



CASE 954-S-19

PRELIMINARY MEMORANDUM

September 5, 2019

Petitioner: Michael Armstrong d.b.a. Aladdin Electric, and Kathy Hinrichs-King

Request: Authorize a Special Use Permit for a Contractor's Facility with no Outdoor Storage and Outdoor Operations as a principal use in the AG-2 Agriculture Zoning District.

Location: Lot 3 of Hudson Acres Subdivision, in the Southeast Quarter of the Southwest Quarter of Section 11, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township, with an address of 3708 East University Avenue, Urbana.

Site Area: 1 acre

Time Schedule for Development: As soon as possible

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

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

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

BACKGROUND

Co-petitioner Kathy Hinrichs-King owns the subject property. Co-petitioner Michael Armstrong, d.b.a. Aladdin Electric, seeks to use the existing machine shed on the subject property for personal storage with occasional business overflow storage. He owns Aladdin Electric and may need to store fixtures for large jobs for a short time.

The Kings demolished the residence after they built the 60 feet by 96 feet (5,760 square feet) shed for personal storage in 2018 under ZUPA #82-18-01. Without the house, there is currently no principal use on the subject property; the contractor's facility special use would become the principal use.

Section 5.2: Table of Authorized Principal Uses states that Contractors Facilities with no outdoor storage and/or outdoor operations can be established with a Special Use Permit in the AG-2 Agriculture Zoning District.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Urbana, a municipality with zoning. Municipalities do not have protest rights on Special Use Permits, but they do receive notice of such cases.

The Urbana 2005 Comprehensive Plan Future Land Use Map shows this area along US 150 as residential.

The subject property is located within Urbana Township, which does not have a Plan Commission.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	None (shed only)	AG-2 Agriculture
North	Agricultural production	AG-2 Agriculture
East	Residential	AG-2 Agriculture
West	Residential	AG-2 Agriculture
South	Agricultural production (within Urbana corporate limits)	B-3 General Business (city zoning)

PROPOSED SPECIAL CONDITIONS

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 954-S-19 by the Zoning Board of Appeals.**

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

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

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

ATTACHMENTS

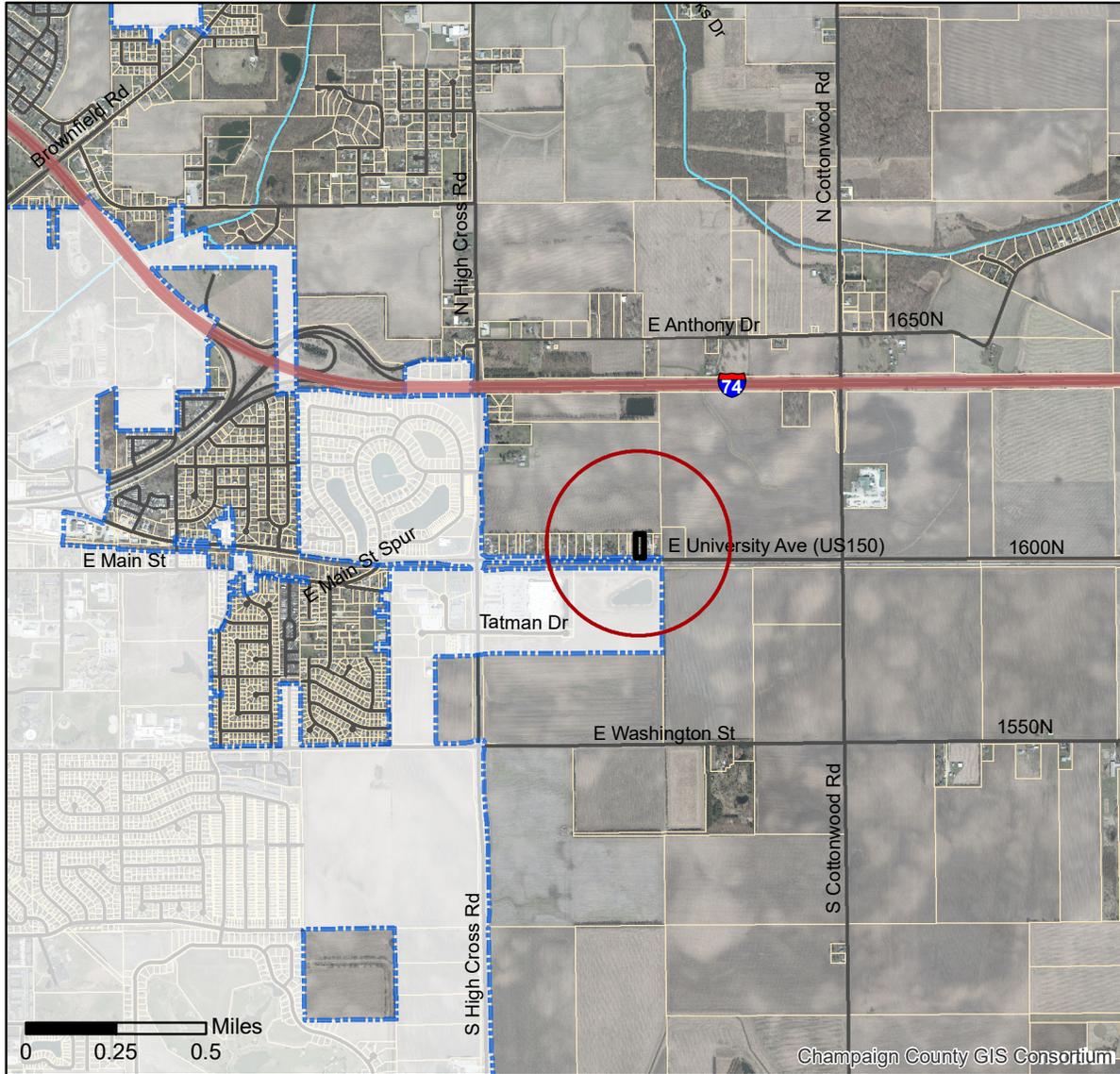
- A Case Maps (Location, Land Use, Zoning)
- B Site Plan from ZUPA #82-18-01 approved April 10, 2018
- C Emails from Mike Armstrong received August 27, 2019
- D Email from Felicia Burton, Accessibility Specialist with the State of Illinois Capital Development Board, received August 27, 2019
- E Septic Tank Inspection Report from Berg Tanks received September 3, 2019
- F Site Visit Photos taken August 27, 2019
- G Draft Summary of Evidence, Finding of Fact, and Final Determination dated September 12, 2019

