

CASE 150-AM-24

PRELIMINARY MEMORANDUM

October 09, 2024

Petitioner: Terence Conlon

Request: Amend the Zoning Map to change the zoning district designation from the I-2 Heavy Industry Zoning District to the B-4 General Business Zoning District.

Location: A 2.0-acre tract in the Southeast Quarter of the Northwest Quarter of Section 6, Township 19 North Range 9 East of the Third Principal Meridian in Urbana Township with an address of 2306 Oak St, Urbana.

Site Area: 2.0 acres

Time Schedule for Development: As soon as possible

Prepared by: **Charlie Campo**, Zoning Officer
John Hall, Zoning Administrator

BACKGROUND

The petitioner seeks to rezone the subject property from I-2 Heavy Industry to B-4 General Business to allow the sale of utility trailers on the property. The property contains a 384 square foot office building, a 2,016 square foot storage building and a structure use for temporary storage. The property is currently in use as a contractors facility.

The B-4 Zoning District would allow the sale of utility trailers and a contractors facility.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana. The City has protest rights in this case and no comments have been received from the City.

The subject property is located within Urbana Township, which has a Planning Commission. Townships with Planning Commissions have protest rights in Map Amendment cases.

The Subject property is adjacent to property within the city limits of Urbana that is zoned IN-2 Heavy Industrial. The petitioners proposed use of trailer sales is an allowed use in the City of Urbana IN-2 Heavy Industrial Zoning District. However, the Champaign County B-4 General Business Zoning District allows many other uses that are not allowed in the Urbana IN-2 Heavy Industrial Zoning District.

The Subject Property is served by private well and septic. The nearest accessible public sewer line is approximately 3000 feet away.

continued

EXISTING LAND USE AND ZONING**Table 1. Land Use and Zoning Summary**

Direction	Land Use	Zoning
Onsite	Contractors Facility	I-2 Heavy Industry (proposed to be rezoned to B-4 General Business)
North	Warehouse and Manufacturing/Contractors Facility	I-2 Heavy Industry
East	Contractors Facility	IN-2 Heavy Industrial (City of Urbana)
West	Contractors Facility	I-2 Heavy Industry
South	Contractors Facility	I-2 Heavy Industry

DECISION POINTS FOR CASE 150-AM-24

Staff analysis indicates that the proposed Zoning Map amendment and potential use appear to be generally compatible with surrounding land uses and the Champaign County Land Resource Management Plan Goals, Objectives, and Policies adopted by the County Board on April 22, 2010.

Staff has recommended affirmative findings for all decision points for the LRMP Goals, Objectives, and Policies, LaSalle and Sinclair Factors, and Purpose of the Zoning Ordinance. The Board can revise any of these recommended findings.

PROPOSED SPECIAL CONDITION

The following special condition is proposed for the Map Amendment:

- A. **A Zoning Use Permit and applicable fees shall be required for the existing office and storage buildings and to document the change of use on the property.**

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

Conformance with the Champaign County Zoning Ordinance.

ATTACHMENTS

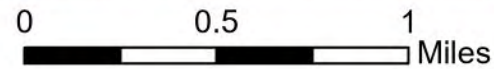
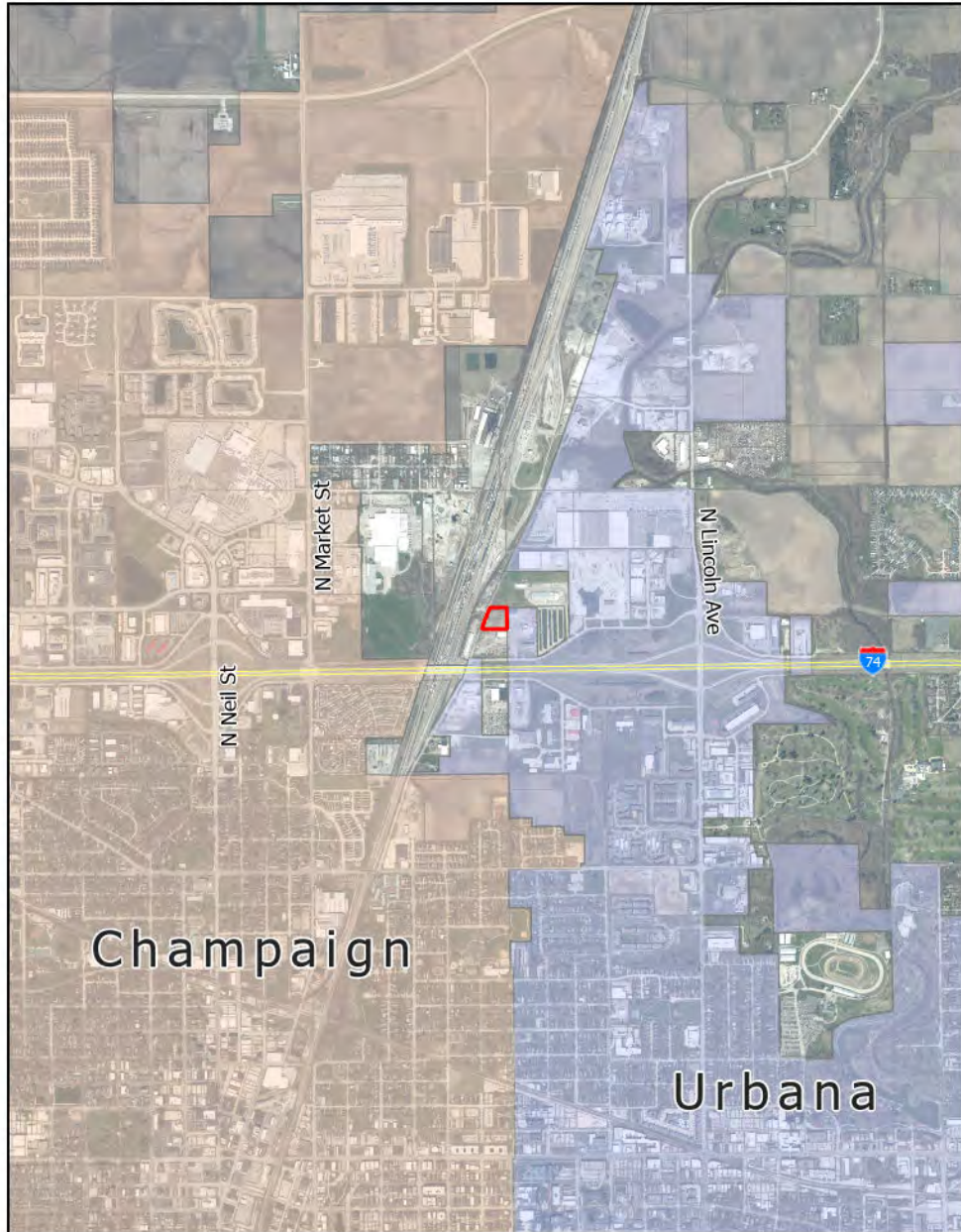
- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received August 27, 2024
- C Annotated Aerial
- D Urbana Future Land Use Map
- E LRMP Land Use Goals, Objectives, and Policies (on ZBA meetings website)
- F LRMP Appendix of Defined Terms (on ZBA meetings website)
- G Site photos taken by P&Z Staff on September 23, 2024
- H Sanitary Sewer Easement on Adjacent Property
- I Draft Finding of Fact, and Final Determination for Case 150-AM-24 dated October 17, 2024

