SURVEYOR 2207
 LICENSE EXPIRATION: NOVEMBER 30, 2018
 URBANA, CHAMPAIGN COUNTY, ILLINOIS
 ILLINOIS PROFESSIONAL DESIGN FIRM 2999
 LICENSE EXPIRATION: APRIL 30, 2019



BERNS, CLANCY AND ASSOCIATES
 ENGINEERS • SURVEYORS • PLANNERS
 405 EAST MAIN STREET - POST OFFICE BOX 755
 URBANA, ILLINOIS 61803-0755
 PHONE: (217) 384-1144 - FAX: (217) 384-3355

JOB: 7550 FILE: 7550.DWG DATE: 040618 SHEET 1 OF 2

J. U. L. I. E.
 NOTE: THE EXACT LOCATION OF ALL UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION ACTIVITIES. FOR UTILITY LOCATIONS CALL J.U.L.I.E. (800) 692-0123
 © 2019 ALL RIGHTS RESERVED
 BERNS, CLANCY AND ASSOCIATES, P.C.



- LEGEND**
- 30 INCH LONG, 1/2 INCH DIAMETER IRON PIPE SURVEY MONUMENT SET WITH ALUMINUM CAP STAMPED "LS 2008 2207"
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VAN WINKLE SUBDIVISION

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PRELIMINARY

WORLD IMAGERY
DOWNLOADED FROM
ENVIRONMENTAL SERVICES
RESEARCH INSTITUTE

J. U. L. I. E.
NOTE: THE EXACT LOCATION OF ALL UTILITIES
SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO
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BCA ENGINEERS • SURVEYORS • PLANNERS
405 EAST MAIN STREET - POST OFFICE BOX 755
URBANA, ILLINOIS 61803-0755
PHONE: (217) 384-1144 - FAX: (217) 384-3355

JOB: 7550 FILE: 7550.DWG DATE: 040818 SHEET 1 OF 1

NORTHEAST QUARTER, SECTION 33,
TOWNSHIP 20 NORTH, RANGE 9 EAST
OF THE THIRD PRINCIPAL MERIDIAN
SOMER TOWNSHIP
CHAMPAIGN COUNTY, ILLINOIS

Susan Burgstrom

From: John Hall
Sent: Wednesday, March 6, 2019 10:45 AM
To: Susan Burgstrom
Subject: FW: Champaign County comments on Rolfe Subdivision
Attachments: MX-M654N_20180215_103836.pdf

From: Ed Clancy <EClancy@bernsclancy.com>
Sent: Thursday, February 15, 2018 10:42 AM
To: John Hall <jhall@co.champaign.il.us>; Ricci, Marcus <mericci@urbanaininois.us>; Lori Busboom <lbusboom@co.champaign.il.us>
Cc: btschurter@tbklaw.com; 'DCothorn @ KW' <dcothorn@kw.com>; Roger Meyer <RMeyer@bernsclancy.com>; Tom Berns <TBerns@bernsclancy.com>; Jubal Underwood <JUnderwood@bernsclancy.com>
Subject: RE: Champaign County comments on Rolfe Subdivision

John – thanks for the letter --- we have been in contact with the Saline Branch Drainage District Commissioners (Ray Griest) who provided copies of sketches of improvements and locations of tile in the area (copies enclosed) --- Rob Lakey did extensive drainage work east of subject site – they tied into the 15 inch District tile which is north of subject site by 60 to 80 feet and extends west of subject site --- we can show the approximate location to memorialize the Lakey information on a public record document.

The 5 inch drain tile we will recommend that it be relocated along the east, south and west proposed easement, if needed to be relocated by future use of lot 3 --- elc

Edward Clancy, PE, LS, Vice-President
Berns, Clancy and Associates, P.C.
405 East Main Street
Post Office Box 755
Urbana, Illinois 61803-0755

Phone: (217) 384-1144
Fax: (217) 384-3355
email: eclancy@bernsclancy.com

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FEB 15 2018

CHAMPAIGN CO P & Z DEPARTMENT

This message is intended only for the recipient. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

From: John Hall [<mailto:jhall@co.champaign.il.us>]
Sent: Thursday, February 15, 2018 9:38 AM
To: Ricci, Marcus <mericci@urbanaininois.us>
Cc: Ed Clancy <EClancy@bernsclancy.com>; btschurter@tbklaw.com
Subject: Champaign County comments on Rolfe Subdivision

Attached are Champaign County comments on the proposed Rolfe Subdivision (Plan Case # 2336-S-18). Paper copies are being mailed today.

Sincerely,

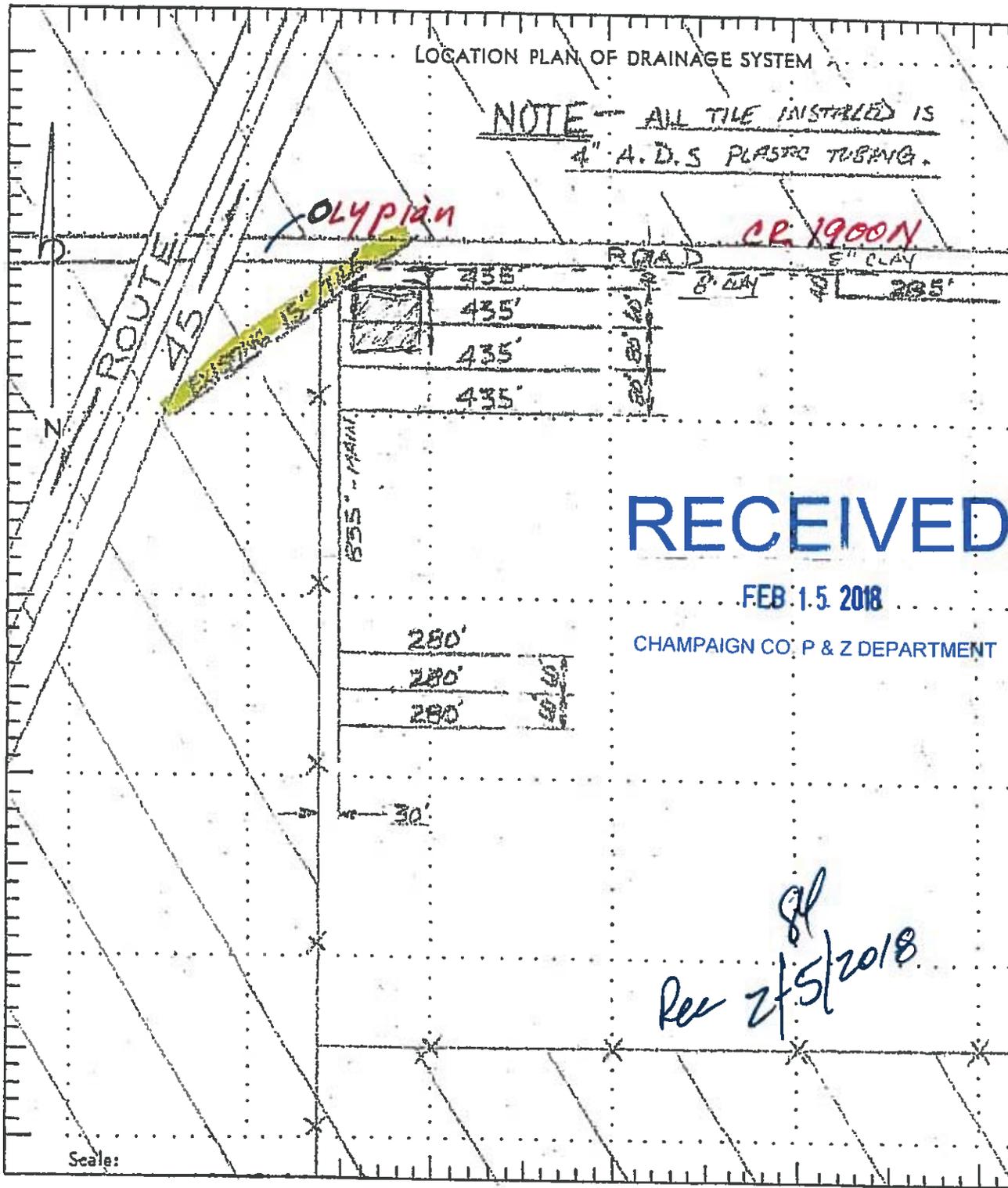
John Hall
Director
Zoning Administrator



Corrugated Plastic Drainage Tubing and Fittings

P. O. Box 447
Monticello, IL 61856
Office (217) 762-9448

Champaign
Territory
Crawford
Res.



RECEIVED

FEB 15 2018

CHAMPAIGN CO. P & Z DEPARTMENT

Rec 2/5/2018

— LEGEND —

Permanent Fence X X X X

Spacing

7550

Flooding images from Weckels



From US 45 facing east, just north of existing structures



From US 45 on existing driveway facing east

Flooding images from Weckels



On US 45 shoulder south of existing driveway, facing northeast



On US 45 shoulder south of existing driveway, facing northeast

Flooding images from Weckels



US 45 roadside ditch



US 45 roadside ditch at southwest corner of subject property

Flooding images from Weckels



US45 roadside ditch north of existing structures facing northeast



Across US 45 from subject property facing west at Olympian Road

Flooding images from Weckels



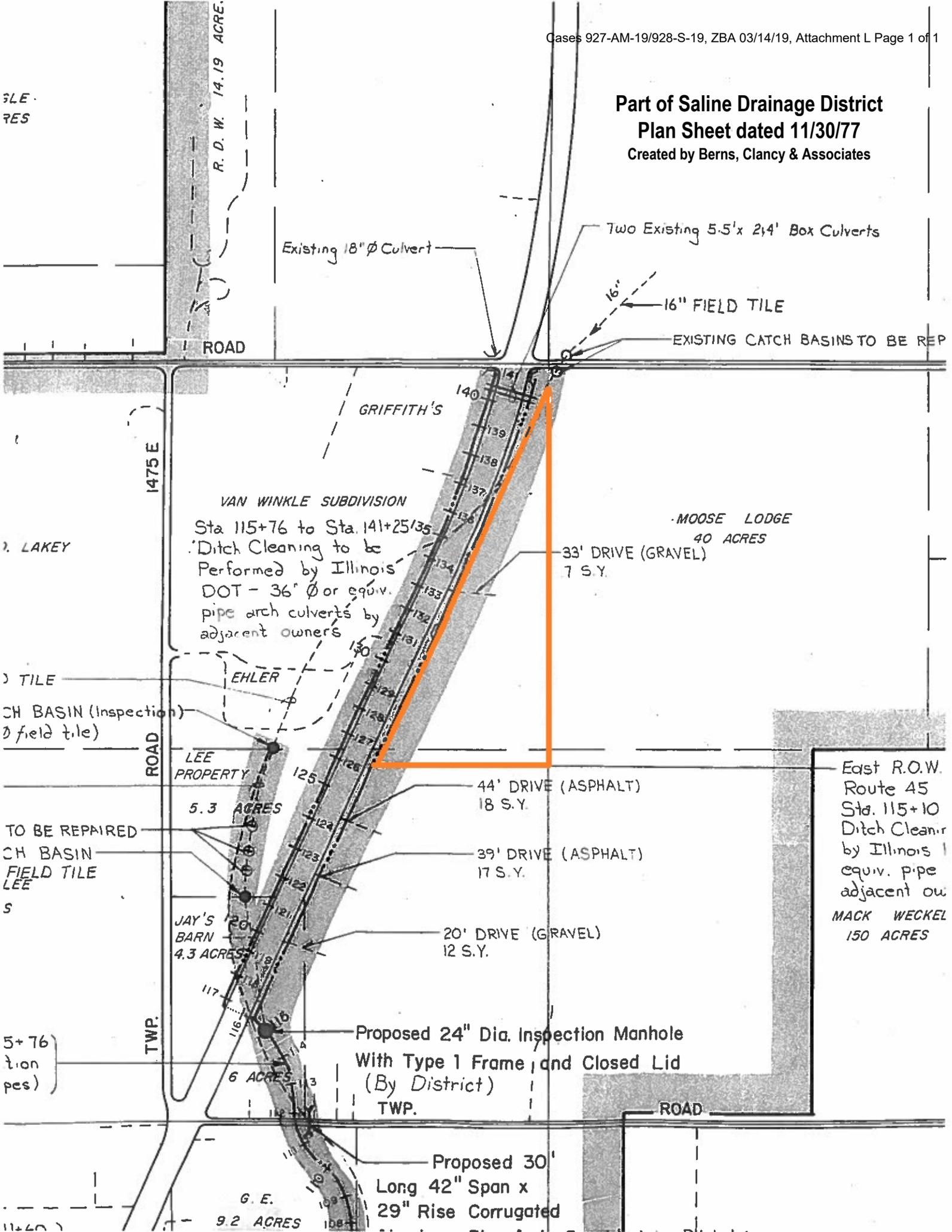
At SE corner of Olympian at US 45 facing east, subject property is at right



At SE corner of Olympian at US 45, facing SE to subject property

Part of Saline Drainage District Plan Sheet dated 11/30/77 Created by Berns, Clancy & Associates

GLE.
RES



Existing 18" ϕ Culvert

Two Existing 5.5'x 2.4' Box Culverts

16"
16" FIELD TILE

EXISTING CATCH BASINS TO BE REP

R. D. W. 14.19 ACRE.

ROAD

1475 E

GRIFFITH'S

VAN WINKLE SUBDIVISION

Sta 115+76 to Sta. 141+25/35
Ditch Cleaning to be
Performed by Illinois
DOT - 36" ϕ or equiv.
pipe arch culverts by
adjacent owners

MOOSE LODGE
40 ACRES

33' DRIVE (GRAVEL)
7 S.Y.