Location Map

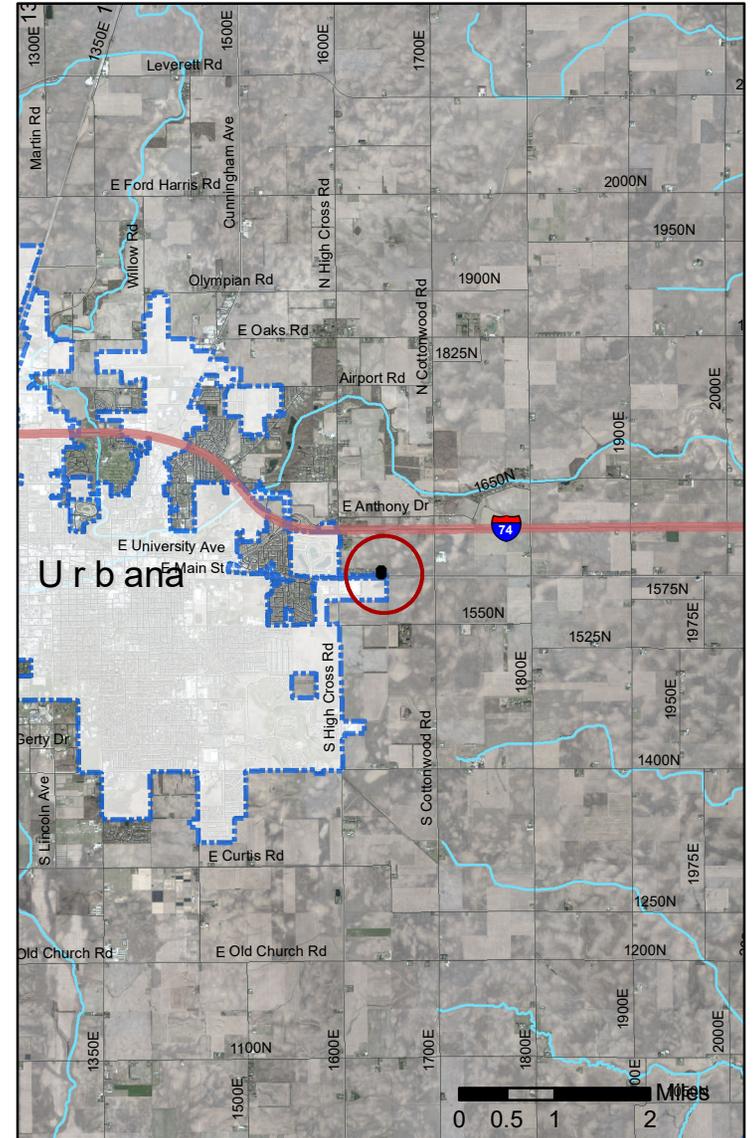
Case 954-S-19

September 12, 2019

Subject Property



Property location in Champaign County



Legend

- Subject Property
- Parcels
- Municipal Boundary
- Streets
- Interstate



Land Use Map

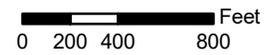
Case 954-S-19

September 12, 2019



Legend