Location Map

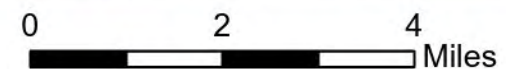
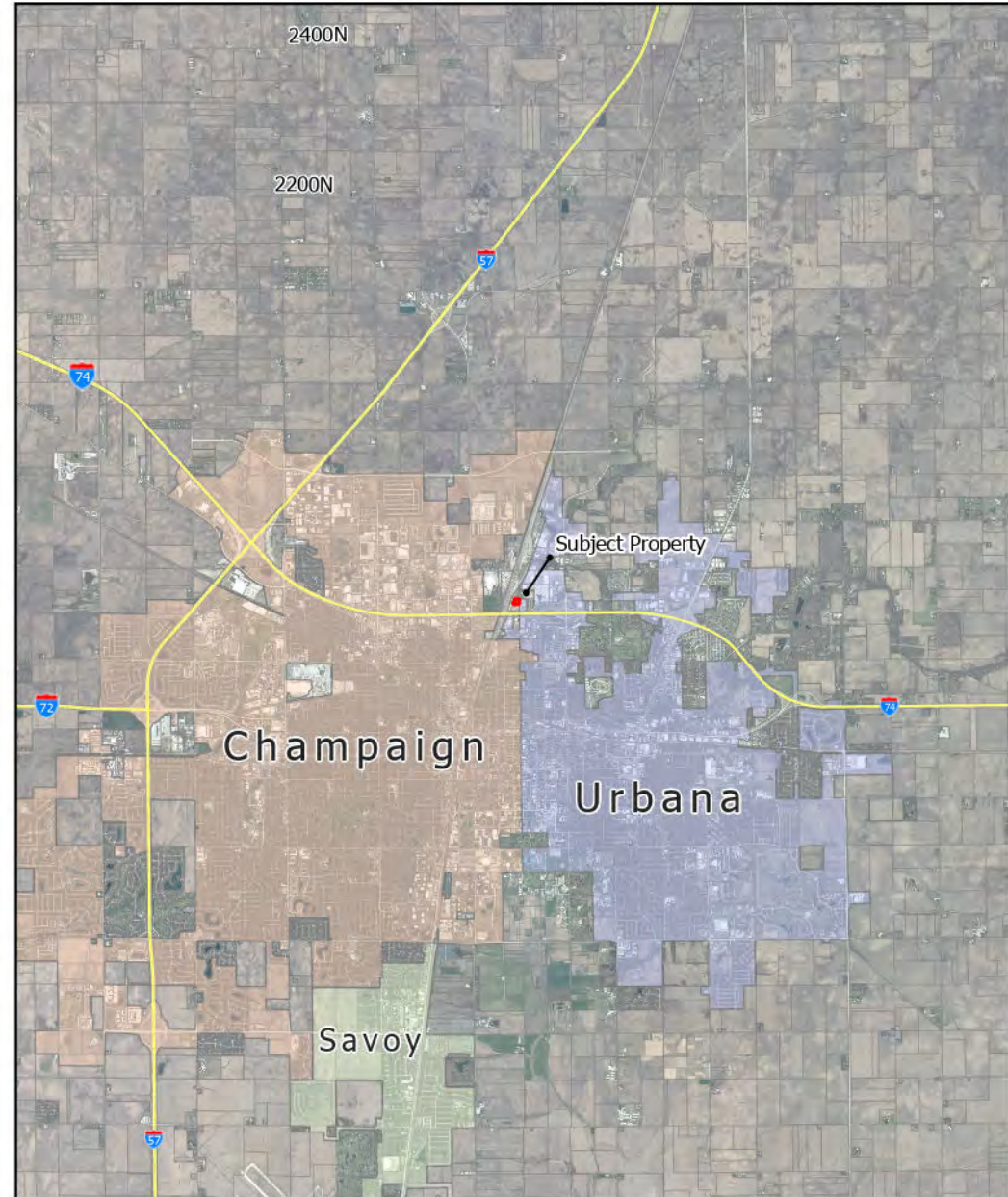
Case 150-AM-24

