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CASE 997-S-21

PRELIMINARY MEMORANDUM
JANUARY 19, 2021

Petitioners: TAG Warehouse LLC – Series Atkins 150 Warehouse, owned by T.A.G., LLC, which is owned by the Northern Trust Company and Susan A. Atkins as Trustees of Marital Trust A under the Clinton C. Atkins Marital Trusts dated the 23rd day of December, 2014, with officers Spencer Atkins, CEO; Mark Dixon, President; Rick Klopffleisch, CFO; Jane Solon, Vice-President; and John Martinie, Vice President; via agent Mark Dixon

Request: Authorize multiple principal structures consisting of two existing warehouses and an existing railroad siding and terminal in the I-1 Light Industry Zoning District.

Location: A 62.16-acre parcel of land located in part of the East Half of the Northwest Quarter and the West Half of the Northeast Quarter of Section 3, Township 19 North, Range 8 East of the Third Principal Meridian in Champaign Township, and commonly known as Atkins 150 Warehouse with an address of 2309 W Bloomington Rd, Champaign.

Site Area: 62.16 acres

Time Schedule for Development: Already in use

**Prepared by: Susan Burgstrom, Senior Planner
John Hall, Zoning Administrator**

BACKGROUND

The petitioners seek to allow multiple principal buildings to accommodate a variety of by right Industrial uses in the existing industrial complex. The current zoning configuration allows for one principal building and an accessory building, which limits potential tenants.

The subject property was first occupied by the Southland Corporation in the late 1970s. They utilized the large building for warehousing as the principal structure and use. The smaller building was occupied for Southland's trucking operations, which for zoning purposes made the smaller building accessory to the larger building.

Currently, Plastipak occupies the larger building and a small part of the smaller building for warehouses, but the petitioners are leasing or seeking to lease the majority of the smaller building, which reclassifies the smaller building as another principal building rather than an accessory to the primary building.

The proposed Special Use Permit will allow the petitioners to lease the smaller building to any by-right uses in the I-1 district rather than being limited to accessory uses that are dependent on the primary building occupant's use. Multiple principal structures are allowed in the I-1 district.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning. Zoned municipalities do not have protest rights in Special Use Permit cases but are notified of such cases.

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

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Warehouses, rail spur/rail terminal	I-1 Light Industry
North (east of I-57)	Businesses, water utility, vacant	City of Champaign Zoning
North (west of I-57)	Businesses, ag production	I-1 Light Industry, AG-2 Agriculture
East	US Post Office and water treatment facility	City of Champaign Zoning
West (west of I-57)	Agricultural production	AG-2 Agriculture
South	Parkland College and water treatment facility	City of Champaign Zoning

PROPOSED SPECIAL CONDITIONS

- A. A Change of Use Permit shall be applied for within 30 days of approval of Case 997-S-21.**

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

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

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

- C. Any future sale of the subject property may be subject to the Illinois Plat Act (765 ILCS 205/0.01 et seq.) or the Champaign County Subdivision Regulations; or the subdivision regulations of a municipality that has jurisdiction within one and one-half miles of the corporate limits.**

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

That the subject property complies with the Zoning Ordinance.

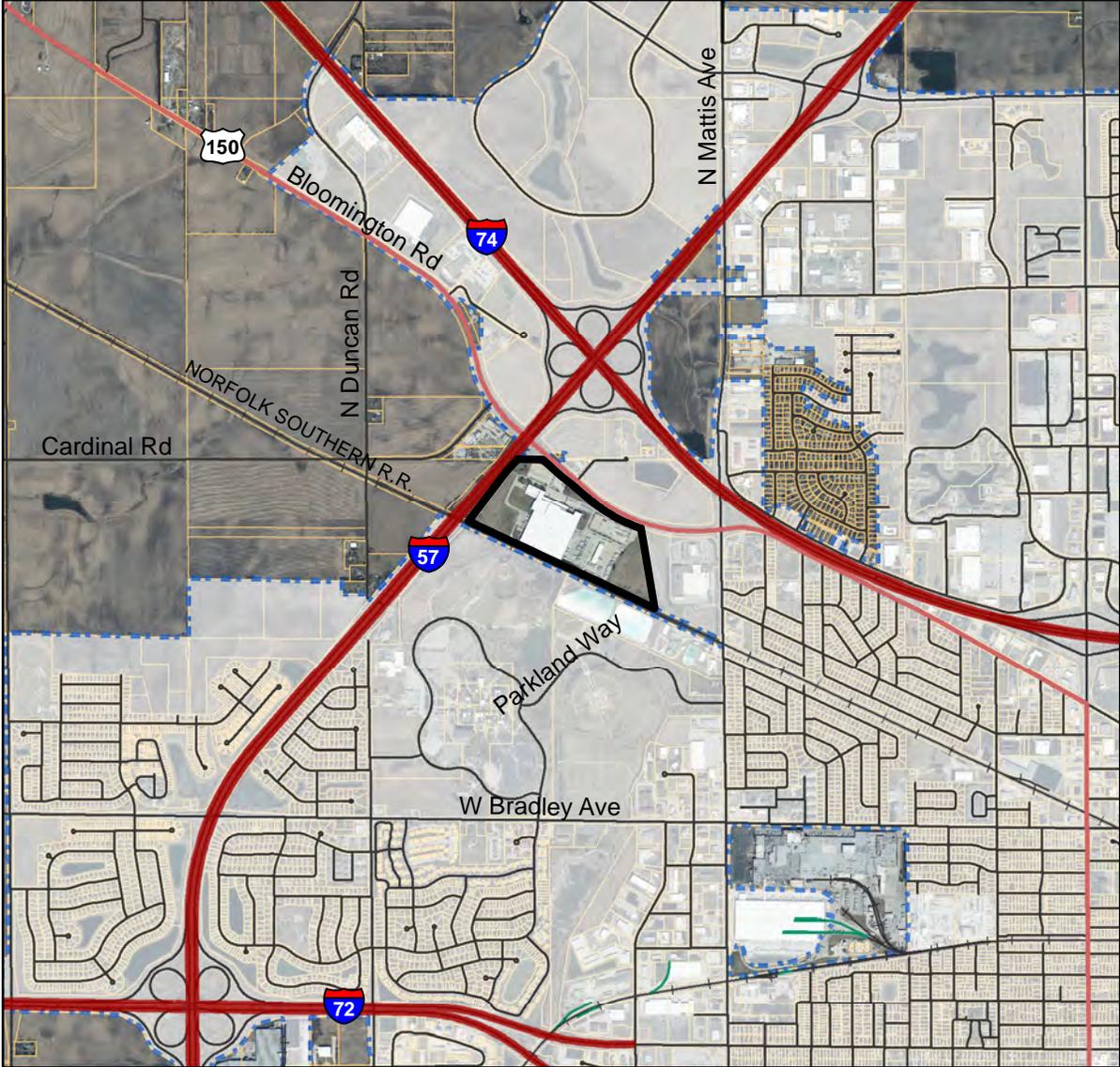
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received January 7, 2021
- C Site images taken January 15, 2021
- D Summary of Evidence, Finding of Fact, and Final Determination for Case 997-S-21 dated January 19, 2021