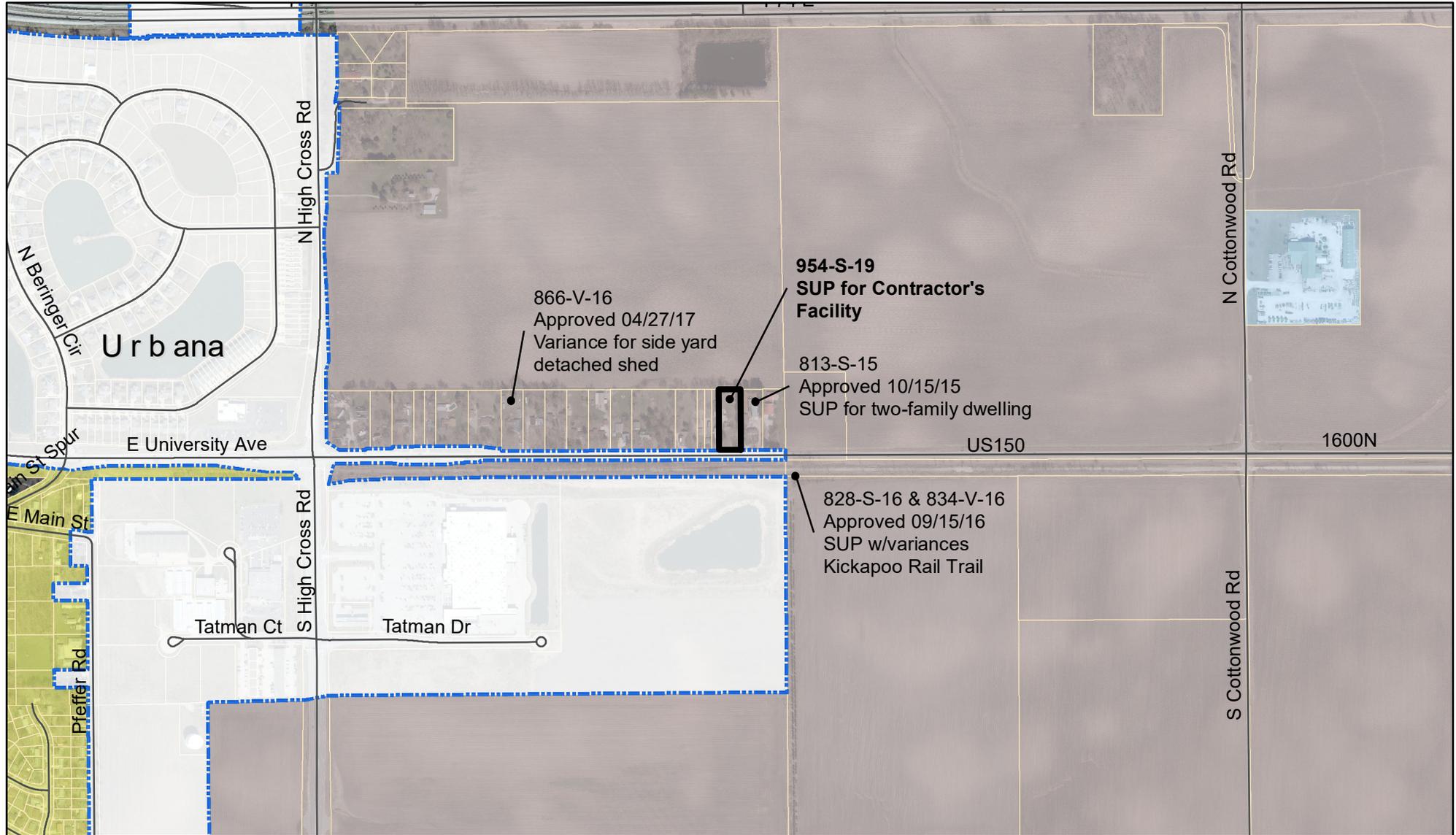
- | | | | |
|------------------|--------------------------------|-------------------------------|----------------|
| Subject Property | Agriculture | Developer Held Commerical Lot | Tax Exempt |
| Streams | Developer Held Residential Lot | Commercial | US Post Office |
| Streets | Residential | Industrial | |