October 17, 2024

Subject Property



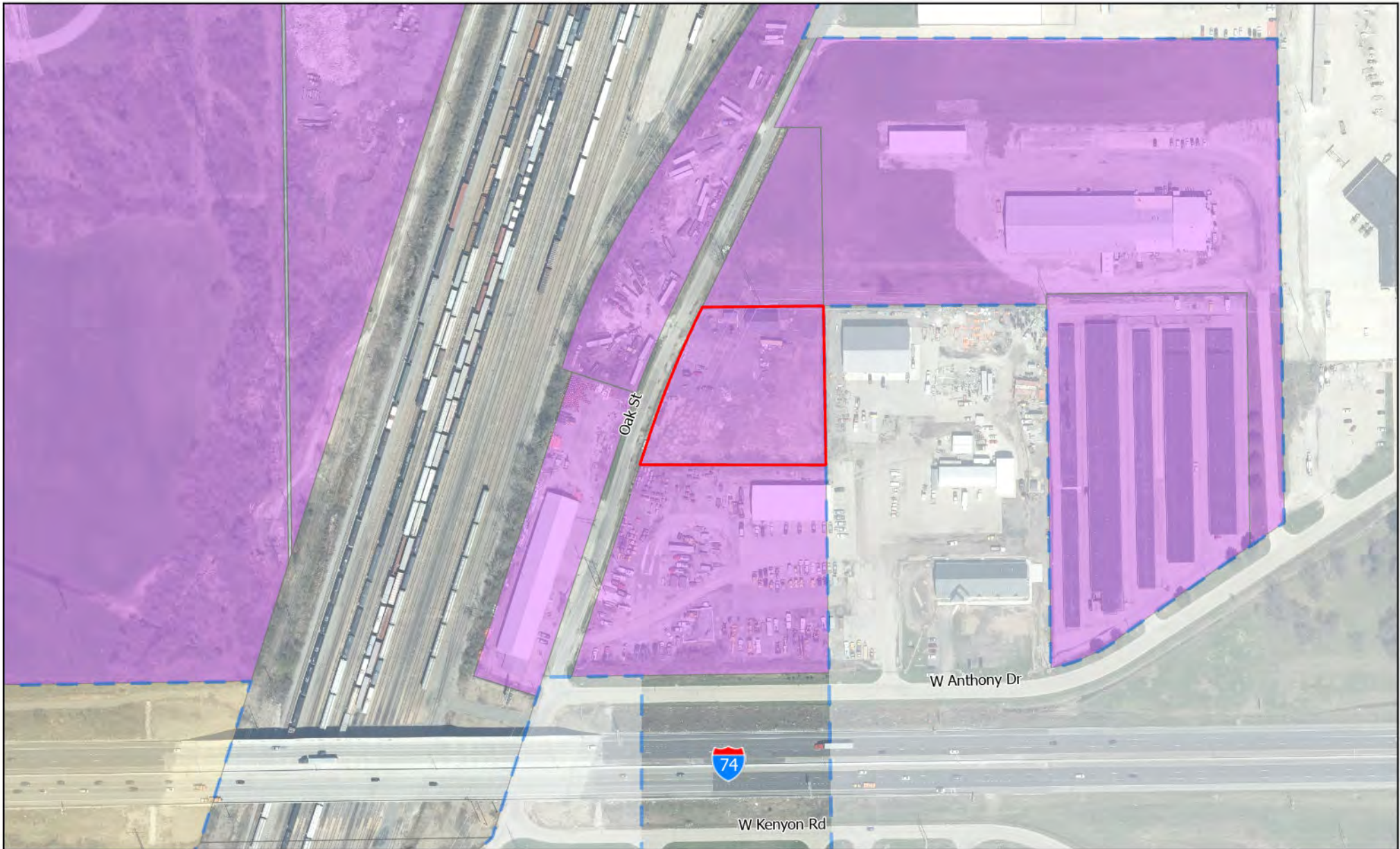
Property Location in Champaign County




Land Use Map

Case 150-AM-24


October 17, 2024

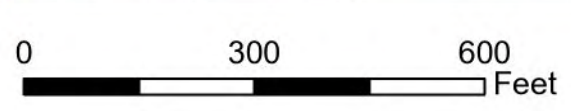


 Subject Property

 City of Champaign

 Commercial

 City of Urbana

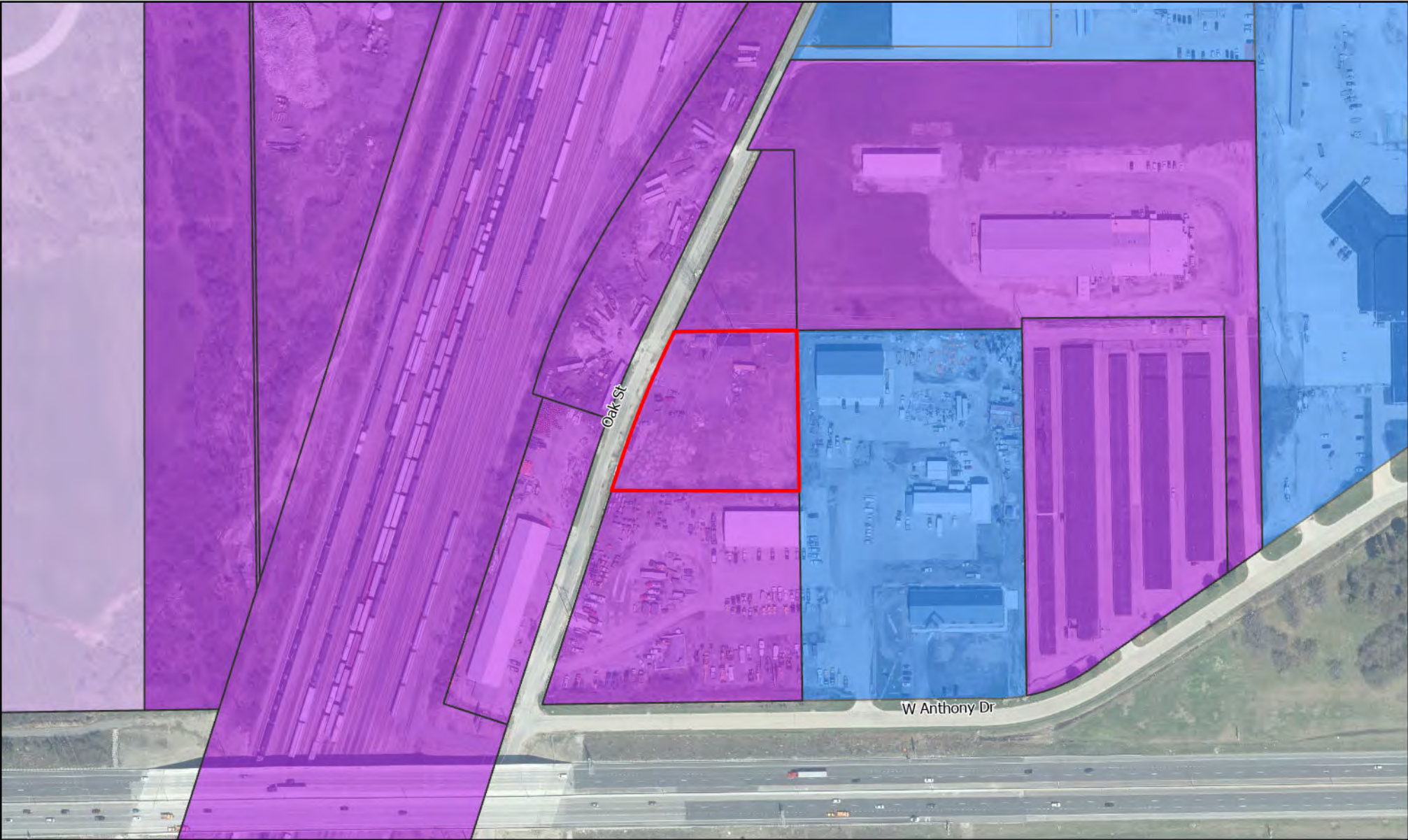


PLANNING &
ZONING

Zoning Map

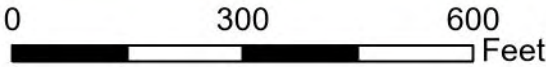
Case 150-AM-24

October 17, 2024



I-1 Light Industry
I-2 Heavy Industry

City of Urbana
IN-2 Heavy Industrial District



RECEIVED

AUG 27 2024

CHAMPAIGN CO. P & Z DEPARTMENT



24x16 Office

226'

56x36 Storage

Business entrance

Septic

Customer Parking

Trailers for sale would be displayed here

Temp Storage

Well

315'

295'

345'