LAKEY

CATCH BASIN (Inspection)
field tile

EHLER

LEE PROPERTY
5.3 ACRES

44' DRIVE (ASPHALT)
18 S.Y.

TO BE REPAIRED
CATCH BASIN
FIELD TILE
LEE

39' DRIVE (ASPHALT)
17 S.Y.

JAY'S BARN
4.3 ACRES

20' DRIVE (GRAVEL)
12 S.Y.

East R.O.W.
Route 45
Sta. 115+10
Ditch Clean
by Illinois
equiv. pipe
adjacent ow
MACK WECKEL
150 ACRES

5+76
tion
pes)

TWP.

Proposed 24" Dia. Inspection Manhole
With Type 1 Frame and Closed Lid
(By District)
TWP.

G. E.
9.2 ACRES

Proposed 30'
Long 42" Span x
29" Rise Corrugated

ROAD

827-AM-19

SITE ASSESSMENT (SA) WORKSHEET

2-22-19

1	What size is the subject site?	More than 25 acres	10 points	2
		20.1 to 25 acres	8 points	
		15.1 to 20 acres	6 points	
		10.1 to 15 acres	4 points	
		5.01 to 10 acres	2 points	
		5 acres or less	0 points	

Factor 1 considers that the size of the subject site has an impact on its long-term viability for agricultural purposes. The factor recognizes that the predominant row crop form of agriculture is generally more efficiently farmed on larger sites.

Scoring Factor 1: Determine the area of the subject site based on current Champaign County Assessor Office tax parcel size data or on a legal description of the subject site.

2a	Is the subject site Best Prime Farmland?	Yes	30 points	30
		No	0 points	

Factor 2a assigns value to a subject site if it is designated as Best Prime Farmland, consistent with the *Champaign County Land Resource Management Plan* goals, objectives and policies.

An estimated 96.6% of the County consists of Prime Farmland soils. "Best Prime Farmland" is a subset of Prime Farmland soils identified by Champaign County in order to differentiate among Prime Farmland soils. The definition of 'Best Prime Farmland' is provided in the *Champaign County Zoning Ordinance*.

Scoring Factor 2a: Refer to the LE score of the subject site and to the "Best Prime Farmland" definition in the *Champaign County Zoning Ordinance*.

2b	If the subject site is Best Prime Farmland, which one of the following statements is correct: (1) The subject site is 15% or less of a larger real estate tax parcel (or multiple parcels) that existed on January 1, 2004. (Yes 0 points) (2) The subject site is larger than 15% of a larger real estate tax parcel (or multiple parcels) that existed on January 1, 2004. (Yes 10 points) (3) The subject site was not part of a larger tax parcel or parcels on January 1, 2004, and is 25 acres or less. (Yes 0 points) (4) The subject site was not part of a larger tax parcel or parcels on January 1, 2004, and is larger than 25 acres. (Yes 10 points)	10 points	0
----	--	-----------	---

Factor 2b assigns value to a subject site if it exceeds the lot size and configuration limits noted. The 15% limit and 25-acre lot size limit featured are arbitrary values selected to represent the general concern about the conversion and loss of best prime farmland. The *Champaign County Zoning Ordinance* has included a maximum lot size limit on Best Prime Farmland since July, 2004.

Scoring Factor 2b: Review subject site size and configuration based on Champaign County parcel identification tax maps for the year 2004 (also referred to as the 27th Edition of the Champaign County tax map atlas).

SITE ASSESSMENT (SA) WORKSHEET

2c	<p>If the subject site is not Best Prime Farmland and is at least 51% Prime Farmland, which one of the following statements is correct:</p> <p>(1) The subject site is larger than 25 acres. (Yes 10 points)</p> <p>(2) All of the following statements are true:</p> <p style="margin-left: 20px;">i. The subject site is part of a larger parcel that existed on April 12, 2011.</p> <p style="margin-left: 20px;">ii. Since April 12, 2011, a separate portion or portions of that larger parcel have been converted to a non-agricultural use as the result of a rezoning or special use.</p> <p style="margin-left: 20px;">iii. In total, the area of the subject site and those areas converted to a non-agricultural use (as identified in item ii. above) is larger than 25 acres. (Yes 10 points)</p> <p>(3) Neither (1) or (2) above apply to the subject site. (Yes 0 points)</p>		0
-----------	--	--	---

Factor 2c assigns value to a subject site which is not Best Prime Farmland but which consists of at least 51% Prime Farmland and exceeds a 25-acre lot size and configuration as of April 12, 2011. The 25-acre size threshold is an arbitrary value selected to represent the general concern about the conversion and loss of Prime Farmland.

This factor awards 10 points to a subject site if it would result in conversion of more than 25 acres of Prime Farmland, or if the subject site would cumulatively contribute to the conversion of more than 25 acres of Prime Farmland on a larger parcel existing as of April 12, 2011.

Scoring Factor 2c: Assess whether the soils on the subject site are comprised of at least 51% Prime Farmland based on the 'Farmland Classification' column of Table A in Appendix A.

Review the lot size and configuration based on Champaign County parcel identification tax maps and digital orthophotography as of April 12, 2011. (April 12, 2011 is the date of the annual digital orthophotography available for the year 2011.)

3	Is the subject site located within the Contiguous Urban Growth Area?	no <u>yes</u>	40 points 0 points	0
----------	--	------------------	-----------------------	---

Factor 3 is a general measure of development pressures which tend to support the conversion of agricultural sites to urban uses.

The 'Land Use Management Areas Map' of the *Champaign County Land Resource Management Plan* specifies the location of the 'Contiguous Urban Growth Area' (CUGA). CUGA is land designated for non-agricultural land use, and consists of:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near-to mid-term (within approximately five years);
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near-to mid-term (within approximately five years); or
- land surrounded by incorporated land or other urban land within the County.

Scoring Factor 3: Review the CUGA boundaries of the current *Champaign County Land Resource Management Plan* "Land Use Management Map".

If the subject site is located within the CUGA, skip the remaining SA Factor questions and indicate a total SA score for only SA Factors 1, 2 and 3 at the end of the SA Worksheet.

site is in CUGA



Champaign County

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

NATURAL RESOURCE REPORT

Development Name: Cothern Minor Subdivision

Date Reviewed: January, 12th, 2018

Requested By: BCA

Address: 405 East main Street, P.O. Box 755
Urbana, IL 61803-0755

Location of Property: part of the NE $\frac{1}{4}$ of sec.33 in T. 20 N., R.9 E., of the 3rd. P.M.



The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on January 12th, 2018.

RECEIVED

JAN 26 2018

CHAMPAIGN CO. P & Z DEPARTMENT

January 12, 2018



Champaign County

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

d) Sedimentation:

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

Example: When will inlets for storm drains need to be cleaned out or how often? All sediment-laden runoff should be routed through sediment basins before discharge. Silt fences should be used in flow areas with drainage areas that do not exceeding 0.5 acres.

Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control. The website is: <http://www.aiswcd.org/IUM/>

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

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

WATER RESOURCE

a) Surface Drainage:

The site is relatively flat. The developed areas seems to have good drainage. The water from the site will leave by way of the road drainage ditch.

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

b) Subsurface Drainage:

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

Severe ponding, along with wetness may be a limitation associated with the soil types on the site. Installing a properly designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils.



Champaign County

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

CULTURAL, PLANT, AND ANIMAL RESOURCE

a) Cultural:

The Illinois Historic Preservation Agency may require a Phase 1 Archeological Review to identify any cultural resources that may be on the site.

b) Illinois Endangered Species Protection Act & Illinois Natural Areas Preservation Act:

State agencies or units of local government must consult the Department about proposed actions that they will authorize, fund or perform. Private parties do not have to consult, but they are liable for prohibited taking of state-listed plants or animals or for adversely modifying a Nature Preserve or a Land and Water Reserve.

Home rule governments may delegate this responsibility, through duly enacted ordinances, to the parties seeking authorization or funding of the action.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the

project location:

Brownfield Woods INAI Site

c) Plant:

For eventual landscaping of the site, the use of native species is recommended whenever possible. The soil types will support trees such as Bur Oak, Norway Spruce, Black Oak, and Silky Dogwood. For areas to be restored to a more natural area several groups in the area may be able to help with seed.

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

Signed by Joe Rothermel
Joe Rothermel
Board Chairman

Prepared by Jonathon Manuel
Jonathon Manuel
Resource Conservationist

LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
152A	Drummer	2	100	4.6	460.0
154A	Flanagan	1	100	2.6	260.0
					0.0
					0.0
					0.0
					0.0
					0.0

acreage for calculation slightly larger than tract acreage due to rounding of soils program

Total LE Weighted Factor= 720

Acreage= 7.2

Land Evaluation Factor For Site= 100

Note: A Soil Classifier could be hired for additional accuracy if desired

Data Source: Champaign County Digital Soil Survey

Cothorn Minor Subdivision

Date: 1/12/2018

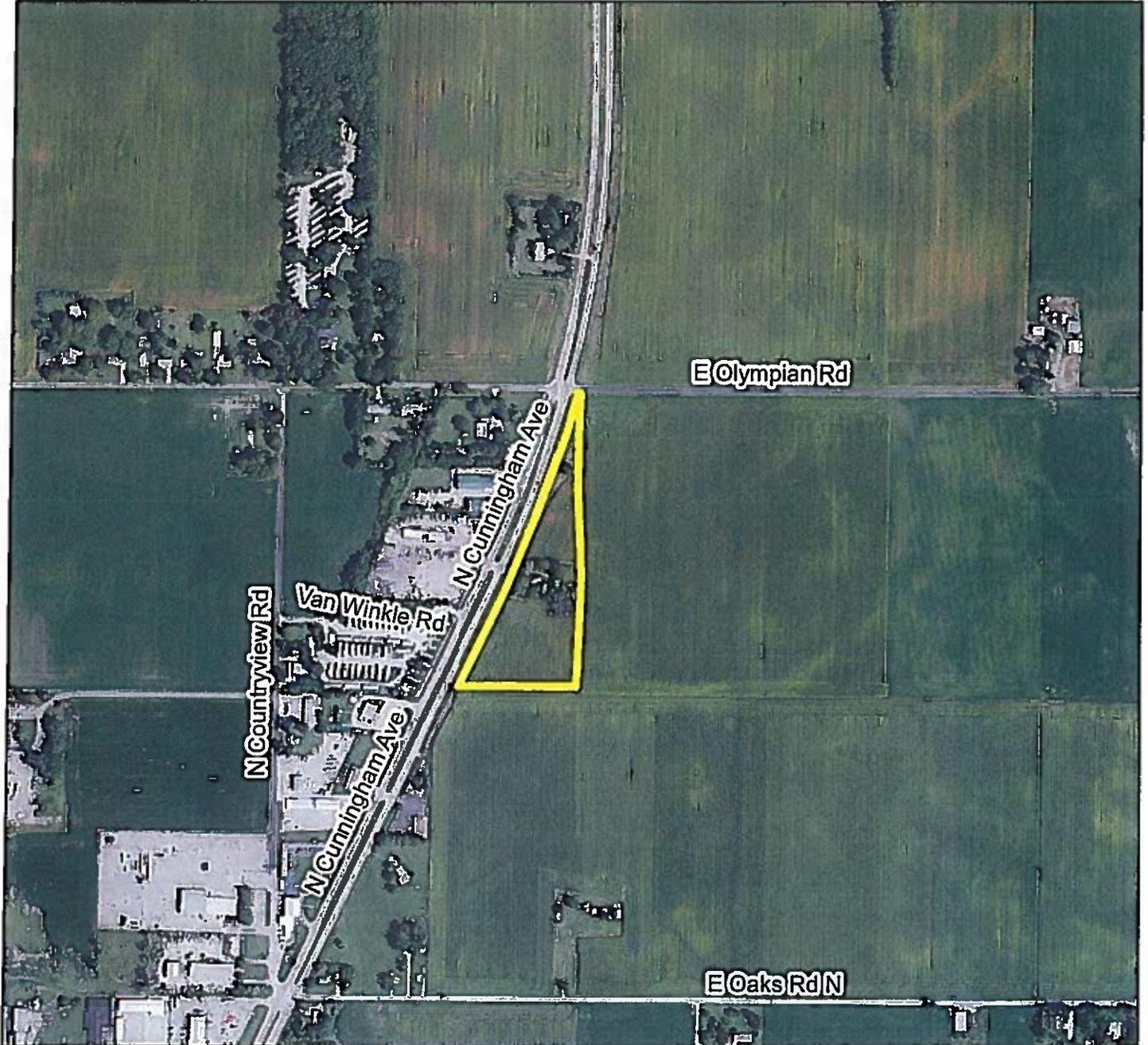
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: NE 1/4 of Section 33 T20N, R9E Aerial 2015