Location Map

Case 997-S-21
January 28, 2021

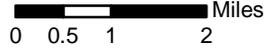
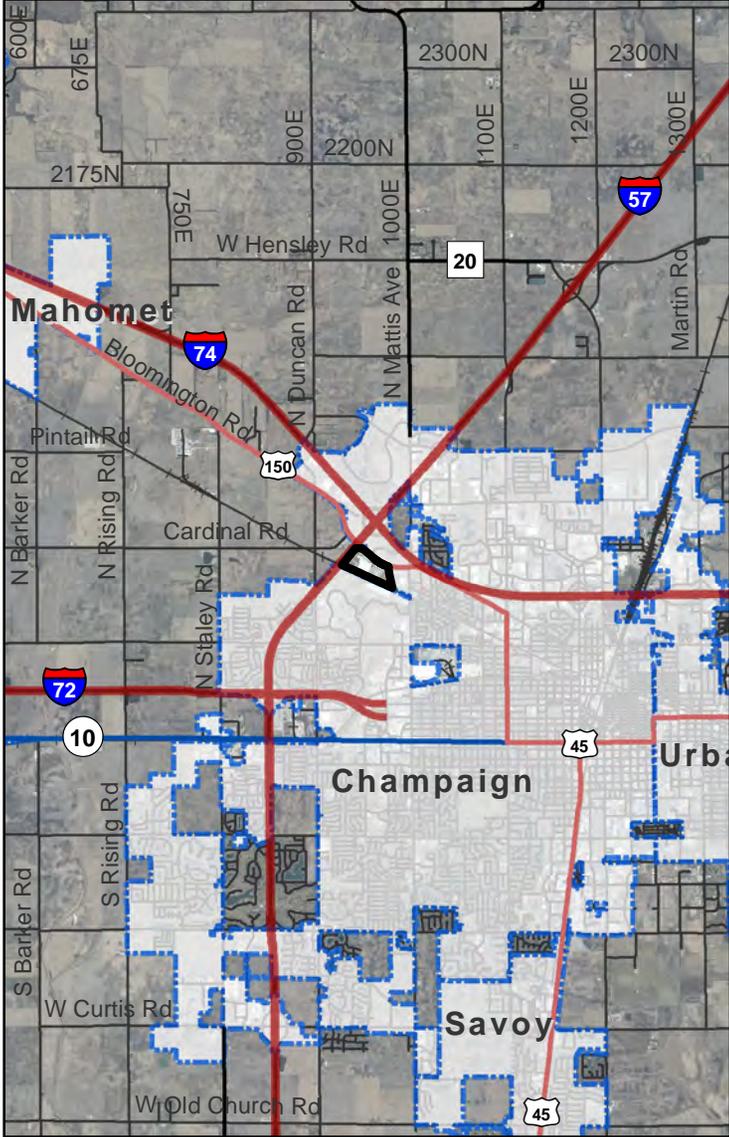
Subject Property