Annotated Aerial

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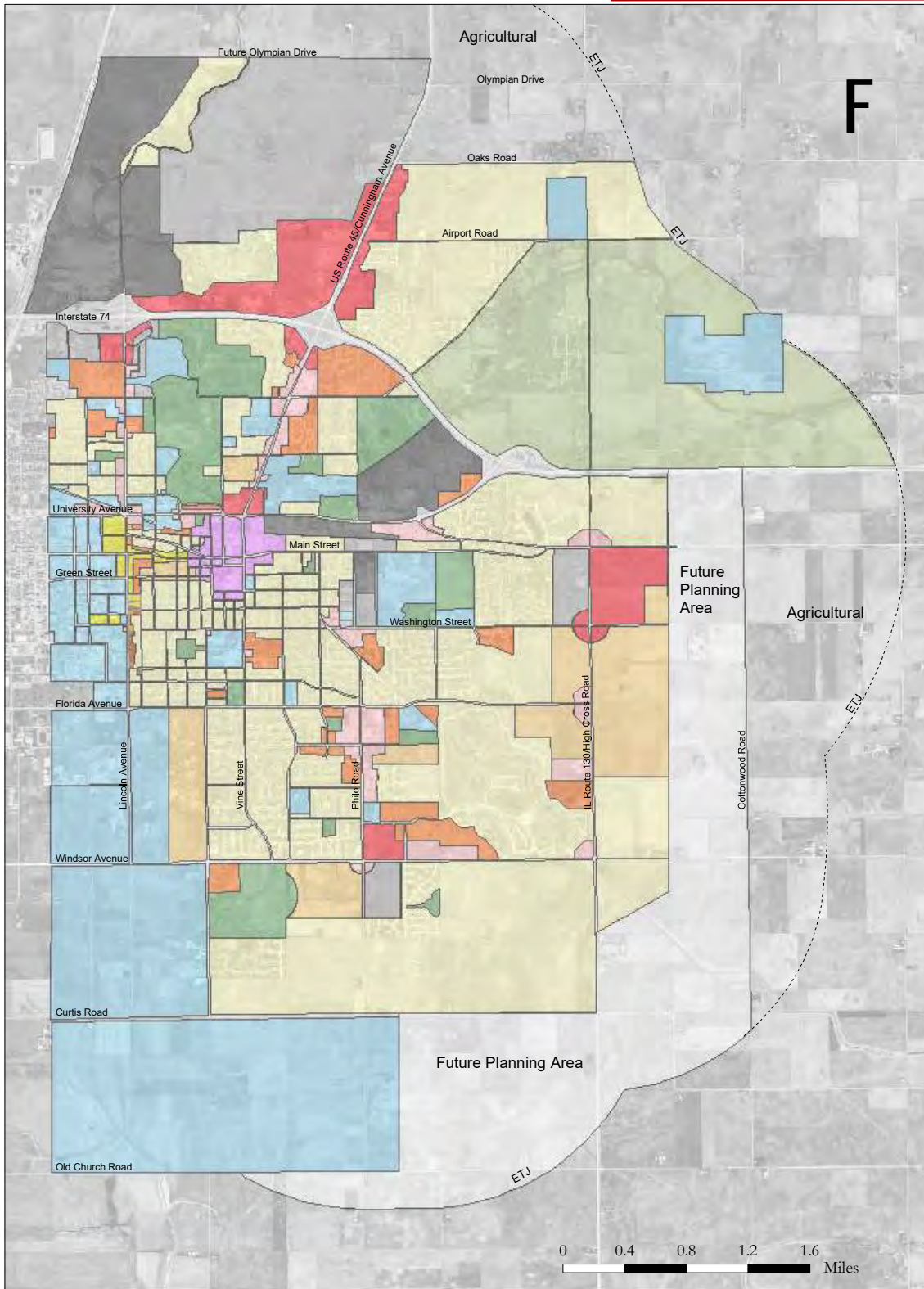


 Subject Property

 City of Urbana Jurisdiction

0 100 200
Feet





Future Land Use Categories

<p> Residential <i>Residential areas contain primarily single-family housing, but may contain a variety of compatible land uses. Urban development patterns are often found in older neighborhoods, with an emphasis on pedestrian traffic. Suburban development patterns are found in newer areas, with larger lots served by a well-connected street network with pedestrian and bicycle facilities.</i></p> <p> Mixed Residential <i>Mixed-Residential areas contain a variety of residential land uses and encourage gradation to achieve compatible development. Urban development patterns emphasize more intensive uses that remain consistent with a neighborhood's character. Suburban development patterns are less intensive and show a gradation of densities. Both areas incorporate transit service.</i></p> <p> Multi-Family Residential <i>Multi-Family areas consist of apartment complexes and other multi-family buildings in close proximity to business centers, downtown, and campus. These areas should include provisions for transit service and pedestrian access.</i></p> <p> Rural Residential <i>Rural Residential areas encourage large lots and clustered development to protect unique natural amenities. Champaign County has zoning jurisdiction outside of city limits.</i></p>	<p> Regional Business <i>Regional Business centers are highly-visible developments that range from "big boxes" to smaller outlet businesses. Site design should include facilities for pedestrian, bicycle and public transit, in addition to automobile traffic.</i></p> <p> Community Business <i>Community Business centers are designed to serve the overall community and the immediate neighborhood. Developments should be scaled that make them compatible with adjoining neighborhoods, accommodating pedestrian and bicycle traffic.</i></p> <p> Central Business <i>Central Business areas are exemplified by Downtown Urbana and East Campus. These areas contain a dense, highly intensive urban style of development and architecture. Pedestrian, bicycle and transit access are emphasized to ensure areas are walkable.</i></p> <p> Campus Mixed Use <i>Campus Mixed-Use areas promote urban-style development with a mix of commercial, office and residential uses. Design guidelines emphasize the pedestrian and public transit over automobile traffic. Large-scale single-use development is discouraged in these areas.</i></p>	<p> Parks/Recreation <i>Park/Recreation areas include all parklands, public recreation centers and golf courses not associated with residential development. Creation of new parks is encouraged in new development.</i></p> <p> Heavy Industrial <i>Heavy Industrial areas are intense land uses heavily dependent on transportation facilities and significant amounts of land and are generally incompatible with residential uses.</i></p> <p> Light Industrial/Office <i>Light Industrial/Office areas typically are planned developments that are less intensive than heavy industrial areas, including professional services, warehousing, and distribution facilities.</i></p> <p> Institutional <i>Institutional areas may include governmental, educational, medical, religious, or university facilities, ranging from a single building to campuses.</i></p> <p> Future Planning Area <i>Areas within the one-and-one-half mile extraterritorial jurisdictional area that should be studied for their growth potential and inclusion in regular updates to the Comprehensive Plan.</i></p>
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Note: Future Land Use Maps #8 and #9 identify special future land uses for the "Lincoln-Busby Corridor" in West Urbana. This area is bounded by Illinois Street on the north, Pennsylvania Avenue on the south, Lincoln Avenue on the west and Busby Avenue on the east.