Prepared with assistance from USDA-Natural Resources Conservation Service



Legend

- Cothorn Minor Subdivision
- fe_2007_17019_edges



Cothorn Minor Subdivision

Date: 1/12/2018

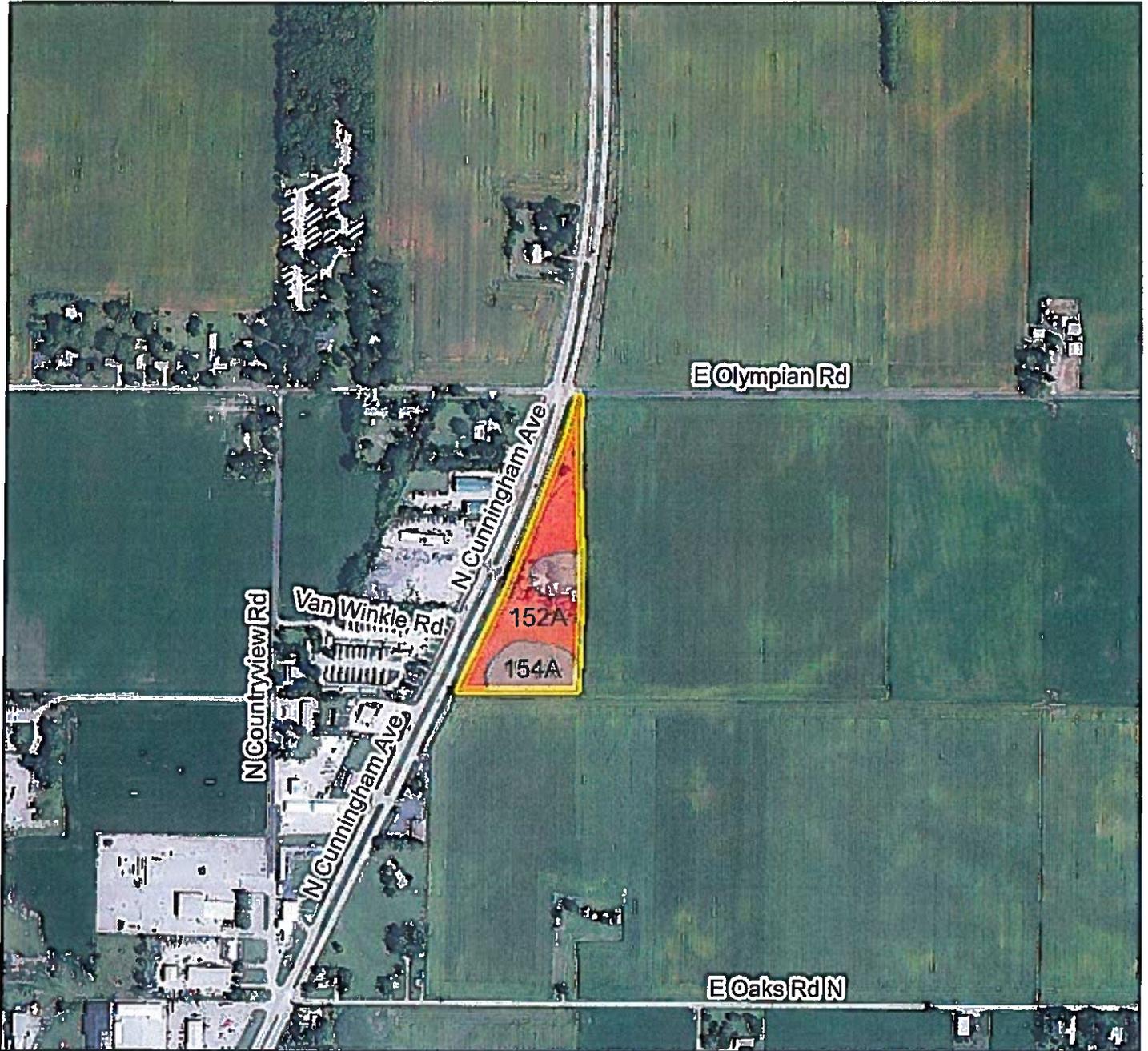
Field Office: CHAMPAIGN SERVICE CENTER

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Legal Description: NE 1/4 of Section 33 T20N, R9E Aerial 2015



Prepared with assistance from USDA-Natural Resources Conservation Service

Legend

Soils Map

MUSYM

152A

154A

Cothorn Minor Subdivision

fe_2007_17019_edges



Cothorn Minor Subdivision

Date: 1/12/2018

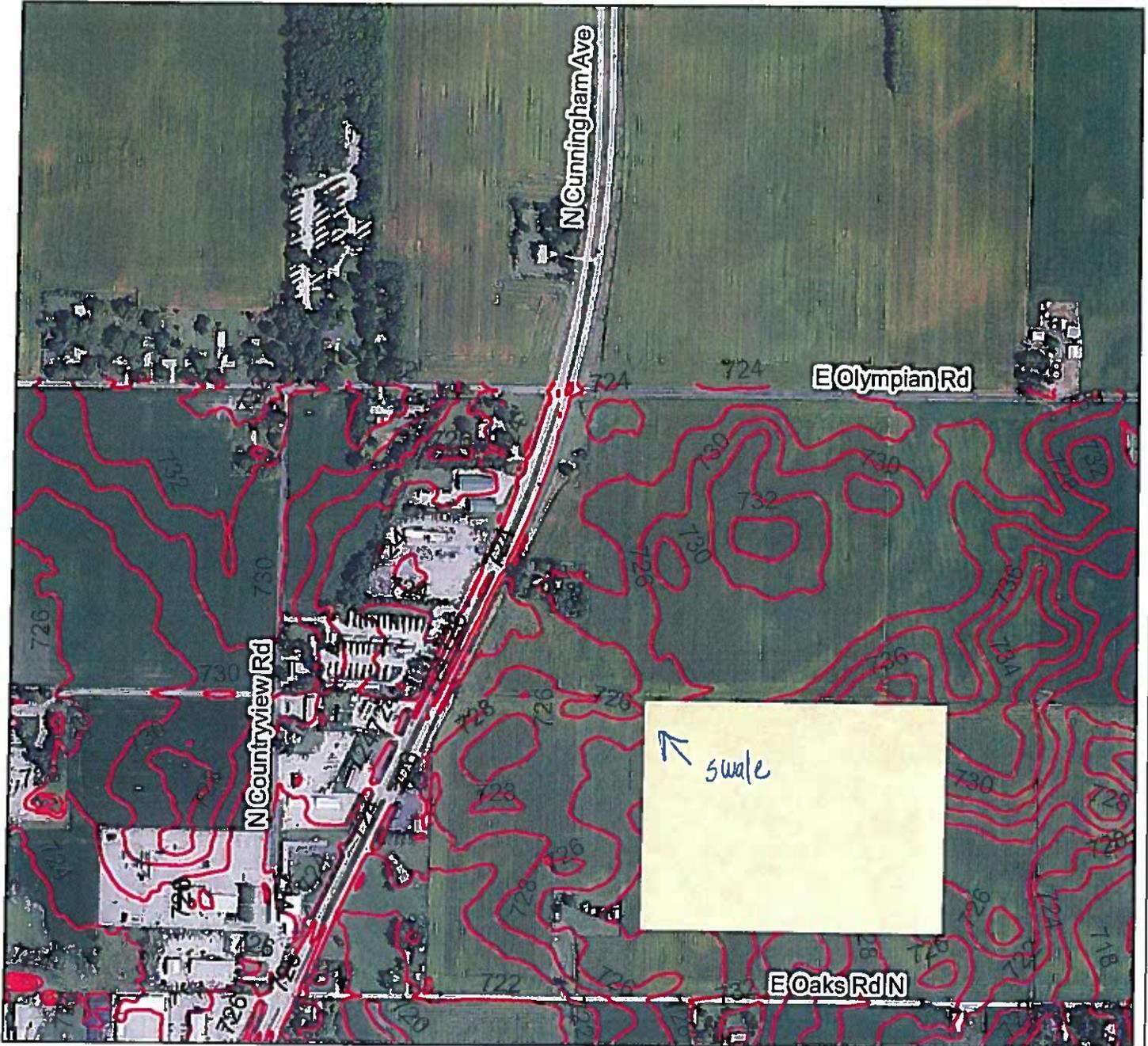
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: NE 1/4 of Section 33 T20N, R9E Aerial 2015



Prepared with assistance from USDA-Natural Resources Conservation Service



Legend

- 3_T20N_R09E_SEC34
- 3_T20N_R09E_SEC33
- fe_2007_17019_edges





Applicant: Champaign County Soil & Water Conservation District **IDNR Project Number:** 1805928
Contact: Jonathon Manuel **Date:** 01/12/2018
Address: 2110 West Park Court
 Suite C
 Champaign, IL 61821

Project: Cothorn Minor Subdivision
Address: 2110 West Park Court, Champaign

Description: Division of Farm Ground

Natural Resource Review Results

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

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Brownfield Woods INAI Site

Location

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

County: Champaign

Township, Range, Section:

20N, 9E, 33

20N, 9E, 34



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

Disclaimer

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

Terms of Use

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IDNR Project Number: 1805928

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

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Cothern Minor Subdivision

Date: 1/12/2018

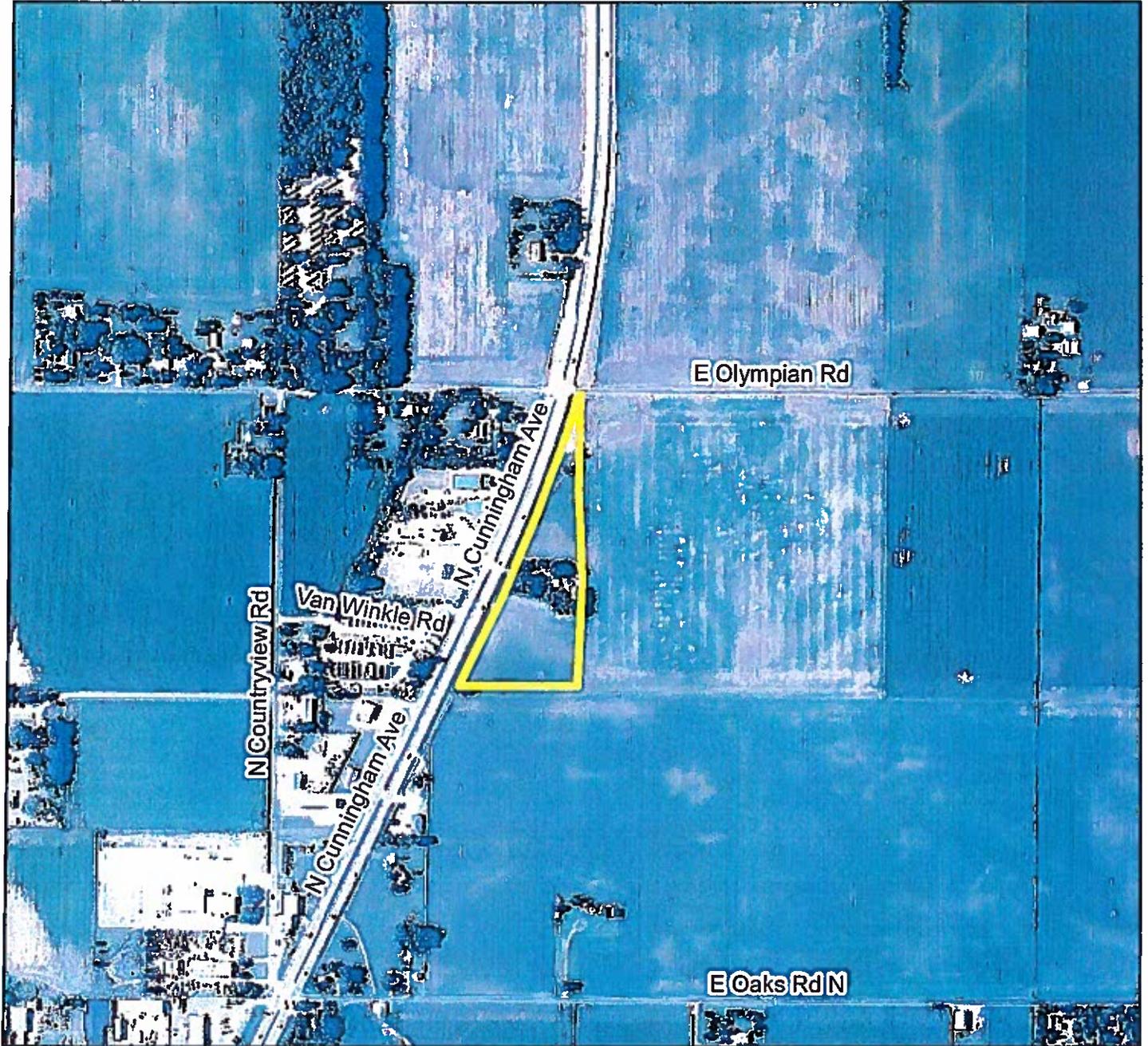
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: NE 1/4 of Section 33 T20N, R9E Aerial 2010