Zoning Map

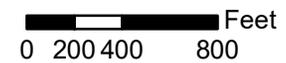
Case 954-S-19

September 12, 2019



Legend

-  Subject Property
-  Streets
-  AG-2
-  Municipal Boundary
-  R-2
-  Parcels
-  B-1



3708 E. University Avenue, Urbana/1"=100'/2017

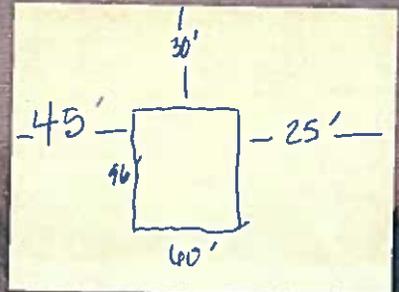
King
Mitchell-18

RECEIVED

MAR 21 2018

Champaign County
CHAMPAIGN CO. P & Z DEPARTMENT
Planning & Zoning Department

Approved Site Plan
Permit # 321801
Date: 4/10/18 *APB*



Hudson Acres

400
3

Urbana Corp. Boundary

E University Ave US Route 150

*Kickapoo
Rail Trail*

5272
Champaign County GIS Consortium



70
Feet

This map was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), or other CCGIS member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this map is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this map and information contained herein. The use of this map constitutes acknowledgement of this disclaimer.



Susan Burgstrom

From: Mike Armstrong <marmstrong@aladdin-electric.com>
Sent: Tuesday, August 27, 2019 12:33 PM
To: Susan Burgstrom
Subject: RE: zoning case question

RECEIVED

AUG 27 2019

CHAMPAIGN CO. P & Z DEPARTMENT

Susan,

Please see below.

Thank you,
Mike

From: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Sent: Monday, August 26, 2019 8:47 AM
To: Mike Armstrong <marmstrong@aladdin-electric.com>
Subject: zoning case question

Hi Mike,

I'm working on the zoning case packet for the shed at 3708 E University. Could you please tell me if there will be any outdoor storage and/or operations related to the business at this location? This would include company vehicles, equipment and materials. **No Outdoor storage and /or operations related to the business. I am purchasing this property mainly for personal use-may store business materials or overstock for a short length of time throughout the year.**

Thanks,
Susan

Susan Burgstrom, AICP
Senior Planner
Champaign County Department of Planning & Zoning
1776 East Washington Street
Urbana, IL 61802

P: 217-384-3708
F: 217-819-4021

Susan Burgstrom

From: Mike Armstrong <marmstrong@aladdin-electric.com>
Sent: Tuesday, August 27, 2019 1:12 PM
To: Susan Burgstrom
Subject: RE: additional zoning case questions

Susan, I am aware of the cut-off lighting, thanks.

Will I get a notice re the Board Meeting, date, and time?

Thank You

Mike

RECEIVED

AUG 27 2019

CHAMPAIGN CO. P & Z DEPARTMENT

From: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Sent: Tuesday, August 27, 2019 1:02 PM
To: Mike Armstrong <marmstrong@aladdin-electric.com>
Subject: RE: additional zoning case questions

Thanks Mike. Just so you know, if the case is approved, there will be a special condition that requires any new exterior lighting to be full cutoff in design, and we will require spec sheets for the fixtures you choose that show they are full cutoff.

Thanks for the quick turnaround!

Susan

From: Mike Armstrong <marmstrong@aladdin-electric.com>
Sent: Tuesday, August 27, 2019 12:53 PM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Subject: RE: additional zoning case questions

Susan,

Please see the answers to your questions below.

Thanks,

Mike

From: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Sent: Monday, August 26, 2019 10:39 AM
To: Mike Armstrong <marmstrong@aladdin-electric.com>
Subject: additional zoning case questions

Could you also please answer the following questions at your earliest convenience?