Attachment E: LRMP Goals, Objectives and Policies

can be found online at: http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

Attachment F: Land Resource Management Plan Definitions

Provided online at http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

150-AM-24 Site Images



From Oak St. facing East to Subject Property



From Oak St. facing Southeast to Subject Property

150-AM-24 Site Images



Facing South along Oak St.



From Oak St. facing west toward adjacent property

150-AM-24 Site Images



Facing Northwest along Oak St.

SANITARY SEWER EASEMENT

BOOK **1140** PAGE **434**

THE GRANTOR, T. L. O'Neill & Associates
P.O. Box 369
Champaign, Ill. 61820

of the City of Champaign, in the County of Champaign and State of Illinois, for and in consideration of ONE DOLLAR (\$1.00) and other good and valuable considerations, in hand paid, and the conditions and agreements hereinafter contained, hereby give, grant and convey to the GRANTEE, THE URBANA & CHAMPAIGN SANITARY DISTRICT OF CHAMPAIGN COUNTY, ILLINOIS, a Municipal Corporation, a perpetual easement, privilege, right and authority to construct, reconstruct, repair, maintain and operate an intercepting sewer and appurtenances thereto upon, under, over, through, and adjacent to, the following described real estate:

The East 20 feet of the North 305 feet, and also, the South 20 feet of the North 305 feet of the East 180 feet, of the tract of land described as follows:

Commencing at the Northeast Corner of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois; thence N. 90°00' W., along the North line of the Northeast Quarter of said Section 6, 2011.70 feet to the Easterly right-of-way line of an existing public road running along the Illinois Central Railroad right-of-way; thence S. 26°07'34" W., along the Easterly right-of-way line of said existing public road, 1267.36 feet; thence S. 26°07'34" W., along the Easterly right-of-way line of said existing public road, 556.27 feet to the Southwest Corner of the Wolohan Lumber Company Tract for a true place of beginning; thence S. 89°57'54"E., along the Southerly line of the Wolohan Lumber Company Tract, 650.48 feet; thence S. 00°43'16" E., 671.58 Feet to the Northerly right-of-way line of Federal Aid Route 39, Section 14 (I-74); thence Southwesterly along a curve concave to the Northwest having a radius of 400 feet, 89.16 feet, said curve having a chord of 88.98 feet and a chord bearing of S. 83°01'29" W., said curve being the Northerly right-of-way line of Federal Aid Route 39 Section 14 (I-74); thence S. 89°24'53" W., along the Northerly right-of-way line of said Federal Aid Route 39, Section 14, 823.03 feet to the Easterly right-of-way line of said existing public road; thence N. 17°56'34" E., along the Easterly right-of-way line of said existing public road, 545.97 feet; thence N. 26°07'34" E., along the Easterly right-of-way line of said existing public road, 191.15 feet more or less, to the place of beginning, said tract containing 12.45 acres more or less, all situated in Champaign County, Illinois.

In consideration of the grant of easement herein contained, the Grantee hereby agrees as follows:

1. That the Grantor shall retain all rights, not hereinabove granted, to the ownership, use, and occupation of the above described real estate, except that the Grantor shall place no permanent building or structure over the intercepting sewer as finally constructed in such a manner as to damage the sewer or restrict the operation thereof, or deny the Grantee access thereto for purposes of repair or replacement thereof.

Page 1 of 3

PREPARED BY: J.C. ERMONTROUT 201 W. SPRINGFIELD, C.

2. That all materials or equipment used in the construction and maintenance of said sewer, and all surplus soil and debris excavated in the course thereof, may be transported to or from and be used upon the site of said construction work, on and across the above described real estate.

3. That the Grantee, or its contractor, shall restore, reconstruct and put in the same working condition as existing when uncovered all tile underdrains uncovered, obstructed or damaged during construction within the easement area.

4. That the Grantee, or its contractor, shall refill the excavations so that the surface of the above described real estate shall be restored to the approximate level and condition existing at the place of construction before the commencement thereof; and shall remove from the above described real estate all surplus soil and debris resulting from said construction work.