- Legend**
-  Subject Property
 -  Municipal Boundary
 -  Parcels



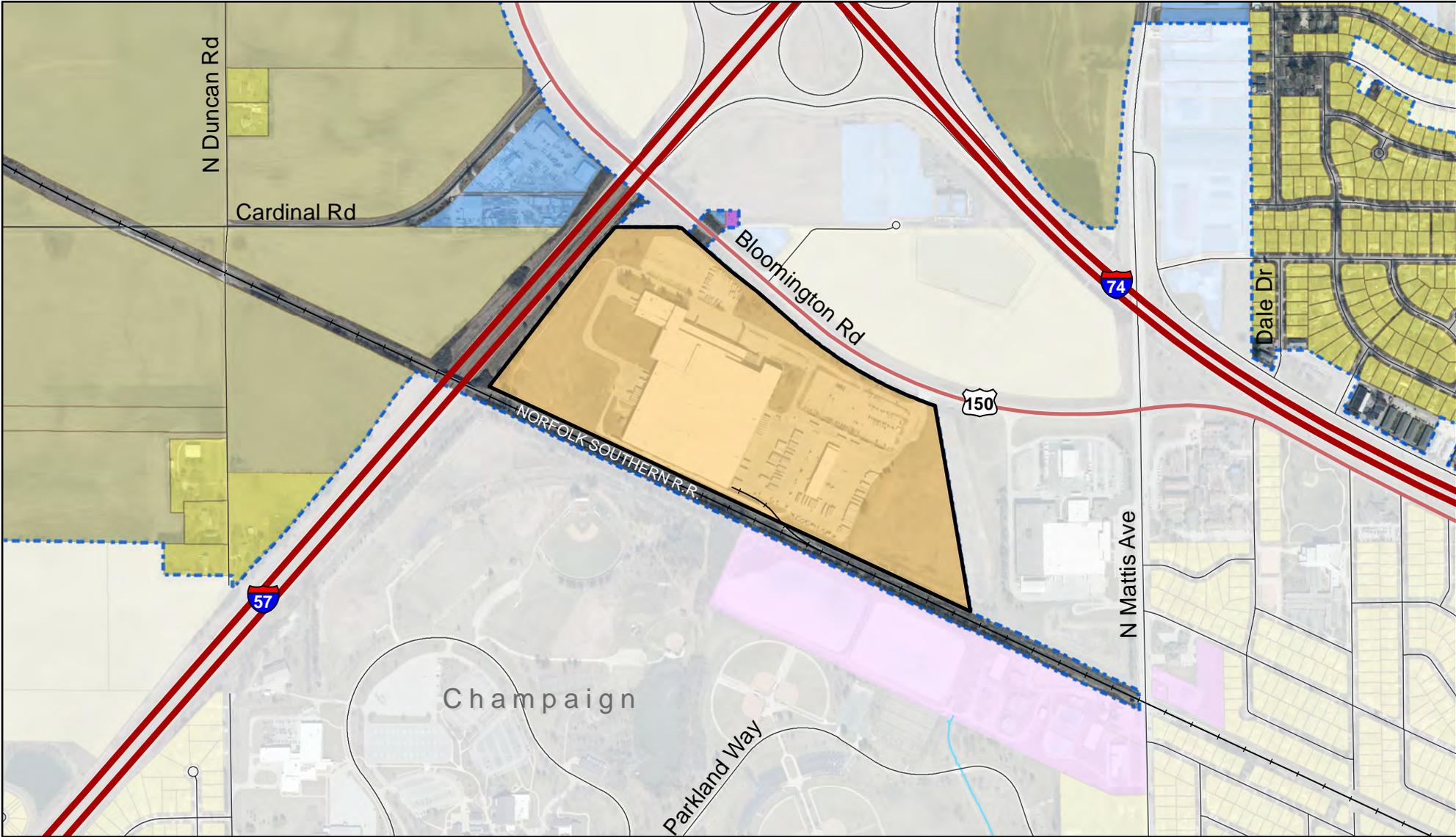
Property location in Champaign County



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

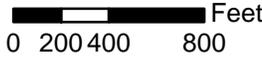
Case 997-S-21
January 28, 2021



Legend

Subject Property

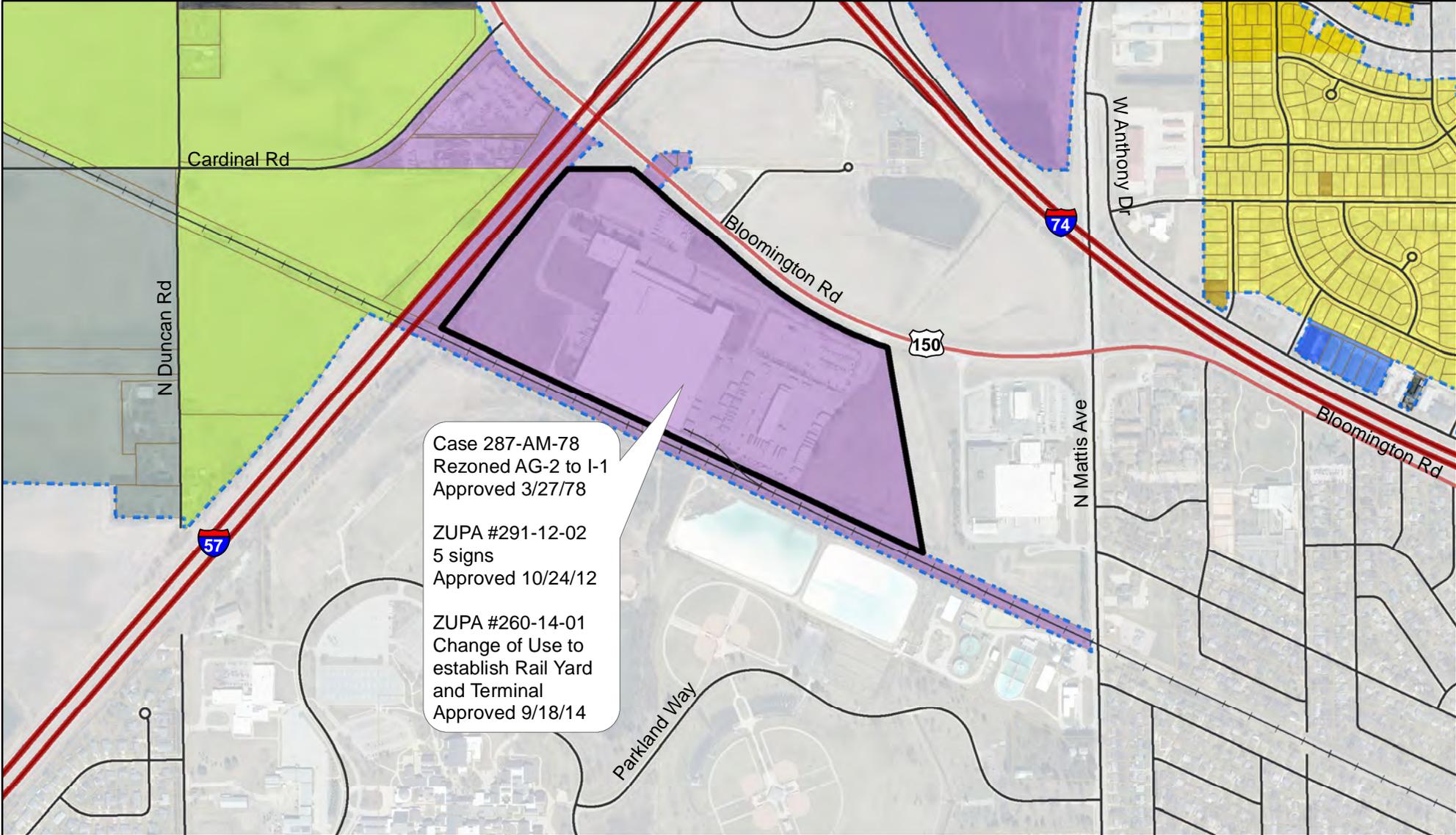
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|--|----------------|--|------------|
| | Agriculture | | Industrial |
| | Ag/Residential | | Commercial |
| | Residential | | Utility |



Champaign County
Department of
**PLANNING &
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Zoning Map

Case 997-S-21
January 28, 2021



Case 287-AM-78
Rezoned AG-2 to I-1
Approved 3/27/78

ZUPA #291-12-02
5 signs
Approved 10/24/12

ZUPA #260-14-01
Change of Use to
establish Rail Yard
and Terminal
Approved 9/18/14