- Do you plan to install any outdoor lighting for the shed? **Yes, security lighting**

- How many employees will have access to the shed? **2**
- How often do you think you or employees might visit the property for business reasons? **1-2 times monthly**
- Does or will the shed have electricity? **Yes, it has new 200 amp overhead service**
- Does or will the shed have restrooms? **It will have a restroom in the future, there is plumbing currently roughed in**
- Where is the septic system on the property? **South side of building-had John Berg of Berg Tanks inspect system**
- Is the interior floor paved material? **Yes, 6" concrete floor**

Thanks for your time,
Susan

Susan Burgstrom, AICP
Senior Planner
Champaign County Department of Planning & Zoning
1776 East Washington Street
Urbana, IL 61802

P: 217-384-3708
F: 217-819-4021

Susan Burgstrom

From: Burton, Felicia <Felicia.Burton@Illinois.gov>
Sent: Tuesday, August 27, 2019 3:29 PM
To: Susan Burgstrom
Subject: RE: accessibility interpretation request

Susan,

Because this building will be used for business, if parking is provided, an accessible space is required. If a toilet room is constructed, it is required to be accessible.

The authority to issue Illinois Accessibility Code interpretations is project specific based on the information provided and is granted to the Capital Development Board by the Illinois Environmental Barriers Act. It does not relieve the project from conformance with the 2010 Americans with Disabilities Act or other applicable codes.

Sincerely,

Felicia Burton
Accessibility Specialist

State of Illinois Capital Development Board
Third Floor, Wm. G. Stratton Building
401 South Spring Street, Springfield, IL 62706
Phone: (217) 782-8530

RECEIVED

AUG 27 2019

CHAMPAIGN CO. P & Z DEPARTMENT



From: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Sent: Tuesday, August 27, 2019 2:02 PM
To: Burton, Felicia <Felicia.Burton@Illinois.gov>
Subject: [External] accessibility interpretation request

Hi Felicia,

I would appreciate your expertise on this building we have. It is a 60 feet by 96 feet open floor plan machine shed built for personal storage in 2018. A new potential owner wants to use it to store personal and business materials, mostly personal. He plans to install a restroom in the machine shed in the future. Does the building require an accessible parking space if an employee comes to the site to pick up stored materials? Does the construction of the restroom require it to be accessible?

Thanks,
Susan

Susan Burgstrom, AICP
Senior Planner
Champaign County Department of Planning & Zoning
1776 East Washington Street
Urbana, IL 61802

Septic Tank Inspection Report

Customer Name: MIKE ARMSTRONG
 Date of Inspection: 8/28/19 Address: 3708 E. UNIVERSITY
 Type of System: CONVENTIONAL Size of Tank: 550 gal
 Type of Drainage: LEACH SYSTEM

Location of Tank: SOUTH OF BLDG (RISERS ON TANK)

Home was: Occupied Vacant Tank Last Pumped: 2007

Lids intact, Top of Tank not damaged: Acceptable Unacceptable

Inlet Tee/Baffle: Acceptable Unacceptable

Outlet Tee/Baffle: Acceptable Unacceptable

No Water observed flowing back into tank from lateral field: Acceptable Unacceptable

Comments, Observations and Procedures:

System Function: Acceptable Unacceptable Repairs Needed

I affirm that these conditions were observed on the date of inspection and were accurately reported.

Signature [Signature] Date 8/28/19

Berg Tanks
 1002 Churchill Downs
 Champaign, IL 61822
 217-202-1967

RECEIVED
 SEP 03 2019
 CHAMPAIGN CO. P & Z DEPARTMENT

954-S-19 Site Images



From US150 facing north



Front of shed from east part of driveway

954-S-19 Site Images



From west side of driveway facing NW



West side of shed

954-S-19 Site Images



Neighbor's house to west (shed is off image to the right)



Neighbor's house to east (shed is off image to the left)

954-S-19 Site Images



In front of shed facing south (house was located in grass area)



From end of driveway facing shed – wide paved circular drive

PRELIMINARY DRAFT

954-S-19

**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: ***{September 12, 2019}***

Petitioners: **Michael Armstrong d.b.a. Aladdin Electric, and Kathy Hinrichs-King**

Request: **Authorize a Special Use Permit for a Contractor’s Facility with no
Outdoor Storage and Outdoor Operations as a principal use in the AG-2
Agriculture Zoning District.**

Table of Contents

General Application Information.....2 - 3
Specific Ordinance Requirements.....3 - 8
Special Use and Variance Evidence8 - 16
Documents of Record..... 17
Case 954-S-19 Finding of Fact18 - 19
Case 954-S-19 Final Determination..... 20

PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 12, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. Co-petitioner Kathy Hinrichs-King, 1714 Lynwood Dr, Champaign, owns the subject property. Co-petitioner Michael Armstrong, d.b.a. Aladdin Electric, 806 McHenry, Urbana, IL 61801, seeks to use the existing machine shed on the subject property for personal and business storage. Mr. Armstrong is the sole owner and officer of Aladdin Electric.
2. The one acre subject property is Lot 3 of Hudson Acres Subdivision, in the Southeast Quarter of the Southwest Quarter of Section 11, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township, with an address of 3708 East University Avenue, Urbana.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Urbana, a municipality with zoning. Municipalities do not have protest rights on Special Use Permits, but they do receive notice of such cases.
 - B. The subject property is located within Urbana Township, which does not have a Plan Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity adjacent to the subject property are as follows:
 - A. The 1-acre subject property is zoned AG-2 Agriculture; the property was residential in use until the previous owner demolished the house, leaving just the machine shed.
 - (1) The proposed contractor's facility is authorized only by Special Use Permit in the AG-2 Zoning District. The proposed contractor's facility would become the principal use.
 - B. Land to the north of the subject property is zoned AG-2 Agriculture and is in agricultural production.
 - C. Land to the east and west of the subject property is zoned AG-2 Agriculture and is residential in use.
 - D. Land to the south of the subject property is within the City of Urbana and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The Site Plan is the approved Site Plan from ZUPA #82-18-01 approved April 10, 2018.
 - (1) Existing features include:
 - a. One 60 feet by 96 feet machine shed;
 - b. A paved circle driveway leading to the shed;

PRELIMINARY DRAFT**Case 954-S-19****Page 3 of 20**

- c. A residence, which was demolished after the Site Plan from ZUPA #82-18-01 was approved; and
 - d. The petitioner told P&Z Staff that the septic system is located south of the shed.
- (2) Proposed improvements include:
- a. The petitioner plans to install a restroom in the future using the existing septic system.
- B. There is one previous Zoning Use Permit for the subject property:
- (1) ZUPA #82-18-01 was approved on April 10, 2018, for construction of a detached storage shed by John King.
 - (2) The now-demolished residence was constructed prior to adoption of the Zoning Ordinance on October 10, 1973.
- C. There are no previous zoning cases for the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for contractors' facilities both with and without outdoor operations and storage in the AG-2 Agriculture 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) "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.
 - (2) "BERTH, LOADING" is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
 - (3) "BEST PRIME FARMLAND" is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that

PRELIMINARY DRAFT

under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:

- a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (4) "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.
 - (5) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
 - (6) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (7) "OPERATIONS" are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
 - (8) "PARKING SPACE" is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
 - (9) "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.
 - (10) "SCREEN PLANTING" is a vegetative material of sufficient height and density to filter adequately from view, in adjoining DISTRICTS, STRUCTURES, and USES on the PREMISES upon which the SCREEN PLANTING is located.
 - (11) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
 - (12) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
 - (13) "STORAGE" is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
 - (14) "STREET" is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A

PRELIMINARY DRAFT**Case 954-S-19****Page 5 of 20**

STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:

- (a) MAJOR STREET: Federal or State highways.
- (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
- (c) MINOR STREET: Township roads and other local roads.

- (15) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
 - a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.

- (16) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.

- (17) “WAREHOUSE” is a BUILDING within which raw materials, goods, or equipment including vehicles, are kept and wherein no manufacturing, assembly, construction, repair, sales or other activity is performed except for the packaging of goods and materials for shipment.

- (18) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
 - a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.

- B. Section 5.2: Table of Authorized Principal Uses states that Contractors Facilities with outdoor STORAGE and outdoor OPERATIONS can be established with a Special Use Permit in the AG-2 Agriculture Zoning District.

- C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:

PRELIMINARY DRAFT

- (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.

- (2) Subsection 6.1.3 establishes the following standard conditions for Contractors Facilities with no Outdoor STORAGE and/or Outdoor OPERATIONS:
 - a. In all DISTRICTS other than the B-5 DISTRICT, outdoor STORAGE and/or outdoor OPERATIONS are allowed as an ACCESSORY USE subject to subsection 7.6.

- D. 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) For parking purposes, the Zoning Administrator has determined that a Contractor's Facility is most similar to the parking requirements for industrial uses.
 - (3) Section 7.4.1 D.1. states, "One space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE."
 - (4) Section 7.4.1 D.2. states, "All such spaces shall be surfaced with an all-weather dustless material."
 - (5) Section 7.4.2 refers to off-street LOADING BERTHS:
 - a. All LOADING BERTHS shall have vertical clearance of at least 14 feet.