5. That the Grantee will indemnify and save harmless said Grantor, its heirs, executors, administrators, and assigns, from any and every claim, demand, suit, and payment, in respect thereof, or in respect of any of them with reference to personal injury to the Grantee or other persons, or damage to the property of the Grantee or other persons caused by any of the work performed under this grant, and require its contractors to so indemnify and save harmless the said Grantor, its heirs, executors, administrators, and assigns.

6. That this grant shall constitute a covenant which runs with the land, and shall be binding upon the heirs, executors, administrators and assigns of the Grantor, and the terms and conditions hereinabove set forth shall be binding upon the Grantor and the Grantee.

WITNESS our hands and seals this 29th day of June, 1976
1976.

T. L. O'Neill and Associates (SEAL)

by Thomas L. O'Neill (SEAL)

_____ (SEAL)

_____ (SEAL)

ACCEPTED: URBANA & CHAMPAIGN SANITARY DISTRICT OF CHAMPAIGN COUNTY, ILLINOIS, a Municipal Corporation,

ATTEST:

Paul Blum
Clerk

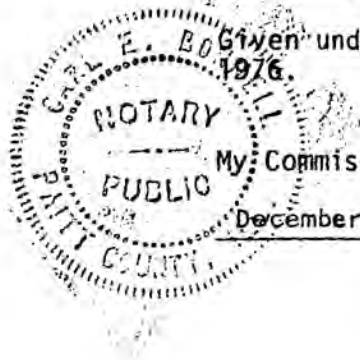
by John J. Pfeiffer
President

STATE OF ILLINOIS)
COUNTY OF CHAMPAIGN) SS

I, the undersigned, a Notary Public in and for said County and State
aforesaid, DO HEREBY CERTIFY, that Terrance L. O'Neill

personally known to me to be the same person whose name _____ subscribed
to the foregoing instrument, appeared before me this day in person and
acknowledged that he _____ signed, sealed and delivered the said instrument
as _____ free and voluntary act, for the uses and purposes therein set forth,
including the release and waiver of the right of homestead.

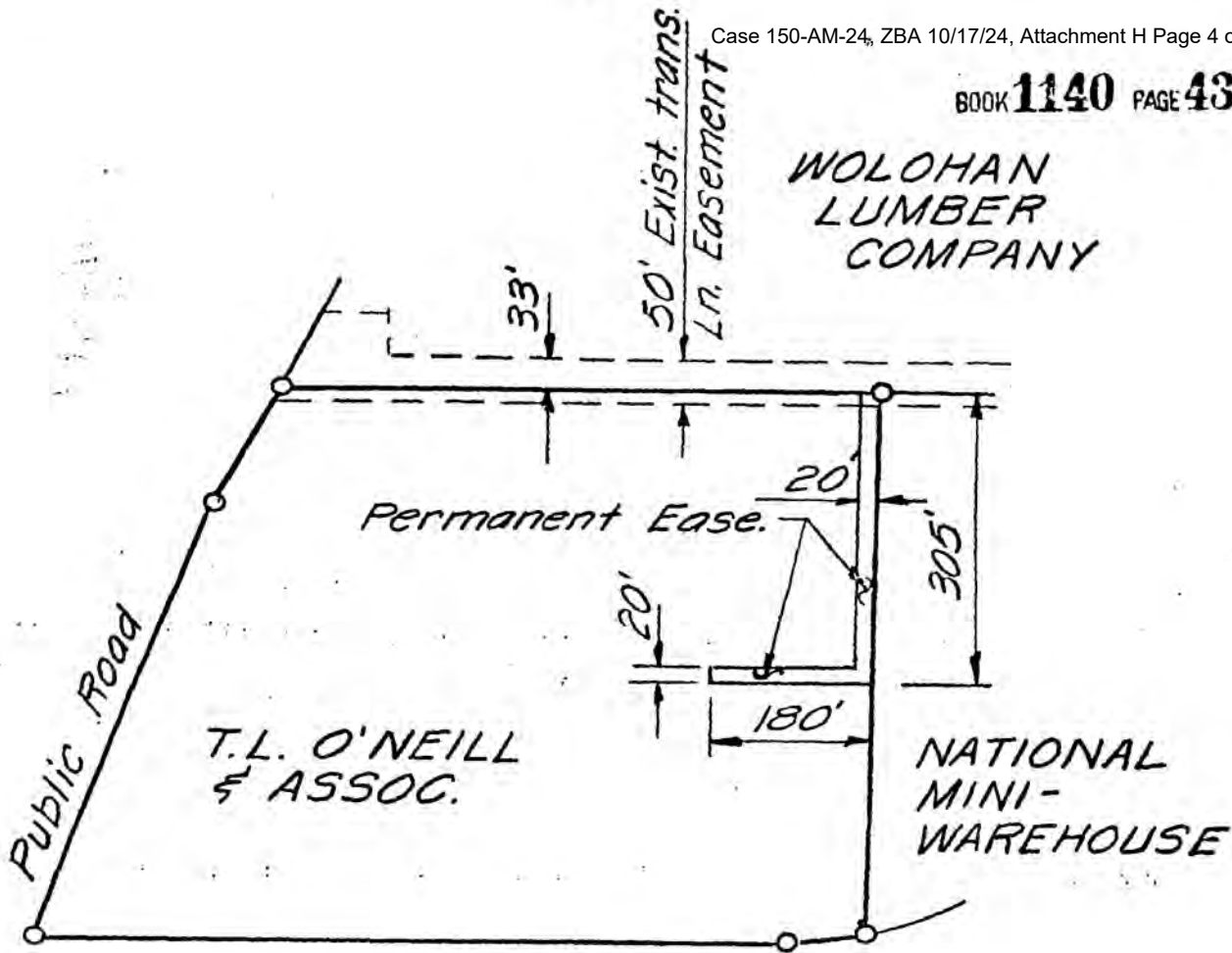
Given under my hand and Notarial Seal, this 29th day of June,