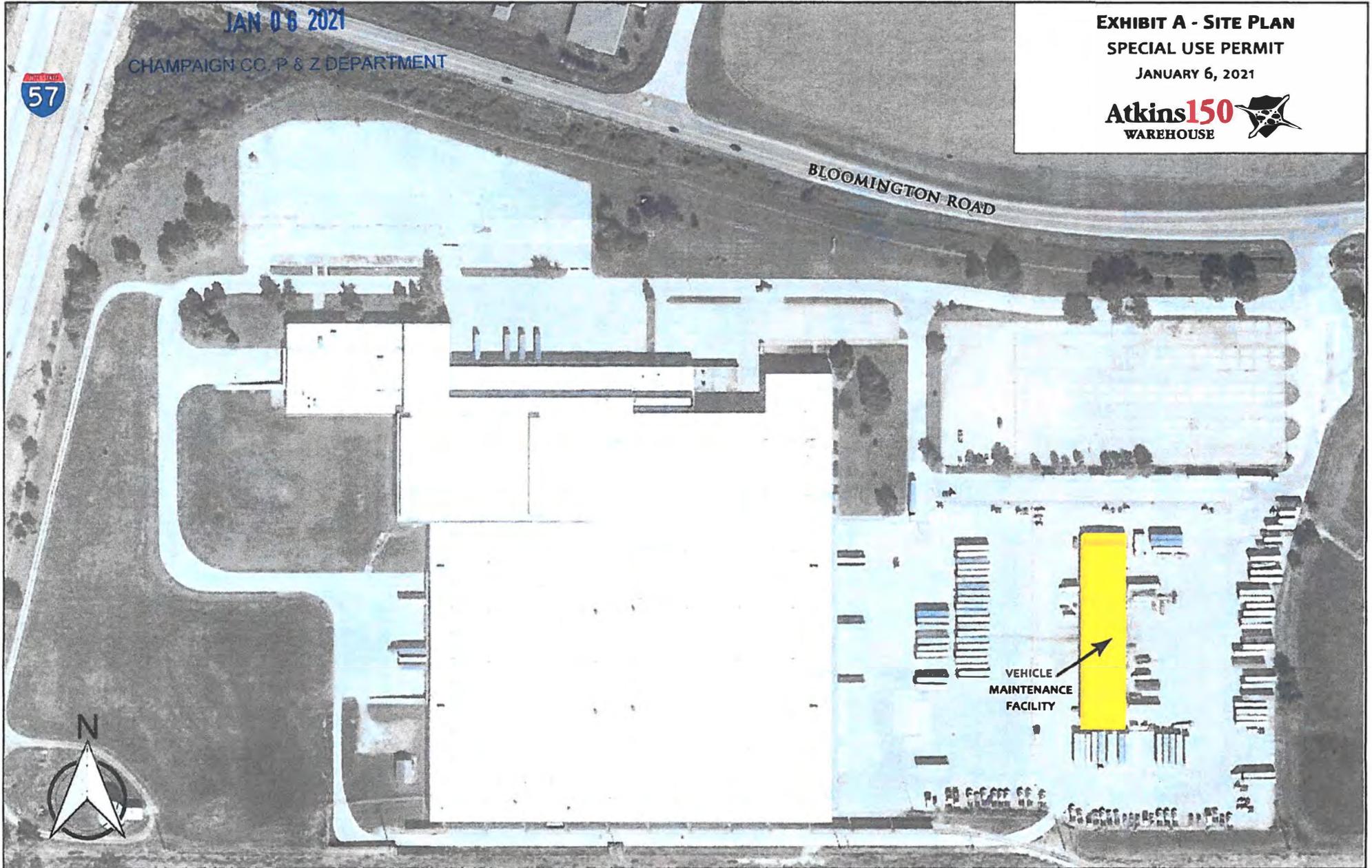
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|--------------------|----------------------|-------------------------------|
| Subject Property | AG-1 Agriculture | I-1 Light Industry |
| Municipal Boundary | AG-2 Agriculture | R-2 Single Family Residence |
| Parcels | B-3 Highway Business | R-3 Two Family Residence |
| | B-4 General Business | R-4 Multiple Family Residence |



Champaign County
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**PLANNING &
ZONING**

RECEIVED



997-S-21 Site Images



From access drive off US 150 facing SW toward easternmost parking lot



From access drive off US 150 facing SE toward post office

997-S-21 Site Images



Principal building



North-facing loading docks on principal building

997-S-21 Site Images



997-S-21
01/15/21

Rail spur from SW corner of subject property, facing SE



997-S-21
01/15/21

Trailer parking on east end of subject property

997-S-21 Site Images



West side of smaller building



East side of smaller building

997-S-21 Site Images



From access drive facing west to US 150/Bloomington Rd



From access drive facing east to US 150/Bloomington Rd

PRELIMINARY DRAFT

997-S-21

**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: *{January 28, 2021}*

Petitioners: **TAG Warehouse LLC – Series Atkins 150 Warehouse, owned by T.A.G., LLC, which is owned by the Northern Trust Company and Susan A. Atkins as Trustees of Marital Trust A under the Clinton C. Atkins Marital Trusts dated the 23rd day of December, 2014, with officers Spencer Atkins, CEO; Mark Dixon, President; Rick Klopfleisch, CFO; Jane Solon, Vice-President; and John Martinie, Vice President; via agent Mark Dixon**

Request: **Authorize multiple principal structures consisting of two existing warehouses and an existing railroad siding and terminal in the I-1 Light Industry Zoning District.**