Prepared with assistance from USDA-Natural Resources Conservation Service

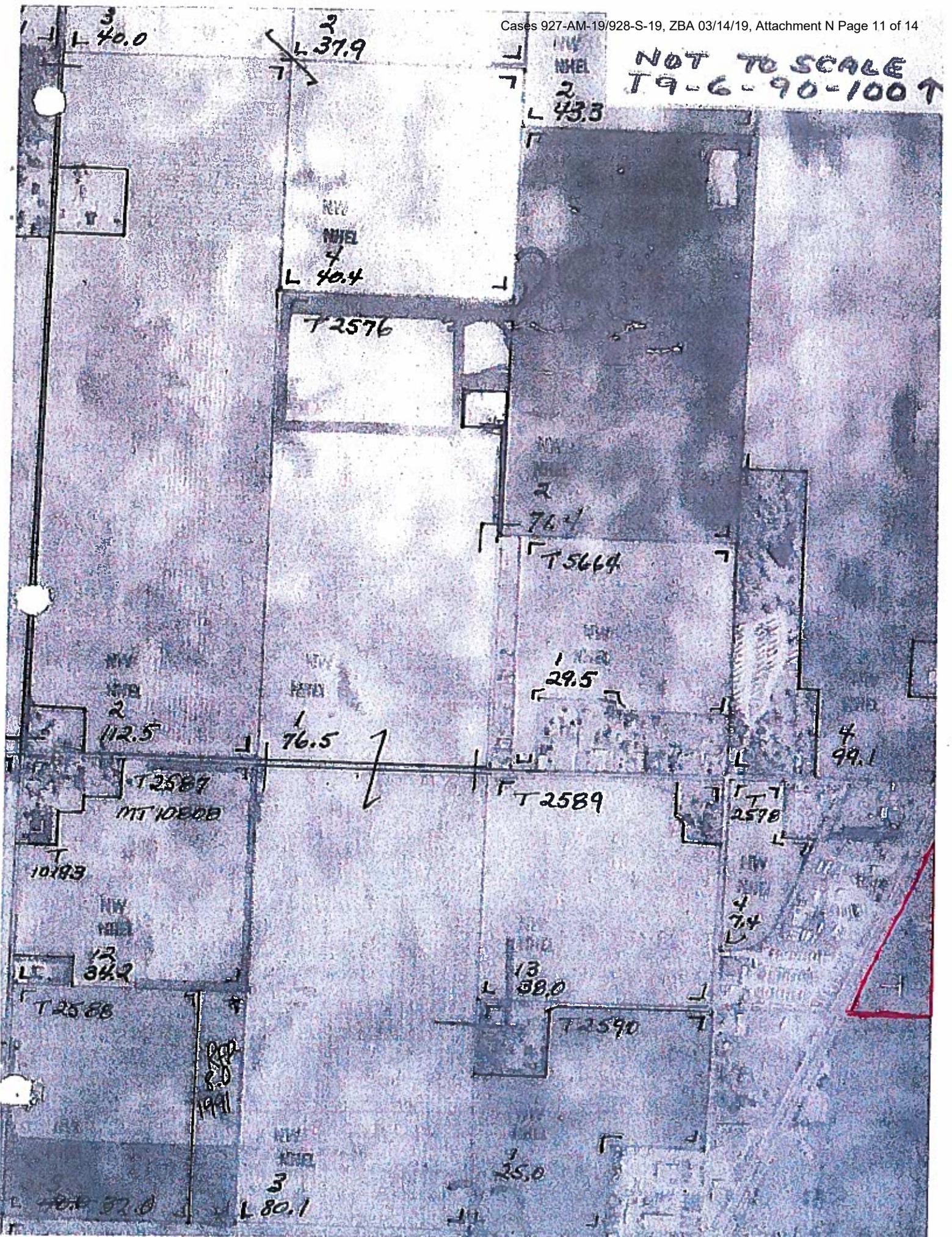


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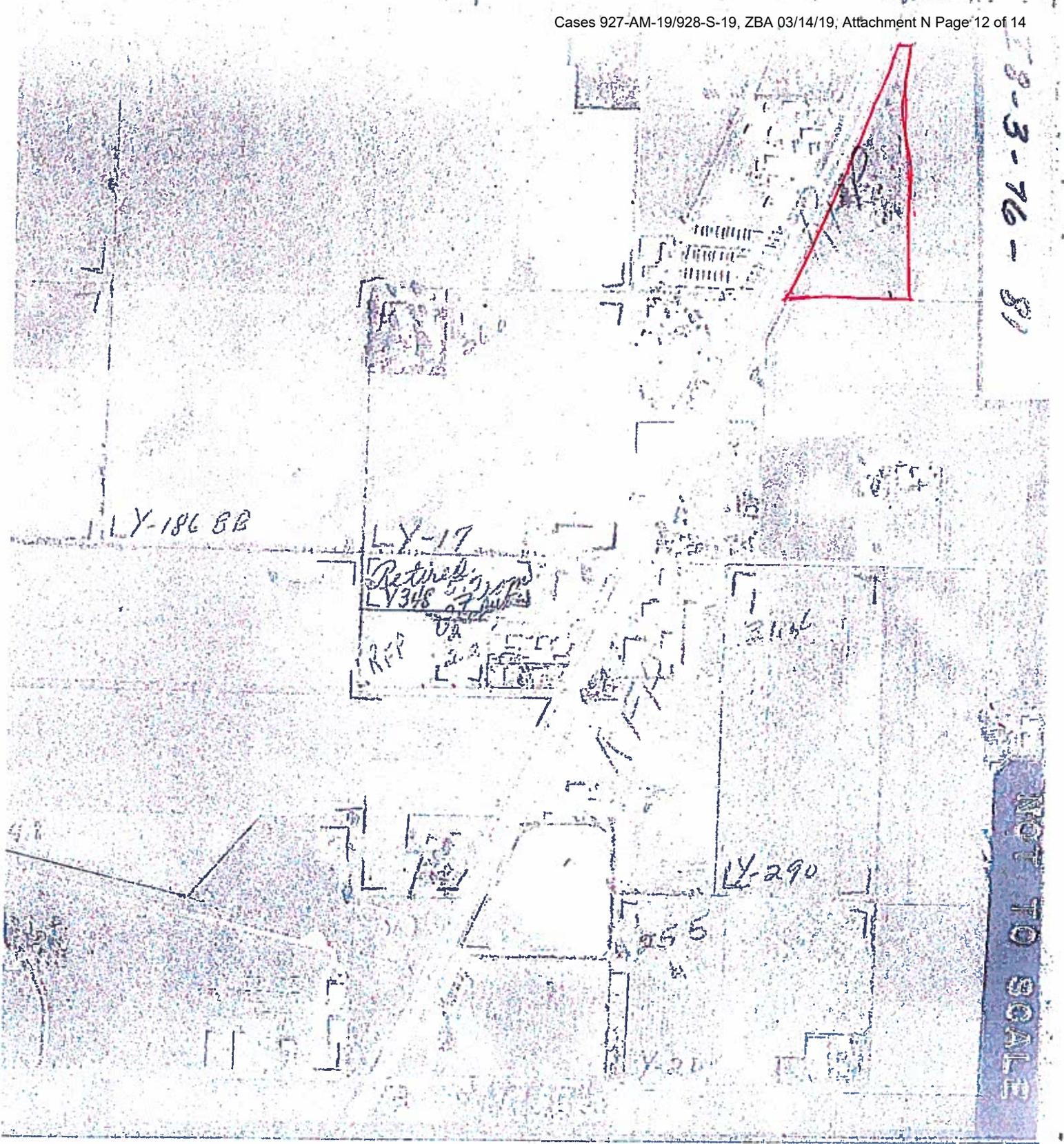
- Cothern Minor Subdivision
- fe_2007_17019_edges



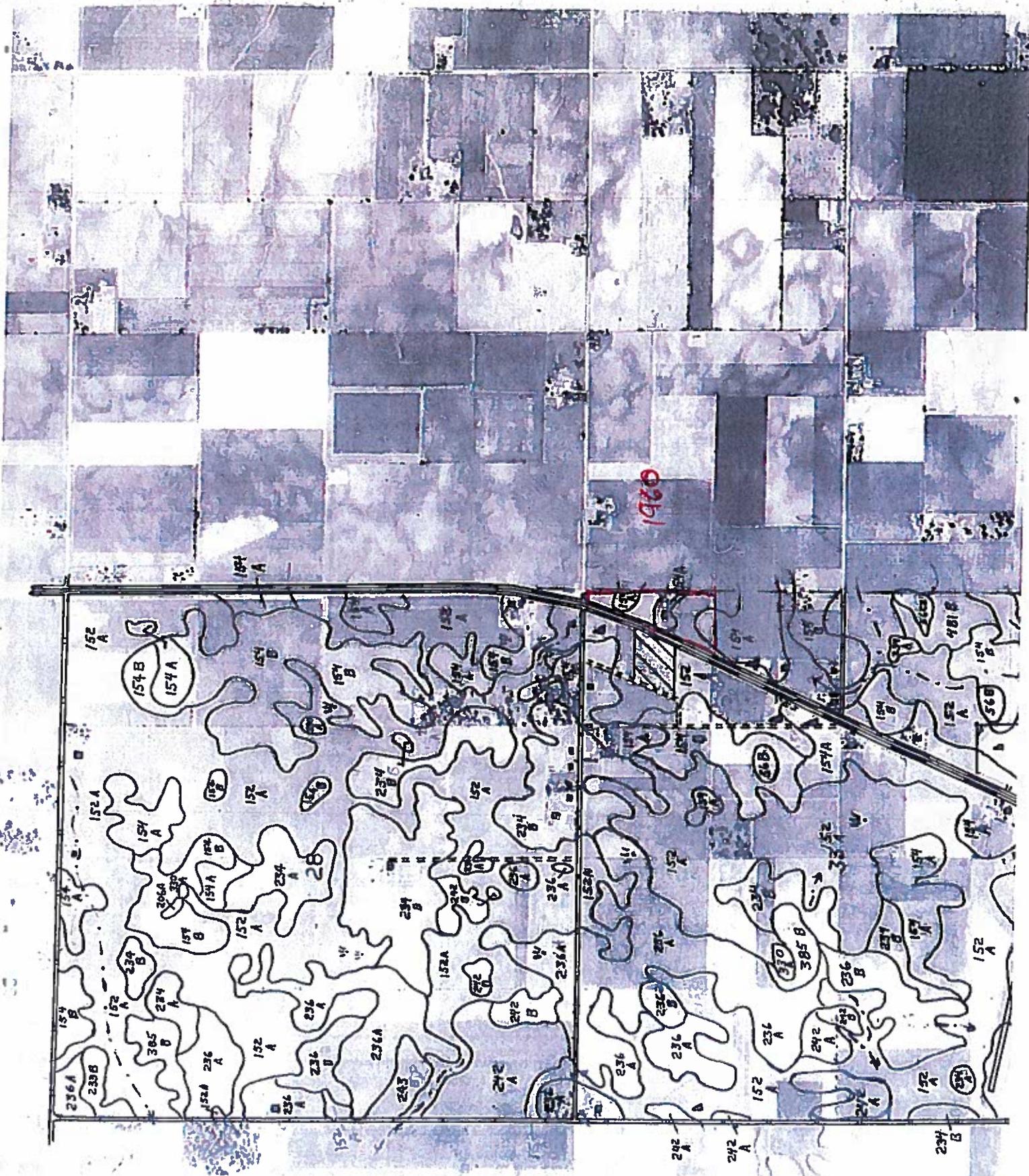
NOT TO SCALE
T9-6-90-100T



8-3-76-81



NOT TO SCALE





CHAMPAIGN CO. ILL.

19 910



Applicant: Berns, Clancy & Associates
Contact: Jubal Underwood
Address: 405 East Main Street
Post Office Box 755
Urbana, IL 61803

IDNR Project Number: 1805237
Date: 12/26/2017

Project: ROLFE SUBDIVISION
Address: 3804 NORTH CUNNINGHAM AVENUE, URBANA

Description: SUBDIVIDE A 6.88 ACRE PARCEL INTO THREE LOTS

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Brownfield Woods INAI Site

An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.