PRELIMINARY DRAFT**Case 954-S-19****Page 7 of 20**

- 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 D. states, "Off-street LOADING BERTHS for Industrial USES shall be provided as follows:
 - (a) All LOADING BERTHS shall be located on the same LOT or tract of land as the Industrial USE served.
 - (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 an R DISTRICT or any lot containing a DWELLING conforming as to USE unless such BERTH is screened from public view by a Type D SCREEN.
 - (c) No LOADING BERTH shall be located less than 50 feet from the nearest point of intersection of two STREETS.
 - (d) All LOADING BERTHS shall be improved with a compacted base at least seven inches thick and shall be surfaced with at least two inches of some all-weather dustless material.
 - (e) The schedule of off-street LOADING BERTHS for commercial ESTABLISHMENTS shall also apply to Industrial USES.
 - i. For an establishment with a floor area of less than 9,999 square feet, one 12 feet by 40 feet loading berth is required.
- E. 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.

PRELIMINARY DRAFT

- c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- G. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“The use conforms because warehouse/contractor’s facility are allowed by special use in the AG-2 Zoning District. My son and family live at 3308 E University Ave- approximately 29 years. I have been in business in Urbana for over 43 years.”**
 - B. The petitioner also testified on the application that he would like to use the shed for personal storage with occasional business overflow storage. He owns Aladdin Electric and may need to store fixtures for large jobs for a short time.

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application: **“Building will be used less than a residential use with respect to traffic. Property is located on a state road US Rt 150.”**
 - B. Regarding surface drainage:
 - (1) The subject property is relatively flat, and generally drains to the east-southeast.
 - C. Regarding traffic in the subject property area:
 - (1) The subject property has an existing driveway accessed from the north side of US150.

PRELIMINARY DRAFT**Case 954-S-19****Page 9 of 20**

- (2) US150 is a two-lane paved State highway that is approximately 24 feet wide with 4-foot wide paved shoulders.
 - (3) The subject property is located about 0.45 road miles east of IL Route 130 and approximately 2 road miles southeast of the I-74 interchange at University Avenue.
 - (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 150 had an ADT of 4,350 adjacent to the subject property.
 - a. In an email received on August 27, 2019, the petitioner indicated that employees might visit the shed one to two times per month, which would not cause a significant increase in traffic.
 - (5) The Illinois Department of Transportation has been notified of this case and no comments have been received.
- D. Regarding fire protection on the subject property, the subject property is located approximately 1.3 road miles west of the Edge-Scott Fire Protection District station on East University Avenue (US 150). The Fire Chief was notified of this case and no comments have been received.
- E. No part of the subject property is located within a mapped floodplain.
- F. The subject property is considered BEST PRIME FARMLAND. The soil on the subject property consists of Flanagan silt loam 154A, and has an average LE of 100. The site was developed in the 1970s, and no land will be taken out of agricultural production.
- G. Regarding outdoor lighting on the subject property:
- (1) In an email received on August 27, 2019, the petitioner stated that he planned to install security lighting. A special condition has been added regarding any future outdoor lighting for the Special Use Permit area.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) There is an existing septic system for the former residence located south of the shed. In an email received on August 27, 2019, the petitioner stated that Berg Tanks inspected the system, and they plan to install a restroom in the future.
 - a. John Berg of Berg Tanks submitted a septic tank inspection report on September 3, 2019, which shows that the 550 gallon leach system is in acceptable working condition, and was last pumped in 2007.
- 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

PRELIMINARY DRAFT

Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.

- b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
- c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
- d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
- e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
- f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
- g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- 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.

PRELIMINARY DRAFT

Case 954-S-19
Page 11 of 20

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

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“The use conforms because warehouse/contractor’s facility are allowed by special use in the AG-2 Zoning District.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-1, I-1, and I-2 Zoning DISTRICTS and by right in the B-4 DISTRICT provided that all Outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN. They are authorized with a Special Use Permit in the AG-1, AG-2, B-4 (except as noted above), and B-5 Zoning DISTRICTS.
 - (2) Regarding parking on the subject property for the proposed Special Use:
 - a. For parking purposes, the Zoning Administrator has determined that a Contractor’s Facility is most similar to the requirements for industrial uses.
 - (a) In an email received on August 27, 2019, the petitioner stated that two employees would have access to the shed. One parking space is required for every 3 employees in the industrial land use, for a total of 1 required employee parking space.
 - (b) No company vehicles will be parked regularly at this location.
 - (c) Industrial uses also require 1 visitor parking space. This is a storage facility where customers will not be present. P&Z Staff suggest a visitor space is not necessary.
 - (d) The facility will need a total of 1 required parking space, and one of these spaces would need to meet Illinois Accessibility Code standards.
 - (e) Industrial uses of less than 9,999 square feet require one 12 feet by 40 feet loading berth. There is sufficient space on the concrete driveway for a 12 feet by 40 feet loading berth.
- D. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*: the proposed project is exempt from the SWMEC ordinance because no construction is proposed.