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 28, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner TAG Warehouse LLC – Series Atkins 150 Warehouse, 2805 South Boulder Dr, Urbana, owns the subject property. Mark Dixon, President of TAG Warehouse LLC, is agent for this zoning case.
2. The subject property is a 62.16-acre parcel of land located in part of the East Half of the Northwest Quarter and the West Half of the Northeast Quarter of Section 3, Township 19 North, Range 8 East of the Third Principal Meridian in Champaign Township, and commonly known as Atkins 150 Warehouse with an address of 2309 W Bloomington Rd, Champaign.
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 Champaign, a municipality with zoning. Zoned municipalities do not have protest rights in Special Use Permit cases but are notified of such cases.
 - B. The subject property is located within Champaign 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 are as follows:
 - A. The subject property is a 62.16-acre tract and is currently zoned I-1 Light Industry. Land uses include warehouses, offices, major auto repair, and a rail spur/terminal.
 - B. Land to the north of the subject property and east of I-57 is largely within the City of Champaign zoning jurisdiction. Land uses include business, a water utility station, and vacant land.
 - C. Land to the north of the subject property and west of I-57 is zoned I-1 Light Industry and AG-2 Agriculture, and land uses include businesses and agricultural production.
 - D. Land to the east of the subject property is within the City of Champaign zoning jurisdiction. Land uses include the US Postal Service and a water treatment facility.
 - E. Land to the south of the subject property is within the City of Champaign zoning jurisdiction. Land uses include Parkland College and a water treatment facility.
 - F. Land to the west, on the west side of I-57, is zoned AG-2 Agriculture 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 received January 6, 2021, indicates the following existing features; no new construction is proposed:
- (1) A 616,000 square feet building;
 - (2) A 22,400 square feet building to the east of the principal building, originally constructed as an accessory building; and
 - (3) A rail spur along the southwest side of the subject property.
- B. Regarding the proposed Special Use Permit:
- (1) The subject property was first occupied by the Southland Corporation in the late 1970s. They utilized the large building for warehousing as the principal structure and use. The smaller building was occupied for Southland's trucking operations, which for zoning purposes made the smaller building accessory to the larger building.
 - (2) Currently, Plastipak occupies the larger building and a small part of the smaller building for warehouses, but the petitioners are leasing or seeking to lease the majority of the smaller building, which reclassifies the smaller building as another principal building rather than an accessory to the primary building.
 - (3) The proposed Special Use Permit will allow the petitioners to lease the smaller building to any by-right uses in the I-1 district rather than being limited to accessory uses that are dependent on the primary building occupant's use. Multiple principal structures are allowed in the I-1 district.
- C. Previous Zoning Use Permits on the subject property are as follows:
- (1) ZUPA #137-78-02 was approved on May 24, 1978 to construct a new food distribution center for the Southland Corporation consisting of food center/dry warehouse and an accessory building for trucking.
 - (2) ZUPA #282-79-01 was approved on October 19, 1979 to construct a two-sided freestanding sign with a total sign face of 160 square feet.
 - (3) ZUPA #289-81-01 was approved on October 20, 1981 to construct an 864 square feet storage shed for yard equipment.
 - (4) ZUPA #291-12-02 was approved on October 24, 2012 for installation of five signs.
 - (5) ZUPA #260-14-01 was a Change of Use Permit approved on September 18, 2014 for the Atkins Group to establish a Rail Yard and Terminal.
- D. Previous Zoning Cases on the subject property are as follows:
- (1) Case 287-AM-78 was approved on March 27, 1978, to rezone the subject property from AG-2 Agriculture to I-1 Light Industry.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for warehouses and a rail siding and rail terminal on the same lot in the I-1 Light Industry Zoning DISTRICT in the *Zoning Ordinance*:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
 - (3) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (4) “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.
 - (5) “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.
 - (6) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
 - (7) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
 - (8) “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.
 - (9) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
 - (10) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
 - (11) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
 - (12) “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.

- (13) “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.
- (14) “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.
- (15) “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.
- (16) “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.
- 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:

- (a) 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.
- (b) 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.
- (c) Single Family, Two-Family, Multiple Family or institutional BUILDINGS shall be located on the LOT in conformance to the provisions of Section 4.2.2C.

C. Section 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.

D. Section 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS:

- (1) Section 7.4.1 A. establishes general provisions for off-street parking.
 - a. Section 7.4.1 A.1. states, "All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served."

- b. Section 7.4.1 A.2. states, “All spaces for the accommodation of an AUTOMOBILE shall total at least 300 square feet including both parking and maneuvering area.”
 - c. Section 7.4.1 A.3.a. states, “No such space shall be located less than 10 feet from any FRONT LOT LINE.”
 - d. Section 7.4.1 A.3.b. states, “No such space shall be located less than five feet from any side or REAR LOT LINE.”
- (2) Section 7.4.1 B. establishes the minimum size of off-street PARKING SPACES shall be at least nine feet wide by 20 feet long.
- (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 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 D. states, “Off-street PARKING SPACES for Industrial USES shall be provided as follows:
- a. 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.
 - b. All such spaces shall be surfaced with an all-weather dustless material.
 - c. Required parking SCREENS for industrial USES shall be provided as required in paragraph 7.4.1 C.4, which 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.”

- (5) 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 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 within 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.

Floor Area of ESTABLISHMENT in Square Feet (Thousands)	Minimum Required Number and Size of LOADING BERTHS
1 – 9.999	1 (12 x 40 feet)
10 – 24.999	2 (10 x 40 feet)
25 – 39.999	2 (10 x 70 feet)
40 – 99.999	3 (10 x 70 feet)
100 – 249.999	4 (10 x 70 feet)

- E. Section 7.6 establishes the following conditions for Outdoor Storage and/or Outdoor Operations:

- (1) Part 7.6.1 states that “Outdoor STORAGE and/or OPERATIONS shall be allowed in all DISTRICTS only as ACCESSORY USES unless permitted as a principal USE in Section 5.2 and shall be allowed in any YARD in all DISTRICTS subject to the provisions of Section 7.2 without a permit provided that outdoor STORAGE and/or outdoor OPERATIONS shall not be located in any required off-street PARKING SPACES or LOADING BERTHS.
 - (2) Part 7.6.2 states that “a Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE and/or outdoor OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
 - a. Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or
 - b. Any designated urban arterial street or MAJOR STREET.”
 - (3) Part 7.6.3 A. states that “The screen shall meet the requirements of Sections 4.3.3 E, F and G.”
- 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.
- 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 use would benefit the urban area (Champaign, Urbana, Mahomet) at this location that is zoned industrial near major transportation corridors (Mattis, Rte 150, I-74, I-57).”**
 - B. The subject property is adjacent to US Route 150 (W Bloomington Rd) and is located about 1.6 road miles west of the I-74 interchange at Prospect Avenue, 2 road miles from the entrance to I-72 off Country Fair Drive, and 1.9 road miles to the I-57 interchange at Olympian Drive.