Location

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



County: Champaign

Township, Range, Section:

20N, 9E, 33
20N, 9E, 34

IL Department of Natural Resources
Contact
Rich Lewis
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
champaign county planning and zoning
john hall
1776 e washington st
urbana , illinois 61802

Disclaimer

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IDNR Project Number: 1805237

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Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Bruce Rauner, Governor
Wayne Rosenthal, Director

January 20, 2018

Jubal Underwood
Berns, Clancy & Associates
405 East Main Street
Post Office Box 755
Urbana, IL 61803 0755

RE: ROLFE SUBDIVISION
Project Number(s): 1805237
County: Champaign

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Rich Lewis
Division of Ecosystems and Environment
217-785-5500

7550

927-AM-19 & 928-S-19 Site Images



From US 45 facing east



From US 45 facing east

927-AM-19 & 928-S-19 Site Images



Building at left is "Existing Storage" on Site Plan



"Existing Storage" on Site Plan

927-AM-19 & 928-S-19 Site Images



US 45 facing south



US 45 facing north

927-AM-19 & 928-S-19 Site Images



Across US 45 facing west



Across US 45 facing northwest

927-AM-19 & 928-S-19 Site Images



From south corner of farmstead facing south



From Olympian Road facing east to adjacent properties

927-AM-19 & 928-S-19 Site Images



From Olympian Road facing south (billboard is on subject property)



From Olympian Road facing west (culvert is on subject property)

PRELIMINARY DRAFT

927-AM-19

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

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

Date: ***{March 14, 2019}***

Petitioners: **Fred Helmuth, d.b.a. FCH Enterprises LLC, via Agent Dan Cothern**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-2 Agriculture Zoning District to the B-4 General Business Zoning District in order to establish and operate the proposed Special Use in related Zoning Case 928-S-19.**

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PRELIMINARY DRAFT**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 14, 2019**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 928-S-19)

- *1. Petitioners Fred and Carolyn Helmuth, 506 E CR 300N, Arcola, d.b.a. FCH Enterprises LLC, own the subject property. They are the sole officers and stakeholders of FCH Enterprises LLC. Dan Cothorn, petitioner's agent for the zoning cases, is a Realtor with Keller Williams Real Estate.
- *2. The subject property is a 7.05-acre tract in the East Half of the Northeast Quarter of the Northeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township with an address of 3804 N Cunningham Avenue, Urbana.
 - *A. According to the Champaign County Supervisor of Assessments Office, the subject property was erroneously divided into two parcels under Urbana Champaign Sanitary District (UCSD) Ordinance Number 266. However, the UCSD deed only annexes properties into the UCSD area; it does not create lots. This division was never approved by the City of Urbana, which has subdivision jurisdiction. For the purpose of processing these zoning cases, the subject property will be referred to as a 7.05 acre tract, and resolving the recording error is independent of the Champaign County Planning & Zoning Department.
- *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 City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the City.
 - *1) The subject property is 0.42 miles north of the City of Urbana. The City's most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Agriculture future land use area. Urbana defines the Agriculture land use as "those that involve crop cultivation and production, the raising of livestock and uses that support agriculture, such as feed stores and silos."
 - *B. The subject property is located within Somer Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.
- 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: **"Convert from AG-2 to B-4 to attract build-to-suit clients and provide storage larger than the typical mini-warehouse sizes. Provide 800, 1,000, and 1,800 square foot storage options."**
- 5. Regarding comments by the petitioner, when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following: **"Expand the availability of B-4 land to the East side of the County. Most development has been to the West and Southwest of Champaign with no good options on the North side of Urbana. Joining the existing B-4 land (20 acres) at the N/E corner of Olympia and Rt 45 which has been re-zoned for a few years."**

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:

PRELIMINARY DRAFT**Case 927-AM-19****Page 3 of 30**

- *A. The subject property is a 7.05 acre tract and is currently zoned AG-2 Agriculture. The site is in agricultural production and has a vacant farmstead.
 - *B. Land to the north of the subject property is zoned B-4 General Business and is in agricultural production.
 - *C. Land to the south and east of the subject property is zoned AG-2 Agriculture and is agricultural production.
 - *D. Land to the northwest is zoned B-4 General Business and is commercial in use.
 - *E. Land to the southwest is zoned R-5 Manufactured Home Park and is commercial in use as a manufactured home park.
- *7. Regarding the site plan and proposed operations of the subject property:
- *A. The site plan received March 5, 2019, indicates the following proposed improvements to the lot:
 - * (1) With the exception of one 1,500 square feet “existing storage” building on the east side of the property and an existing well located northwest of the proposed business building, all existing structures will be demolished.
 - * (2) Six self-storage buildings with a total of 35 units:
 - *a. A 180 feet by 40 feet (7,200 square feet) building with nine 20 feet by 40 feet units;
 - *b. A 160 feet by 40 feet (6,400 square feet) building with eight 20 feet by 40 feet units;
 - *c. Two 80 feet by 40 feet (3,200 square feet) buildings, each with four 20 feet by 40 feet units;
 - *d. A 100 feet by 50 feet (5,000 square feet) building with five 20 feet by 50 feet units; and
 - *e. A 150 feet by 60 feet (9,000 square feet) building with five 30 feet by 60 feet units.
 - * (3) A 100 feet by 100 feet (10,000 square feet) “business” building on the east side;
 - * (4) A basketball facility, approximately 18,720 square feet;
 - * (5) A 7,000 square feet “potential future building” east of the southern detention pond;
 - * (6) Two detention areas west of the proposed buildings, size and type not specified;
 - * (7) A “multi-flow” septic system southwest of the business building;
 - a. A multi-flow system is not permitted under the August 28, 2013 update to the Illinois Private Sewage Disposal Code (77 Ill. Adm. Code 905).

PRELIMINARY DRAFT

- * (8) 195 parking spaces, including 9 handicapped accessible spaces;
 - * (9) Use of an existing asphalt drive with access to US 45 North (Cunningham Avenue);
 - * (10) A proposed asphalt drive with access to US 45 North (Cunningham Avenue).
- *B. Previous Zoning Use Permits on the subject property are as follows:
- * (1) ZUPA #203-99-01 was approved on July 22, 1999, for Mary and Gary Rolfe to place a manufactured home on the property.
 - *a. A manufactured home was removed from the property sometime after the 2014 Champaign County aerial photography was taken; a concrete pad remains on the site.
 - * (2) ZUPA #94-92-01 was approved on April 3, 1992, for Gary Rolfe to construct a 1,500 square feet detached storage building.
- *C. There are no previous Zoning Cases on the subject property.
- *D. Previous Zoning Cases near the subject property are as follows:
- * (1) The North Cunningham Avenue/US45 North corridor has been a commercial area for many years and most zoning cases in the area have involved rezoning to B-3 or B-4 Districts and/or obtaining Special Use Permits for retail and service businesses.
 - *a. Since adoption of the Zoning Ordinance on October 10, 1973, there have been 16 approved rezoning cases in Section 33 of Somer Township, of which 15 were rezoned to B-4 General Business.
 - *b. Since adoption of the Zoning Ordinance on October 10, 1973, there have been 9 approved Special Use Permits in Section 33 of Somer Township, of which 4 included self-storage warehouses.
 - * (2) Adjacent to the subject property, Case 130-AM-98 was approved on October 29, 1998 and rezoned 4.55 acres that included Lots 4 through 7 in Van Winkle Sub from B-3 Highway Business to B-4 General Business.
 - *a. Case 823-S-15 was approved on October 27, 2016, for a Special Use Permit on Lots 4 and 5 in Van Winkle Sub to establish a Contractor's Facility with Outdoor Storage and Outdoor Operations.

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 AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

PRELIMINARY DRAFT**Case 927-AM-19**

Page 5 of 30

- * (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 13 types of uses authorized by right in the AG-2 District and there are 117 types of uses authorized by right in the B-4 District:
- a. The following 7 uses are authorized by right in both the AG-2 District and B-4 District:
 - (a) Subdivisions of three lots or less;
 - (b) AGRICULTURE, including customary ACCESSORY USES;
 - (c) Minor RURAL SPECIALTY BUSINESS;
 - (d) Plant Nursery;
 - (e) Township Highway Maintenance Garage (must meet separations or SUP is required);
 - (f) Christmas Tree Sales Lot; and
 - (g) Temporary Uses.
 - b. The following 6 uses are authorized by right in the AG-2 District and are not authorized at all in the B-4 District:
 - (a) SINGLE FAMILY DWELLING;
 - (b) Roadside Stand operated by Farm Operator;
 - (c) Country club or golf course;
 - (d) Commercial Breeding Facility;
 - (e) OFF-PREMISES SIGN within 660 feet of edge of the RIGHT-OF-WAY of an interstate highway; and
 - (f) OFF-PREMISES SIGN along federal highway except interstate highways.
 - c. The following 78 uses are authorized by right in the B-4 District and not at all in the AG-2 District:
 - (a) HOTEL – over 15 lodging units;
 - (b) Institution of an Educational, Philanthropic, or Eleemosynary Nature;
 - (c) PARKING GARAGE or LOT;
 - (d) Telegraph Office;
 - (e) Railway Station;
 - (f) Barber Shop;
 - (g) Beauty Shop;
 - (h) Reducing Salon;
 - (i) Dressmaking Shop;
 - (j) Dry-cleaning ESTABLISHMENT;
 - (k) Laundry and/or dry-cleaning pick-up;
 - (l) Millinery shop;
 - (m) Self-service laundry;
 - (n) Shoe repair shop;

PRELIMINARY DRAFT

- (o) Tailor and pressing shop;
- (p) Diaper Service ESTABLISHMENT;
- (q) Clothing repair and storage;
- (r) Medical and dental clinic;
- (s) Farm Equipment Sales and Service;
- (t) Banks, Savings and Loan Associations;
- (u) Insurance and Real Estate Offices;
- (v) **Business Office;**
- (w) Professional Office;
- (x) Private Kindergarten or Day Care Facility;
- (y) Vocational, Trade or Business SCHOOL;
- (z) Meat and Fish Market;
- (aa) Restaurant (indoor service only);
- (bb) Supermarket or Grocery Store;
- (cc) Drive-in Restaurant;
- (dd) Tavern or Night Club;
- (ee) Bakery (less than 2,500 sf);
- (ff) Dairy Store;
- (gg) Delicatessen;
- (hh) Confectionery Store;
- (ii) Retail Liquor Store;
- (jj) Locker, Cold Storage for Individual Use;
- (kk) AUTOMOBILE, Truck, Trailer, and Boat Sales room (all indoors);
- (ll) AUTOMOBILE or Trailer Sales area (open lot);
- (mm) Major AUTOMOBILE Repair (all indoors);
- (nn) Minor AUTOMOBILE Repair (all indoors);
- (oo) Gasoline Service Station;
- (pp) AUTOMOBILE Washing Facility;
- (qq) Automotive Accessories (new);
- (rr) Building Material Sales (excluding concrete or asphalt mixing);
- (ss) Hardware Store;
- (tt) Electrical or gas appliance Sales and Service;
- (uu) Department Store;
- (vv) Apparel Shop;
- (ww) Shoe Store;
- (xx) Jewelry Store;
- (yy) Stationery-Gift Shop-Art Supplies;
- (zz) Florist;
- (aaa) Newsstand-Bookstore;
- (bbb) Tobacconist;
- (ccc) Variety-Drygoods Store;
- (ddd) Music Store;
- (eee) Drugstore;
- (fff) Photographic Studio & Equipment Sales and Service;
- (ggg) Furniture Store – Office Equipment Sales;
- (hhh) Used Furniture Sales and Service;
- (iii) Pet Store;

PRELIMINARY DRAFT**Case 927-AM-19**
Page 7 of 30

- (jjj) Bicycle Sales and Service;
 - (kkk) Fuel Oil, ice, coal, wood (sales only);
 - (lll) Monument Sales (Excludes stone cutting);
 - (mmm) Pawn Shop;
 - (nnn) Sporting Good Sales & Service;
 - (ooo) Heating, Ventilating, Air Conditioning Sales and Service;
 - (ppp) Lawnmower Sales and Service;
 - (qqq) Billiard Room;
 - (rrr) Bowling Alley;
 - (sss) Dancing Academy or hall;
 - (ttt) THEATER, indoor;
 - (uuu) Wholesale Business;
 - (vvv) Warehouse;
 - (www) **Self-storage Warehouses, providing heat and utilities to individual units;**
 - (xxx) Auction House (non-animal);
 - (yyy) OFF-PREMISES SIGN; and
 - (zzz) SEXUALLY ORIENTED BUSINESSES.
- d. The following 33 uses are authorized by right in the B-4 District but require a Special Use Permit in the AG-2 District:
- (a) HOTEL – no more than 15 lodging units;
 - (b) SUBDIVISION(S) totaling more than 3 LOTS or with new STREETS or PRIVATE ACCESSWAYS (County Board Special Use Permit);
 - (c) Major RURAL SPECIALTY BUSINESS;
 - (d) Commercial Greenhouse;
 - (e) Greenhouse (not exceeding 1,000 sq ft);
 - (f) Garden shop;
 - (g) Church, Temple, or church related TEMPORARY USES on church PROPERTY;
 - (h) Municipal or GOVERNMENT BUILDING;
 - (i) Township Highway Maintenance Garage;
 - (j) Police Station or Fire Station;
 - (k) Library, Museum or Gallery;
 - (l) **Public park or recreational facility;**
 - (m) Radio or Television Station;
 - (n) Telephone Exchange;
 - (o) Motor Bus Station;
 - (p) Truck Terminal;
 - (q) Mortuary or Funeral Home;
 - (r) Roadside Produce Sales Stand;
 - (s) Feed and Grain (sales only);
 - (t) Artist Studio;
 - (u) Antique Sales and Service;
 - (v) Bait Sales;
 - (w) Lodge or private club;