PRELIMINARY DRAFT

- E. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- F. Regarding the Subdivision Regulations, the subject property is located in the County's subdivision jurisdiction and the subject property is in compliance.
- G. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District:
 - (1) Contractors Facilities with no Outdoor Storage and/or Operations are allowed with a Special Use Permit in the AG-2 Agriculture Zoning District.
- 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) P&Z Staff requested an interpretation of the Illinois Accessibility Code from Felicia Burton, Accessibility Specialist with the State of Illinois Capital Development Board. In an email received August 27, 2019, Ms. Burton stated, "Because this building will be used for business, if parking is provided, an accessible space is required. If a toilet room is constructed, it is required to be accessible."
 - a. A special condition has been added regarding accessibility requirements.

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

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
 - A. Section 5.2: Table of Authorized Principal Uses states that Contractors Facilities (with no outdoor STORAGE and/or outdoor OPERATIONS) can be established with a Special Use Permit in the AG-2 Agriculture Zoning District.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.2 of the Ordinance states, "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."
 - (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 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:

PRELIMINARY DRAFT**Case 954-S-19**
Page 13 of 20

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

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

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

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

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

The proposed Special Use is not likely to increase traffic on US 150 more than a residence would.

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

- a. The subject property is relatively flat and drains toward the east-southeast.
- b. The subject property is exempt from the Champaign County *Stormwater Management and Erosion Control Ordinance* because no new construction is proposed.

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

- a. Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
- b. Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- c. No comments have been received regarding the proposed special use.

- (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

PRELIMINARY DRAFT

parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

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

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

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

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

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
 - b. Soils on the subject property are BEST PRIME FARMLAND. The site was developed in the 1970s, and no land will be taken out of agricultural production.

PRELIMINARY DRAFT

Case 954-S-19
Page 15 of 20

- (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.

- 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. No new public utilities or facilities are needed for the proposed Special Use.

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

The proposed addition will not take any land out of agricultural production.

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

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: **“There are other storage buildings existing in the immediate area. Also, the building as it is currently used does not conform to the Zoning regulations because there is no principal use.”**
- B. There is no existing use on the property since the residence was demolished in 2018.

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 954-S-19 by the Zoning Board of Appeals.**

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

PRELIMINARY DRAFT

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

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

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

PRELIMINARY DRAFT

Case 954-S-19
Page 17 of 20

DOCUMENTS OF RECORD

1. Application for Special Use Permit received August 2, 2019
2. Site Plan from ZUPA #82-18-01 approved April 10, 2018
3. Email from Felicia Burton, Accessibility Specialist with the State of Illinois Capital Development Board, received August 27, 2019
4. Septic Tank Inspection Report from Berg Tanks received September 3, 2019
5. Preliminary Memorandum dated September 5, 2019, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan from ZUPA #82-18-01 approved April 10, 2018
 - C Emails from Mike Armstrong received August 27, 2019
 - D Email from Felicia Burton, Accessibility Specialist with the State of Illinois Capital Development Board, received August 27, 2019
 - E Septic Tank Inspection Report from Berg Tanks received September 3, 2019
 - F Site Visit Photos taken August 27, 2019
 - G Draft Summary of Evidence, Finding of Fact, and Final Determination dated September 12, 2019

PRELIMINARY DRAFT**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **954-S-19** held on **September 12, 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 NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*:
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because*}*:
 - h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because*}*:
 - i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because*}*:

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

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

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

PRELIMINARY DRAFT

Case 954-S-19
Page 19 of 20

- 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 954-S-19 by the Zoning Board of Appeals.**

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

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

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

PRELIMINARY DRAFT

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 954-S-19 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Michael Armstrong d.b.a. Aladdin Electric, and Kathy Hinrichs-King**, to authorize the following as a Special Use on land in the AG-2 Agriculture Zoning District:

Authorize a Special Use Permit for a Contractor’s Facility with no Outdoor Storage and Outdoor Operations as a principal use.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 954-S-19 by the Zoning Board of Appeals.**
- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed contractor’s facility until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- C. **The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The 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