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, **“The existing vehicular maintenance facility was designed and built to readily accommodate this proposed use. Metal exterior, clear height, metal frame, floor drains, ample power and wire, large drive-in overhead doors at each bay.”**
 - B. Regarding surface drainage:
 - (1) A Natural Resource Report by the Champaign County Soil and Water Conservation District was not required because the site was already developed.
 - (2) The petitioners are not proposing any new construction, so agricultural drainage should not be affected.
 - C. Regarding traffic in the subject property area:
 - (1) The subject property fronts the south side of US 150 (Bloomington Road) between I-57 and North Mattis Avenue.

- (2) US 150 (Bloomington Road) at this location is a Minor Arterial, which is the equivalent of a MAJOR STREET in the Zoning Ordinance. It is paved and marked and has four-foot wide paved shoulders. There is one lane in each direction and a left turn lane for westbound vehicles turning onto the subject property.
 - (3) 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 2019 on US150 east of I-57, which had an ADT of 9,050.
 - a. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that urban two-way arterials with two lanes have a Design Volume (DHV) of less than 1,400 vehicles. The design volume is basically the peak hour of traffic volume, roughly equivalent to 8-12% of the ADT. Multiplying 9,050 by the higher end 12% gives a rough DHV of 1,086, which is significantly less than the 1,400 design volume. This simplistic calculation suggests that US 150 has more than enough capacity to handle an increase in traffic from this site.
- D. Regarding fire protection on the subject property, the subject property is located approximately 3.4 road miles from the Eastern Prairie Fire Protection District, with whom Atkins 150 Warehouse contracts for fire services. Notice of this zoning case was sent to the Eastern Prairie Fire Protection District, and no comments have been received.
- E. Regarding special flood hazard areas, only the access drive at the northeast corner is within a flood hazard area, per FEMA FIRM panel 17019C0293D and 17019C0294D, effective October 2, 2013.
- F. The soil on the subject property is best prime farmland, and consists of 56B Dana silt loam, 152A Drummer silty clay loam, 154A Flanagan silt loam, and 679B Blackberry silt loam, and has an average Land Evaluation (LE) of 97.
 - a. The subject property has not been in agricultural production for many years, and no new construction is proposed.
- G. Regarding outdoor lighting on the subject property:
 - (1) No outdoor lighting was indicated on the Site Plan received January 7, 2021. A special condition has been added to ensure that any future outdoor lighting complies with Section 6.1.2 of the *Zoning Ordinance*.
- H. Regarding wastewater treatment and disposal on the subject property:
 - (1) The facility is on the public sewer system.
- I. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“Location has been industrial since 1977. This use will be complimentary to the existing uses and business/tenants at the property.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) A Warehouse is authorized by-right in the I-1 Light Industry Zoning District.
 - (2) A Railroad Yard and Freight Terminal is authorized by-right in the I-1 Light Industry Zoning District.
 - (3) More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized by Special Use Permit in the I-1 Light Industry Zoning District.
 - (4) Regarding parking on the subject property for warehouses and a railroad yard and terminal:
 - a. For purposes of calculating parking requirements, the buildings on the subject property are considered to have Industrial uses. The rail yard and terminal do not have any parking requirements.
 - b. Industrial uses require 1 space for each 3 employees, 1 space for each vehicle used in the conduct of such use, and 1 visitor space. Industrial uses require parking spaces to be surfaced with an all-weather dustless material.
 - c. Existing parking for the entire subject property is on concrete, and includes the following approximate number of parking spaces:
 - (a) 688 for cars (at least 9 feet by 20 feet);
 - (b) 197 semis with or without trailers (at least 10 feet by 70 feet); and
 - (c) 73 loading berths located at docks (at least 10 feet by 70 feet).
 - d. Given that the types of businesses have and will continue to flux over time, it is difficult to calculate the number of employees for each tenant. In addition, some tenants have employer vehicles that are used by employees who use them to get to and from work.
 - e. P&Z Staff have noted during site visits and prior aerial photos that there is a surplus of parking spaces at those times. It is staff’s impression that there is enough parking available on site.

- f. Loading berth requirements are based on building square footage, with up to 249,999 square feet requiring four 10 feet by 70 feet loading berths. All loading berths must be surfaced with an all-weather dustless material. Extrapolating for a total floor area of 638,400 square feet, the subject property would require 11 loading berths.
 - (a) There are 73 loading berths on site, all of which are on concrete.
 - g. No screening is required for parking, per paragraph 7.4.1 C.4 of the Zoning Ordinance.
- C. Regarding screening requirements for outdoor storage and operations, as established in Section 7.6:
 - (1) There are no outdoor storage or operations on the subject property, and therefore no screening is required.
- D. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*, the subject property is exempt from SWMEC because no new construction is proposed.
- E. Regarding the *Special Flood Hazard Areas Ordinance*, only the access drive at the northeast corner is within the flood hazard area, per FEMA FIRM panel 17019C0293D and 17019C0294D, effective October 2, 2013.
- F. Regarding the Subdivision Regulations, the subject property is located in the County subdivision jurisdiction and the subject property is in compliance.
- G. Regarding the requirement that the Special Use preserve the essential character of the I-1 Light Industry Zoning District:
 - (1) The existing land uses on the subject property are authorized by-right in the I-1 Light Industry Zoning District.
 - (2) A Special Use Permit is required because there is more than one main or principal structure or building.