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- (x) Outdoor commercial recreational enterprise (except amusement park);
 - (y) Private Indoor Recreational Development;
 - (z) Commercial Fishing Lake;
 - (aa) Veterinary Hospital;
 - (bb) Self-storage Warehouses, not providing heat and utilities to individual units;
 - (cc) Contractors Facilities with no outdoor STORAGE nor Outdoor OPERATIONS;
 - (dd) Contractors Facilities with outdoor STORAGE and/or Outdoor OPERATIONS;
 - (ee) AGRICULTURAL DRAINAGE CONTRACTOR Facility with no Outdoor STORAGE and/or Outdoor OPERATIONS;
 - (ff) AGRICULTURAL DRAINAGE CONTRACTOR Facility with outdoor STORAGE and/or Outdoor OPERATIONS; and
 - (gg) SMALL SCALE METAL FABRICATING SHOP.
- e. There are no uses that are authorized by right in the AG-2 District that require a Special Use Permit in the B-4 District.
- (2) There are 78 types of uses authorized by Special Use Permit (SUP) in the AG-2 District (including the 33 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 8 uses may be authorized by SUP in the both the AG-2 District and B-4 District:
 - (a) Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - (b) Private or commercial transmission and receiving towers (including antennas) over 100' in height;
 - (c) Electrical Substation;
 - (d) HELIPORT-RESTRICTED LANDING AREAS;
 - (e) Amusement Park;
 - (f) KENNEL;
 - (g) Contractors Facilities with no outdoor STORAGE nor OPERATIONS; and
 - (h) Agricultural Drainage Contractor Facility with outdoor STORAGE and/or outdoor OPERATIONS.
 - b. The following 39 uses may be authorized by Special Use Permit in the AG-2 District and not at all in the B-4 District:
 - (a) TWO-FAMILY DWELLING;
 - (b) Home for the aged;
 - (c) Nursing Home;
 - (d) TRAVEL TRAILER Camp;
 - (e) Residential PLANNED UNIT DEVELOPMENT;
 - (f) Artificial lake of 1 or more acres;
 - (g) Mineral extraction, Quarrying, topsoil removal, and allied activities;
 - (h) Elementary SCHOOL, Junior High SCHOOL, or High SCHOOL;

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- (i) Penal or correctional institution;
 - (j) Sewage disposal plant or lagoon;
 - (k) Water Treatment Plant;
 - (l) Public Fairgrounds;
 - (m) Railroad Yards and Freight Terminals;
 - (n) AIRPORT;
 - (o) RESIDENTIAL AIRPORTS;
 - (p) HELIPORT/HELISTOPS;
 - (q) Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
 - (r) Livestock Sales Facility and Stockyards;
 - (s) Slaughter Houses;
 - (t) Grain Storage Elevator and Bins;
 - (u) RESIDENTIAL RECOVERY CENTER;
 - (v) Resort or Organized CAMP;
 - (w) Country Club Clubhouse;
 - (x) Public CAMP or picnic area;
 - (y) Riding Stable;
 - (z) Seasonal hunting or fishing lodge;
 - (aa) Stadium or coliseum;
 - (bb) THEATER, OUTDOOR;
 - (cc) Aviation sales, service or storage;
 - (dd) Cemetery or Crematory;
 - (ee) Pet Cemetery;
 - (ff) OFF-PREMISES SIGN beyond 660; of the edge of the RIGHT-OF-WAY of an interstate highway;
 - (gg) LANDSCAPE WASTE PROCESSING FACILITIES;
 - (hh) Gas Turbine Peaker;
 - (ii) PV SOLAR FARM;
 - (jj) BIG WIND TURBINE TOWER (1-3 turbines);
 - (kk) Wood Fabricating Shop and Related Activities;
 - (ll) Sawmills, Planing Mills, and related activities; and
 - (mm) Pre-Existing Industrial Uses (existing prior to October 10, 1973).
- c. The following 4 uses may be authorized by SUP in the B-4 District and not at all in the AG-2 District:
- (a) HOSPITAL;
 - (b) Bakery (more than 2,500 sf);
 - (c) Recycling of non-hazardous materials (all storage and processing indoors); and
 - (d) 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,

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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
 - (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.

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- (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.”
- (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. Objectives 4.4, 4.5, 4.6, 4.8, and 4.9 and their policies do not appear to be relevant to the proposed rezoning. The proposed amendment will **HELP ACHIEVE** Goal 4 for the following reasons:

A. Objective 4.7 is entitled “Right to Farm Resolution” and states: “Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.”

Objective 4.7 has no subsidiary policies. The proposed rezoning will **HELP ACHIEVE** Objective 4.7 because of the following:

(1) A special condition has been added regarding Right to Farm Resolution 3425.

B. 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.”

Objective 4.3 includes 5 subsidiary policies. Policy 4.3.1 does not appear to be relevant to the proposed rezoning. The proposed rezoning will **HELP ACHIEVE** Objective 4.3 because of the following:

(1) **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 152A Drummer silty clay loam and 154A Flanagan silty clay loam, and has an average Land Evaluation (LE) of 100.

b. The subject property has been a farmstead with most of its 7.05 acres in agricultural production for many years, and has an existing access drive onto US 45 North.

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- *c. Regarding surface drainage:
 - *a. The Natural Resource Report by the Champaign County Soil and Water Conservation District received January 26, 2018, indicates the following:
 - a. “The site is relatively flat. The developed area seems to have good drainage. The water from the site will leave by way of the road drainage ditch.”
 - *b. Mack and Helen Weckel, adjacent landowners, provided photos of flooded areas on the subject property. The photos were from a heavy rainfall event in December 2018, and were received on February 28, 2019.
 - *a. Mack Weckel is a Commissioner with the Saline Branch Drainage District.
 - *b. A preliminary review of the photos by John Hall, Zoning Administrator, indicates that the proposed detention basins would be inundated with regional runoff in addition to any runoff from the subject property. In addition, the depth to ground water in the soils means that any basin will generally be full of ground water and so there may not be much actual depth for storage of runoff from the subject property.
- *d. Regarding agricultural drainage:
 - *a. The Saline Branch Drainage District has a tile that appears to run just north of the subject property south of Olympian Road; how the proposed development might affect the tile is unclear. The Saline Branch Drainage District was notified of this case, but no comments have been received.
 - *b. The Natural Resource Report by the Champaign County Soil and Water Conservation District received January 26, 2018, indicates the following:
 - *i. “It is likely that this site contains agricultural tile; if any tile is found, care should be taken to maintain the tile in working order. Severe ponding, along with wetness may be a limitation associated with the soil types on the site. Installing a properly designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils.”
- e. The Site Plan received March 5, 2019, indicates proposed detention areas. A Storm Water Drainage Plan review will be required as part of the construction permit.
- f. The proposed development will include a new septic system.

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- 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 45 North, approximately 0.42 mile north of the City of Urbana, and approximately 2,200 feet from the nearest sanitary sewer connection.
 - *(a) In a letter received January 9, 2018, Michael Flanagan of the Champaign-Urbana Public Health District stated, “based upon the soil evaluation findings, it appears private sewage disposal systems could be designed to serve these lots.”
 - *i. The petitioners had previously discussed subdividing the subject property for residential lots; this proposal was set aside in 2018. The petitioners will need to request a new review from Mr. Flanagan.

- (2) **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 2.5 road miles from the Carroll Fire Protection District station. Notice of these zoning cases was sent to the Carroll Fire Protection District but no comments have been received.

- (3) **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. The petitioner is working with the Illinois Department of Transportation to determine if a second access to US 45 North (Cunningham Avenue) would be possible.
- b. No connection to public water or sewer is planned; the petitioners plan to install a new septic system and utilize an existing well.
 - (a) In a letter received January 9, 2018, Michael Flanagan of the Champaign-Urbana Public Health District stated, “based upon the soil evaluation findings, it appears private sewage disposal systems could be designed to serve these lots.”

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- *i. The petitioners had previously discussed subdividing the subject property for residential lots; this proposal was set aside in 2018. The petitioners will need to request a new review from Mr. Flanagan.
- (4) **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.”**

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

- a. The proposed use in related Case 928-S-19 *DOES NOT* serve surrounding agricultural land uses.
- b. The petitioner has indicated there are no self-storage warehouses of the sizes he proposes to construct on the east side of Urbana.
- c. The subject property is 0.42 miles north of the City of Urbana. The City’s most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Agriculture future land use area. Urbana defines the Agriculture land use as “those that involve crop cultivation and production, the raising of livestock and uses that support agriculture, such as feed stores and silos.”
- *d. Self-Storage Warehouses, Public Parks or Facilities, and Business Offices are all by-right USES in the B-4 DISTRICT.
- e. The proposed development in related Case 928-S-19 *IS* otherwise appropriate in a rural area based on the following:
 - (a) In item 13.C.(2)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 (Policy 4.2.2).
 - (b) In item 13.C.(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 (Policy 4.2.2); and
 - (c) In items 13.C.(2)a.(a) and (c) 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 (Policy 4.2.2).

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- 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 (Item 13.B.(1)).
- C. 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:

- (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 928-S-19 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 928-S-19 **DOES NOT** support agriculture.
- * (b) In a letter received January 9, 2018, Michael Flanagan of the Champaign-Urbana Public Health District stated, “based upon the soil evaluation findings, it appears private sewage disposal systems could be designed to serve these lots.”
- *i. The petitioners had previously discussed subdividing the subject property for residential lots; this proposal was set aside in 2018. The petitioners will need to request a new review from Mr. Flanagan.
- (c) The proposed development does not need urban infrastructure, and would thus be more appropriate for development feasibility to be constructed in a rural area.
- (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**

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- 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 928-S-19, 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 existing and proposed use of the subject property **IS NOT** negatively affected by surrounding agricultural activities.
- (b) 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. The Saline Branch Drainage District has a tile that appears to run just north of the subject property south of Olympian Road; how the proposed development might affect the tile is unclear. The Saline Branch Drainage District was notified of this case, but no comments have been received.
- ii. The proposed use is appropriate at this location and well-suited overall, provided that appropriate engineering is done for storm water management.
- (c) 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 majority of traffic generated by the proposed rezoning is likely only to occur on US45 North, which does not typically carry agricultural vehicles.
- 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.

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- (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. No buffer or fencing is required for any of the proposed uses.
 - b. The Site Plan received March 5, 2019, does not include a buffer, berms, or fencing.
 - c. The proposed use on the subject property will **NOT** create nuisance conditions or inhibit adjacent agricultural activities.
- D. 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.”

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

- (1) 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 farmland acreage on the subject property is relatively small – about 5 acres. Commercial agriculture at this scale is less efficient and is further limited by adjacent uses and a federal highway.

- (2) 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)**

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- 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 152A Drummer silty clay loam and 154A Flanagan 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 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 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.
- (3) 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 152A Drummer silty clay loam and 154A Flanagan silty clay loam, and has an average Land Evaluation (LE) of 100.
- b. The Site Assessment (SA) portion of the LESA analysis scored 32 points. Note that properties within the CUGA can score a maximum of 90 points for the SA portion, rather than the 200 points for those outside the CUGA.
- c. The total LESA score of 132 receives the lowest protection rating in LESA, which is “low rating for protection.”

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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 within the Contiguous Urban Growth Area (CUGA) of the City of Urbana. The CUGA is defined in the Land Resource Management Plan as unincorporated land within the County that meets one of the following criteria:
- (1) Land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
 - a. The land is not designated for urban use on Urbana’s 2005 Future Land Use Map.
 - b. The subject property is not serviced by sanitary sewer or a public water supply.
 - c. The uses proposed in related Case 928-S-19 do not need access to a sanitary sewer or a public water supply and should not be considered “urban development.”
 - d. The City of Urbana is aware of the proposed development, and to date has provided no comments.
 - (2) Land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
 - a. The nearest sewer line is over 2,000 feet away from the subject property.
 - b. At one point, the previous owner was working with the City of Urbana on subdividing the property into residential lots, which would have annexed the property. The proposed subdivision was set aside in 2018.
 - (3) Land surrounded by incorporated land or other urban land within the County.
 - a. The subject property is 0.42 mile away from the Urbana corporate limits.

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.

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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 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	Agriculture and vacant Residential	AG-2 Agriculture (Proposed rezoning to B-4)
North	Agriculture	B-4 General Business
East	Agriculture	AG-2 Agriculture

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West	Commercial and Residential	B-4 General Business and R-5 Manufactured Home Park
South	Agriculture	AG-2 Agriculture

- 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 has been in agricultural production for many years. The manufactured home was removed several years ago.
 - (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 has been in agricultural production for many years. The manufactured home was removed several years ago.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) The gain to the public of the proposed rezoning is positive because it will redevelop a vacant farmstead, which will be more desirable than the previous aging accessory farm structures.
- 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) Most of the 7.05 acre property continues to be in agricultural production. The manufactured home was removed several years ago.
- 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.

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- (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 0.42 miles north of the City of Urbana. The City's most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Agriculture 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.
- This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance, and the proposed site plan appears to be in compliance with those requirements.
- *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 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.

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- 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 floodwaters.

The proposed rezoning will not trigger the need for storm water management; however, creation of additional impervious area due to the construction of the proposed buildings in related Special Use Case 928-S-19 will trigger the need for storm water management; this will be a part of the construction permit process. No Storm Water Drainage 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.

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

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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 928-S-19 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.

- *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 928-S-19 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.
 - * (1) The proposed use will remove approximately 5 acres from agricultural production.
 - * (2) The subject property is across the street from commercial facilities and a manufactured home park.

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- 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.