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) Existing land uses are authorized by-right in the I-1 Light Industry Zoning District.
 - (2) A Special Use Permit is required because there is more than one main or principal structure or building.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:

- (1) Subsection 5.1.14 of the Ordinance states the general intent of the I-1 Light Industry Zoning District and states as follows (capitalized words are defined in the Ordinance):

The I-1 Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.

- (2) The types of uses authorized in the I-1 District are in fact the types of uses that have been determined to be acceptable in the I-1 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 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 unlikely to have a significant impact on the transportation system.

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

The proposed special use is exempt from the *Storm Water Management and Erosion Control Ordinance*, and only a small part of the subject property is in a Special Flood Hazard Area. The petitioners do not propose any new construction.

- (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 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, building coverage, and the minimum setback and yard requirements in the Ordinance, and the proposed site plan appears to be in compliance.

- (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 subject property is on public water and sanitary sewer services, and therefore is considered an urban use.
 - b. The subject property has not been in agricultural production for many years.
- (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.

Even though the subject property is in unincorporated Champaign County, it is an urban use, and no land is proposed to be removed from agricultural production.

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

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

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

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

- 11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:

- A. The Petitioners testified on the application: **“Yes.”**
- B. The existing uses on the subject property are not nonconforming uses.

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 997-S-21.**

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

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

- B. **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 any proposed exterior lighting is in compliance with the Zoning Ordinance.

- C. **Any future sale of the subject property may be subject to the Illinois Plat Act (765 ILCS 205/0.01 et seq.) or the Champaign County Subdivision Regulations; or the subdivision regulations of a municipality that has jurisdiction within one and one-half miles of the corporate limits.**

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

That the subject property complies with the Zoning Ordinance.

DOCUMENTS OF RECORD

1. Application for Special Use Permit received January 7, 2021
2. Preliminary Memorandum dated January 19, 2021, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received January 7, 2021
 - C Site images taken January 15, 2021
 - D Summary of Evidence, Finding of Fact, and Final Determination for Case 997-S-21 dated January 28, 2021

SUMMARY DRAFT FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **997-S-21** held on **January 28, 2021**, 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:
 - a. *The subject property has been in industrial use since the 1970s.*
 - b. *The subject property is adjacent to US Route 150 (W Bloomington Rd) and is located about 1.6 road miles west of the I-74 interchange at Prospect Avenue, 2 road miles from the entrance to I-72 off Country Fair Drive, and 1.9 road miles to the I-57 interchange at Olympian Drive.*

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 *{because*}: traffic volumes along US 150/Bloomington Road are below capacity, and the entrance location has been in place with a dedicated left turn lane for many years.*
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}: the subject property is located approximately 3.4 road miles from the Eastern Prairie Fire Protection District, and no comments have been received from the Fire Protection District.*
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}: no construction is proposed, and the property is surrounded by vacant land, agricultural land, a post office, and Parkland College, all of which have existed for many years.*
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}: no new construction is proposed.*
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}: there are no residential properties adjacent to the subject property. The Township Road Commissioner, IDOT, and Eastern Prairie Fire Protection District have been notified of this case, and no comments have been received.*
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}: there are hundreds of concrete parking spaces available onsite, and a surplus of spaces has been shown over time. There are more than enough loading berths than the minimum required. No screening is required for parking.*

**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.
 - 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 FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}**

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 997-S-21.**

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

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

- B. **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 any proposed exterior lighting is in compliance with the Zoning Ordinance.

- C. **Any future sale of the subject property may be subject to the Illinois Plat Act (765 ILCS 205/0.01 et seq.) or the Champaign County Subdivision Regulations; or the subdivision regulations of a municipality that has jurisdiction within one and one-half miles of the corporate limits.**

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

That the subject property complies with the Zoning Ordinance.

FINAL DETERMINATION FOR CASE 997-S-21

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 **997-S-21** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **TAG Warehouse LLC – Series Atkins 150 Warehouse, owned by T.A.G., LLC, which is owned by the Northern Trust Company and Susan A. Atkins as Trustees of Marital Trust A under the Clinton C. Atkins Marital Trusts dated the 23rd day of December, 2014, with officers Spencer Atkins, CEO; Mark Dixon, President; Rick Klopfleisch, CFO; Jane Solon, Vice-President; and John Martinie, Vice President; via agent Mark Dixon,** to authorize the following as a Special Use on land in the I-1 Light Industry Zoning District:

Authorize multiple principal structures consisting of two existing warehouses and an existing railroad siding and terminal in the I-1 Light Industry Zoning District.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 997-S-21.**
- B. **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.**
- C. **Any future sale of the subject property may be subject to the Illinois Plat Act (765 ILCS 205/0.01 et seq.) or the Champaign County Subdivision Regulations; or the subdivision regulations of a municipality that has jurisdiction within one and one-half miles of the corporate limits.**

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