REGARDING SPECIAL CONDITIONS OF APPROVAL

23. Proposed Special Condition of Approval:
A. **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.

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DOCUMENTS OF RECORD

1. Application for Map Amendment received January 23, 2019
2. Application for Special Use Permit received January 23, 2019
3. Preliminary Site Plan received February 4, 2019
4. Revised Site Plan received March 5, 2019
5. Natural Resources Report from Champaign County Soil and Water Conservation District dated January 12, 2018 and received January 26, 2018
6. EcoCAT Natural Resource review and follow up letter from IDNR dated January 20, 2018 and received January 25, 2018
7. Letter from Michael Flanagan, Champaign Urbana Public Health District, received January 24, 2018, regarding septic suitability for a previously proposed subdivision on the subject property
8. Email from Dan Cothorn received December 13, 2018
9. LESA Site Assessment worksheet completed by staff on February 22, 2019
10. Preliminary Memorandum dated September 8, 2016 for Cases 927-AM-19 and 928-S-19, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received March 5, 2019
 - C LRMP Land Use Goals, Objectives, and Policies
 - D LRMP Appendix of Defined Terms
 - E LRMP Land Use Management Areas Map approved in 2015
 - F Copy of Right to Farm Resolution 3425
 - G Urbana Future Land Use Map from the Urbana Comprehensive Plan 2005
 - H Letter from Michael Flanagan, Champaign Urbana Public Health District, received January 24, 2018, regarding septic suitability for a previously proposed subdivision on the subject property
 - I Preliminary Plat for the Rolfe Subdivision that was previously proposed for the subject property, received April 9, 2018
 - J Email from Ed Clancy of Berns, Clancy & Associates received February 15, 2018
 - K Pictures of flooding from Mack Weckel received February 28, 2019
 - L Part of Saline Branch Drainage District Plan Sheet dated November 30, 1977
 - M LESA Site Assessment worksheet completed by staff on February 22, 2019
 - N Natural Resources Report from Champaign County Soil and Water Conservation District dated January 12, 2018 and received January 26, 2018
 - O EcoCAT Natural Resource review and follow up letter from IDNR dated January 20, 2018 and received January 25, 2018
 - P Site photos taken by P&Z Staff on February 27, 2019
 - Q Summary of Evidence, Finding of Fact, and Final Determination for Case 927-AM-19
 - R Summary of Evidence, Finding of Fact, and Final Determination for Case 928-S-19

PRELIMINARY DRAFT**Case 927-AM-19**
Page 27 of 30**SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 14, 2019**, 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 development 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.D.(1)).
 - 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.D.(2)).
 - 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.D.(3)).
 - (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.C.(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.C.(2)).
 - 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.C.(3)).

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- 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.C.(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.B.(1)).
- 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.B.(2)).
- 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.B.(3)).
- 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.B.(4)).
- (4) It will **HELP ACHIEVE** Objective 4.7 requiring affirmation of the Champaign County Right to Farm Resolution (see Item 13.A.(1)).
- (5) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
- C. 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
- D. 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 land uses and the subject property has been in agricultural production for many years. The manufactured home was removed several years ago.

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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 redevelop a vacant farmstead, which will be more desirable than the previous aging accessory farm structures.
 - D. 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.
 - E. 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 in this location **WILL** help lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or floodwaters because approval of the rezoning relates to Special Use Case 929-S-19, which will require a Storm Water Drainage Plan and review (Purpose 2.0 (d), see Item 21.D.).
 - B. 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.).
 - 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. **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 special condition stated above is required to ensure the following:

Conformance with Land Resource Management Plan Policy 4.2.3.

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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 recommends that:

The Zoning Ordinance Amendment requested in **Case 927-AM-19** *{BE ENACTED / NOT BE ENACTED}* by the County Board

SUBJECT TO THE FOLLOWING SPECIAL CONDITION:

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

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**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: ***{March 14, 2019}***

Petitioners: **Fred Helmuth, d.b.a. FCH Enterprises LLC, via Agent Dan Cothorn**

Request: **Authorize multiple principal uses and buildings on the same lot, consisting of the following proposed uses: 35 Self-Storage Warehouse Units with heat and utilities to individual units, a Business Office, and a Public Recreation Facility as a Special Use on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current AG-2 Agriculture Zoning District in related zoning case 927-AM-19.**

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 14, 2019**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 927-AM-19)

- *1. Petitioners Fred and Carolyn Helmuth, 506 E CR 300N, Arcola, d.b.a. FCH Enterprises LLC, own the subject property. They are the sole officers and stakeholders of FCH Enterprises LLC. Dan Cothorn, petitioner's agent for the zoning cases, is a Realtor with Keller Williams Real Estate.
- *2. The subject property is a 7.05-acre tract in the East Half of the Northeast Quarter of the Northeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township with an address of 3804 N Cunningham Avenue, Urbana.
 - *A. According to the Champaign County Supervisor of Assessments Office, the subject property was erroneously divided into two parcels under Urbana Champaign Sanitary District (UCSD) Ordinance Number 266. However, the UCSD deed only annexes properties into the UCSD area; it does not create lots. This division was never approved by the City of Urbana, which has subdivision jurisdiction. For the purpose of processing these zoning cases, the subject property will be referred to as a 7.05-acre tract, and resolving the recording error is independent of the Champaign County Planning & Zoning Department.
- *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 City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the City.
 - *(1) The subject property is 0.42 miles north of the City of Urbana. The City's most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Agriculture future land use area. Urbana defines the Agriculture land use as "those that involve crop cultivation and production, the raising of livestock and uses that support agriculture, such as feed stores and silos."
 - *B. The subject property is located within Somer Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.

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 7.05 acre tract and is currently zoned AG-2 Agriculture. The site is in agricultural production and has a vacant farmstead.
 - *B. Land to the north of the subject property is zoned B-4 General Business and is in agricultural production.
 - *C. Land to the south and east of the subject property is zoned AG-2 Agriculture and is agricultural production.

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- *D. Land to the northwest is zoned B-4 General Business and is commercial in use.
- *E. Land to the southwest is zoned R-5 Manufactured Home Park and is in use as a manufactured home park.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

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

- *A. The site plan received March 5, 2019, indicates the following proposed improvements to the lot:
 - * (1) With the exception of one 1,500 square feet “existing storage” building on the east side of the property and an existing well located northwest of the proposed business building, all existing structures will be demolished.
 - * (2) Six self-storage buildings with a total of 35 units:
 - *a. A 180 feet by 40 feet (7,200 square feet) building with nine 20 feet by 40 feet units;
 - *b. A 160 feet by 40 feet (6,400 square feet) building with eight 20 feet by 40 feet units;
 - *c. Two 80 feet by 40 feet (3,200 square feet) buildings, each with four 20 feet by 40 feet units;
 - *d. A 100 feet by 50 feet (5,000 square feet) building with five 20 feet by 50 feet units; and
 - *e. A 150 feet by 60 feet (9,000 square feet) building with five 30 feet by 60 feet units.
 - * (3) A 100 feet by 100 feet (10,000 square feet) “business” building on the east side;
 - * (4) A basketball facility, approximately 18,720 square feet;
 - * (5) A 7,000 square feet “potential future building” east of the southern detention pond;
 - * (6) Two detention areas west of the proposed buildings, size and type not specified;
 - * (7) A “multi-flow” septic system southwest of the business building;
 - a. A multi-flow system is not permitted under the August 28, 2013 update to the Illinois Private Sewage Disposal Code (77 Ill. Adm. Code 905).
 - * (8) 195 parking spaces, including 9 handicapped accessible spaces;
 - * (9) Use of an existing asphalt drive with access to US 45 North (Cunningham Avenue);
 - * (10) A proposed asphalt drive with access to US 45 North (Cunningham Avenue).

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- *B. Previous Zoning Use Permits on the subject property are as follows:
 - * (1) ZUPA #203-99-01 was approved on July 22, 1999, for Mary and Gary Rolfe to place a manufactured home on the property.
 - *a. A manufactured home was removed from the property sometime after the 2014 Champaign County aerial photography was taken; a concrete pad remains on the site.
 - * (2) ZUPA #94-92-01 was approved on April 3, 1992, for Gary Rolfe to construct a 1,500 square feet detached storage building.
- *C. There are no previous Zoning Cases on the subject property.
- *D. Previous Zoning Cases near the subject property are as follows:
 - * (1) The North Cunningham Avenue/US45 North corridor has been a commercial area for many years and most zoning cases in the area have involved rezoning to B-3 or B-4 Districts and/or obtaining Special Use Permits for retail and service businesses.
 - *a. Since adoption of the Zoning Ordinance on October 10, 1973, there have been 16 approved rezoning cases in Section 33 of Somer Township, of which 15 were rezoned to B-4 General Business.
 - *b. Since adoption of the Zoning Ordinance on October 10, 1973, there have been 9 approved Special Use Permits in Section 33 of Somer Township, of which 4 included self-storage warehouses.
 - * (2) Adjacent to the subject property, Case 130-AM-98 was approved on October 29, 1998 and rezoned 4.55 acres that included Lots 4 through 7 in Van Winkle Sub from B-3 Highway Business to B-4 General Business.
 - *a. Case 823-S-15 was approved on October 27, 2016, for a Special Use Permit on Lots 4 and 5 in Van Winkle Sub to establish a Contractor's Facility with Outdoor Storage and Outdoor Operations.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

- 6. Regarding authorization for "Self-Storage Warehouses providing heat and utilities to individual units," a "Business Office" and a "Public Recreation Facility" 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.

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- (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, 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) “BUFFER STRIP” is an area, PROPERTY, LOT or tract of land or portion thereof, either vacant or landscaped with SCREEN PLANTING as herein specified, which shall serve as a separating space between dissimilar USES or DISTRICTS.

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- (10) “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.
- (11) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
- (12) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (13) “BY RIGHT” is a term to describe a USE permitted or allowed in the DISTRICT involved, without review by the BOARD or GOVERNING BODY, and complying with provisions of the Zoning Ordinance and with other applicable ordinances and regulations.
- (14) “COVERAGE” is the percentage of the LOT AREA covered by the BUILDING AREA.
- (15) “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
- (16) “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.
- (17) “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.
- (18) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (19) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (20) “LOT LINES” are the lines bounding a LOT.
- (21) “OPERATIONS” are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.

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- (22) “PARCEL” is a designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.
- (23) “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.
- (24) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (25) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (26) “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.
- (27) “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.
- (28) “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.
- (29) “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.
- (30) “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.

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- (31) “WAREHOUSE, SELF-STORAGE” is a BUILDING or BUILDINGS containing multiple, independently accessible spaces where raw materials, goods or equipment, or personal goods including personal vehicles, are kept and wherein no other commercial or industrial activity occurs.
- (32) 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 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.

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- C. 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 Storm Water 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.
- D. 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 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.
- E. 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 computed separately in accordance with this section. Such PARKING SPACES

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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 BUILDING RESTRICTION LINE of any LOT in the R DISTRICT

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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.
- F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - 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.

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- G. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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, **“This site will add storage and building options on the East side of Champaign-Urbana. Most options have been to the West and Southwest Champaign area.”**
- B. The subject property is adjacent to US45 North and is located about 1.3 miles north of the I-74 interchange at US 45 North (Cunningham Avenue).

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioners have testified on the application, **“In addition to giving companies a “country like setting”, the site will also provide storage for small businesses and hobby enthusiasts. We will provide those people clean, modern space to graduate from their garage or mini-warehouses operations.”**
- B. Regarding surface drainage:
- * (1) The Natural Resource Report by the Champaign County Soil and Water Conservation District received January 26, 2018, indicates the following:
- * a. “The site is relatively flat. The developed area seems to have good drainage. The water from the site will leave by way of the road drainage ditch.”
- * (2) Mack and Helen Weckel, adjacent landowners, provided photos of flooded areas on the subject property. The photos were from a heavy rainfall event in December 2018, and were received on February 28, 2019.
- * a. Mack Weckel is a Commissioner with the Saline Branch Drainage District.
- * b. A preliminary review of the photos by John Hall, Zoning Administrator, indicates that the proposed detention basins would be inundated with regional runoff in addition to any runoff from the subject property. In addition, the depth to ground water in the soils means that any basin will generally be full of ground water and so there may not be much actual depth for storage of runoff from the subject property.

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- * (3) Regarding agricultural drainage:
 - * a. The Saline Branch Drainage District has a tile that appears to run just north of the subject property south of Olympian Road; how the proposed development might affect the tile is unclear. The Saline Branch Drainage District was notified of this case, but no comments have been received.
 - * b. The Natural Resource Report by the Champaign County Soil and Water Conservation District received January 26, 2018, indicates the following:
 - * (a) “It is likely that this site contains agricultural tile; if any tile is found, care should be taken to maintain the tile in working order. Severe ponding, along with wetness may be a limitation associated with the soil types on the site. Installing a properly designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils.”
 - (4) A Storm Water Drainage Plan is required, and any subsequent changes to the property based on the SWDP must comply with the SWMEC Ordinance. A special condition has been added to ensure compliance.
- C. Regarding impacts on traffic:
- (1) The subject property is on the east side of US Route 45 North, just south of Olympian Drive. The property only has access on US Route 45 North.
 - (2) US 45 North is a 4 lane divided federal highway with paved shoulders, classified as “Other Principal Arterial” by the Illinois Department of Transportation (IDOT).
 - * (3) The petitioner is working with the IDOT to determine if a second access to US 45 North (Cunningham Avenue) would be possible.
 - (4) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2017 near the subject property. US Route 45 North near Olympian Drive had an ADT of 10,800.
 - (5) Traffic volumes are expected to increase due to the proposed Special Use, but no Traffic Impact Analysis has been done.
 - (6) The Somer Township Road Commissioner has been notified of this case, but no comments have been received.
- D. Regarding fire protection on the subject property:
- * (1) The subject property is located approximately 2.5 road miles from the Carroll Fire Protection District station. Notice of these zoning cases was sent to the Carroll 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 soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam and 154A Flanagan 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 March 5, 2019. A special condition has been added to ensure compliance for any future exterior light installations.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) The Site Plan received March 5, 2019, indicates a new “multi-flow system,” which is not permitted under the August 28, 2013 update to the Illinois Private Sewage Disposal Code (77 Ill. Adm. Code 905). A special condition has been added to ensure an appropriate septic system will be installed during the construction permit phase.
 - * (2) In a letter received January 9, 2018, Michael Flanagan of the Champaign-Urbana Public Health District stated, “based upon the soil evaluation findings, it appears private sewage disposal systems could be designed to serve these lots.”
 - *a. The petitioners had previously discussed subdividing the subject property for residential lots; this proposal was set aside in 2018. The petitioners will need to request a new review from Mr. Flanagan.
 - (3) The Preliminary Plat from the Rolfe Subdivision received April 9, 2018, indicates “existing soil classification hole location/designation.” A special condition has been added to protect those areas from unnecessary development traffic during construction.
- 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

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designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.

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

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which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:

- A. The Petitioner has testified on the application: **“Yes, most definitely. Since acquiring the land, we have already accomplished major clean-up of weeds, wild vegetation, dead trees, and will soon demolish the old run down out buildings. This project will most definitely add to the business like atmosphere that is needed up the Rt 45 corridor.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) Self-storage Warehouses, Business Offices, and a Public Park or Recreational Facility are all authorized by-right in the B-4 General Business Zoning District.
 - (2) 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.
 - (3) Regarding parking on the subject property for the proposed Business Office, Public Recreational Facility, and Self-Storage Warehouses:
 - a. A Business Office and a Public Recreation Facility, for the purpose of establishing minimum Zoning Ordinance requirements, can be considered commercial uses.
 - b. Regarding the basketball facility, for BUILDINGS and other enclosed STRUCTURES, one PARKING SPACE for each five seats provided for patrons use, or at least one PARKING SPACE for each 200 square feet of floor area, whichever requires the greater number of PARKING SPACES.
 - (a) The proposed number of seats for patron use is unknown.
 - (b) At one parking space for every 200 square feet of floor area, the 18,720 square feet basketball facility would require 94 parking spaces.
 - c. Commercial uses not specifically listed in the Zoning Ordinance must provide 1 space per every 200 square feet of floor area or portion thereof.
 - (a) The proposed 10,000 square feet Business Office would require 50 parking spaces.
 - (b) The 7,000 square feet “potential future building” would require 35 parking spaces.
 - d. In addition, as interpreted by the Zoning Administrator, self-storage warehouses require one space per three storage units and must provide handicap accessible spaces. The proposed self-storage facility has 35 units, which would thus require at least 12 parking spaces.
 - e. The proposed building footprints for the business office, public recreation facility, and potential future building total approximately 35,720 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.

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- f. The total number of required parking spaces is 191, plus two loading berths.
 - (a) The petitioners have proposed 195 parking spaces on the Site Plan received March 5, 2019, including 9 accessible parking spaces.
 - (b) There is sufficient room for loading berths on the site, although they have not been shown on the Site Plan.
 - g. No parking screens are required for the proposed development, per Section 7.4.1 C.4. of the Zoning Ordinance.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
- (1) The proposed Special Use must comply with the SWMEC Ordinance because the amount of impervious area proposed on the subject property is more than the 16% Maximum Exempt Impervious Area allowed.
 - (2) The Ordinance states that storm water detention is required if there is one acre or more of impervious surface area and the proposed Special Use would have approximately 5 acres of impervious area.
 - (3) A Storm Water Drainage Plan is required, but one has not been submitted. A special condition has been added to ensure compliance.
 - (4) The Site Plan received March 5, 2019, shows two detention areas, size and type not specified.
 - (5) Compliance with the SWMEC Ordinance will be a requirement of the construction permit process. Given the drainage concerns outlined in Item 8.B. above, certain sections of the SWMEC Ordinance are especially significant for the subject property:
 - a. Section 6.2 requires protection of existing surface drainage, and Section 6.3 has the standards for protection of underground tile.
 - b. Section 9.1 E. of the SWMEC Ordinance requires all building elevations to be one foot above the high water at the basin emergency overflow.
 - c. Sec. 9.1 F. prohibits detention areas from receiving runoff from tributary watersheds unless the runoff can be accommodated within the allowable release rates.
 - d. Section 9.2 D. requires that a parking lot can have no more than 0.6 feet of depth of storm water storage. Currently, the ground surface is lower than these thresholds.
- 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 City of Urbana subdivision jurisdiction.

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- * (1) According to the Champaign County Supervisor of Assessments Office, the subject property was erroneously divided into two parcels under Urbana Champaign Sanitary District (UCSD) Ordinance Number 266. However, the UCSD deed only annexes properties into the UCSD area; it does not create lots. This division was never approved by the City of Urbana. For the purpose of processing these zoning cases, the subject property will be referred to as a 7.05-acre tract, and resolving the recording error is independent of the Champaign County P&Z Department.
 - (2) The 7.05-acre tract is otherwise compliant with the City of Urbana subdivision regulations.
- F. Regarding the requirement that the Special Use preserve the essential character of the B-4 General Business Zoning District:
- * (1) Self-Storage Warehouses, Public Parks or Facilities, and Business Offices are all by-right USES in the B-4 DISTRICT.
- G. Currently, the subject property is zoned AG-2 Agriculture and the Petitioner has requested to rezone the property to B-4 General Business in related Case 927-AM-19. 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.
 - (2) The subject property is located on US 45 North. 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 Site Plan received March 5, 2019 provided no indication that the proposed Special Use complies with the Illinois Accessibility Code. A special condition has been added to ensure compliance during the construction permit process.

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) 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.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:

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

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

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

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

It is not clear whether the proposed 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.

*a. The petitioner is working with the Illinois Department of Transportation to determine if a second access to US 45 North (Cunningham Avenue) would be possible.

b. Information on the traffic generated by the proposed Special Use was not submitted.

c. Traffic volumes are expected to increase due to the proposed Special Use, but no Traffic Impact Analysis has been done.

d. The Somer Township Road Commissioner has been notified of this case, but no comments have been received.

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

The creation of additional impervious area due to the construction of the proposed buildings will trigger the need for storm water management; this will be a part of the construction permit process. No Storm Water Drainage Plan has been submitted. Special conditions have been added to ensure compliance with Champaign County ordinances.

- *(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.

- *(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

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Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

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

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

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

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

*b. In related Case 927-AM-19, 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.

*a. The proposed use will remove approximately 5 acres from agricultural production.

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*b. The subject property is across the street from commercial facilities and a manufactured home park.

*(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: **“Yes, this will be one of the nicest facilities in the area and match the modern and clean design of the ServPro business across the highway.”**
 - B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 927-AM-19 by the County Board.**

The special condition stated above is required to ensure the following:
The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.
 - B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Self-Storage Warehouses, Business Office and Public Recreational Facility until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

The special condition stated above is required to ensure the following:
That the proposed Special Use meets applicable state requirements for accessibility.
 - C. **Certification from the County Health Department that a 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.

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- 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.

- E. **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.

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

- G. **A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for 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 Storm Water Management and Erosion Control Ordinance.

- H. **The Special Use is subject to the approval of Case 927-AM-19.**

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

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

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

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

That no additional uses are established on the subject property.

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- J. **The two existing major surface drainage patterns shall be retained and incorporated into the site plan and the proposed storm sewer system such that the proposed building layout shall not block nor change the existing path of surface drainage and a minimum clear width of 40 feet shall be provided for each of the two major surface drainage paths.**

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

To ensure that buildings and parking areas do not block surface drainage patterns.

- K. **The location of the proposed septic systems shall be marked and staked prior to any grading or construction activities and no construction activities or traffic shall be allowed in the area of the proposed septic systems except as required to install the septic systems.**

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

To ensure preservation of the soil characteristics necessary for good septic system function.

PRELIMINARY DRAFT**Case 928-S-19**
Page 25 of 30**DOCUMENTS OF RECORD**

1. Application for Map Amendment received January 23, 2019
2. Application for Special Use Permit received January 23, 2019
3. Preliminary Site Plan received February 4, 2019
4. Revised Site Plan received March 5, 2019
5. Natural Resources Report from Champaign County Soil and Water Conservation District dated January 12, 2018 and received January 26, 2018
6. EcoCAT Natural Resource review and follow up letter from IDNR dated January 20, 2018 and received January 25, 2018
7. Letter from Michael Flanagan, Champaign Urbana Public Health District, received January 24, 2018, regarding septic suitability for a previously proposed subdivision on the subject property
8. Email from Dan Cothorn received December 13, 2018
9. LESA Site Assessment worksheet completed by staff on February 22, 2019
10. Preliminary Memorandum dated March 7, 2019 for Cases 927-AM-19 and 928-S-19, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received March 5, 2019
 - C LRMP Land Use Goals, Objectives, and Policies
 - D LRMP Appendix of Defined Terms
 - E LRMP Land Use Management Areas Map approved in 2015
 - F Copy of Right to Farm Resolution 3425
 - G Urbana Future Land Use Map from the Urbana Comprehensive Plan 2005
 - H Letter from Michael Flanagan, Champaign Urbana Public Health District, received January 24, 2018, regarding septic suitability for a previously proposed subdivision on the subject property
 - I Preliminary Plat for the Rolfe Subdivision that was previously proposed for the subject property, received April 9, 2018
 - J Email from Ed Clancy of Berns, Clancy & Associates received February 15, 2018
 - K Pictures of flooding from Mack Weckel received February 28, 2019
 - L Part of Saline Branch Drainage District Plan Sheet dated November 30, 1977
 - M LESA Site Assessment worksheet completed by staff on February 22, 2019
 - N Natural Resources Report from Champaign County Soil and Water Conservation District dated January 12, 2018 and received January 26, 2018
 - O EcoCAT Natural Resource review and follow up letter from IDNR dated January 20, 2018 and received January 25, 2018
 - P Site photos taken by P&Z Staff on February 27, 2019
 - Q Summary of Evidence, Finding of Fact, and Final Determination for Case 927-AM-19
 - R Summary of Evidence, Finding of Fact, and Final Determination for Case 928-S-19

PRELIMINARY DRAFT**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **928-S-19** held on **March 14, 2019**, 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 / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *because**:
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *because**:
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *because**:
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *because**:
 - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *because**:
 - h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *because**:
 - i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *because**:

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

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

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

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- c. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN**, is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
- d. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN**, *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use **IS NOT** an existing nonconforming use.
6. ***{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 927-AM-19 by the County Board.**

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

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

- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Self-Storage Warehouses, Business Office and Public Recreational Facility until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- C. **Certification from the County Health Department that a 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.

- E. **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.

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

- G. **A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for 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 Storm Water Management and Erosion Control Ordinance.

- H. **The Special Use is subject to the approval of Case 927-AM-19.**

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

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

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

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

That no additional uses are established on the subject property.

- J. **The two existing major surface drainage patterns shall be retained and incorporated into the site plan and the proposed storm sewer system such that the proposed building layout shall not block nor change the existing path of surface drainage and a minimum clear width of 40 feet shall be provided for each of the two major surface drainage paths.**

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

To ensure that buildings and parking areas do not block surface drainage patterns.

- K. **The location of the proposed septic systems shall be marked and staked prior to any grading or construction activities and no construction activities or traffic shall be allowed in the area of the proposed septic systems except as required to install the septic systems.**

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

To ensure preservation of the soil characteristics necessary for good septic system function.

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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 **928-S-19** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Fred and Carolyn Helmuth, d.b.a. FCH Enterprises 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 AG-2 Agriculture Zoning District in related Zoning Case 927-AM-19:

Authorize multiple principal uses and buildings on the same lot, consisting of the following proposed uses: 35 Self-Storage Warehouse Units with heat to individual units, a Business Office, and a Public Recreation Facility as a Special Use on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current AG-2 Agriculture Zoning District in related zoning case 927-AM-19.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 927-AM-19 by the County Board.**
- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Self-Storage Warehouses, Business Office and Public Recreational Facility until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- C. **Certification from the County Health Department that a septic system on the subject property has sufficient capacity for the proposed uses is a requirement for approval of the Zoning Use Permit.**
- 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.**
- E. **Two loading berths meeting Zoning Ordinance requirements will be constructed on the property prior to the Zoning Administrator authorizing a Zoning Compliance Certificate.**
- F. **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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- G. **A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**
- H. **The Special Use is subject to the approval of Case 927-AM-19.**
- I. **No business operations in the self-storage area can include anything other than simple storage.**
- J. **The two existing major surface drainage patterns shall be retained and incorporated into the site plan and the proposed storm sewer system such that the proposed building layout shall not block nor change the existing path of surface drainage and a minimum clear width of 40 feet shall be provided for each of the two major surface drainage paths.**
- K. **The location of the proposed septic systems shall be marked and staked prior to any grading or construction activities and no construction activities or traffic shall be allowed in the area of the proposed septic systems except as required to install the septic systems.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date