My Commission Expires
December 28, 1976

Carl E. Bonnell
Notary Public

WOLOHAN LUMBER COMPANY



1-74 F.A. Route 39

EASEMENT PLAT
EXHIBIT "A"
T.L. O'NEILL & ASSOC.



Prepared by: DAILY & ASSOCIATES ENGINEERS INC.

CHAMPAIGN, PEORIA ILLINOIS

RETURN TO: URBANA & CHAMPAIGN SANITARY DIST.
P.O. Box 158
URBANA, ILL.

7.0008

1/11/2017 10:52

STATE OF ILLINOIS }
CHAMPAIGN COUNTY } SS
Filed for record in the Recorder's Office
of said county.

DEC 2 - 1977 - 2 55 PM

Recorded in Book

1140

of Records on Page 434

Robert E. Martin

Recorder of Deeds

PRELIMINARY DRAFT

150-AM-24

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

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

Date: ***{October 17, 2023}***

Petitioners: **Terence Conlon**

Request: **Amend the Zoning Map to change the zoning district designation from the I-2 Heavy Industry Zoning District to the B-4 General Business Zoning District.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 17, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Terence Conlon owns the subject property.
2. The subject property is a 2.0-acre tract in the Southeast Quarter of the Northwest Quarter of Section 6, Township 19 North Range 9 East of the Third Principal Meridian in Urbana Township with an address of 2306 Oak St, Urbana.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the city.
 - (1) The subject property is adjacent to the City of Urbana. The City’s most recent Comprehensive Plan Map from 2005 shows the subject property to be in the “Heavy Industrial” future land use category.
 - B. The subject property is located within Urbana Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: **“I would like to change zoning from I-2 to B-4 to allow utility trailer sales on my property.”**
5. Regarding comments by the petitioner, when asked on the petition what other circumstances justify the rezoning the petitioner did not provide a response.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 2.0-acre tract and is currently zoned I-2 Heavy Industry and is in use as a contractors facility.
 - B. Land to the north of the subject property is zoned I-2 Heavy Industry and is in use as warehouse/manufacturing and a contractors facility.
 - C. Land to the south of the subject property is zoned I-2 Heavy Industry and is in use as a contractors facility.
 - D. Land to the east of the subject property is in the City of Urbana and zoned IN-2 Heavy Industrial and is in use as a contractors facility.
 - E. Land to the west of the subject property is zoned I-2 Heavy Industry and is in use as a contractors facility.

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7. Regarding the site plan and proposed operations of the subject property:
- A. The site plan received August 27, 2024, indicates the following:
- (1) The existing 384 square foot building will be used as an office.
 - (2) The existing 2,016 square foot building will be used for storage.
 - (3) A portion of the outdoor storage area will be used for the display of utility trailers for sale.
 - (4) A structure near the east property line will be used for temporary storage.
- B. There have been no Zoning Use Permits issued for the structures on the property.
- (1) The office and storage building were constructed between 1973 and 1988.
 - (2) The temporary storage structure was constructed sometime after the spring of 2023.
- C. There have been no previous Zoning Cases on the subject property.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

8. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
- (1) The I-2 Heavy Industry DISTRICT is established to accommodate those manufacturing USES that have moderate environmental effects and are located in areas relatively remote from residential and prime retail development.
 - (2) The B-4 General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.
- B. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 110 types of uses authorized by right in the I-2 District and there are 122 types of uses authorized by right in the B-4 District:
 - a. The following 45 uses are authorized by right in both the I-2 District and B-4 District:
 - (a) Subdivisions of three lots or less;
 - (b) SUBDIVISIONS totaling more than 3 LOTS or with new STREETS or PRIVATE ACCESSWAYS;
 - (c) AGRICULTURE, including customary ACCESSORY USES;
 - (d) Plant Nursery;
 - (e) Commercial greenhouse;
 - (f) Greenhouse (not exceeding 1,000 sq ft);
 - (g) Plant Nursery;
 - (h) Municipal or GOVERNMENT BUILDING;
 - (i) Police station or fire station;

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- (j) Public park or recreational facility;
 - (k) PARKING GARAGE;
 - (l) PARKING LOT;
 - (m) Telephone exchange;
 - (n) Telegraph office;
 - (o) Railway Station;
 - (p) MOTOR BUS station;
 - (q) Truck terminal;
 - (r) Farm equipment sales and service;
 - (s) Feed and grain (sales only);
 - (t) ADULT USE CANNABIS TRANSPORTING ORGANIZATION
 - (u) ADULT USE CANNABIS CULTIVATION CENTER;
 - (v) ADULT USE CANNABIS CRAFT GROWER;
 - (w) Major AUTOMOBILE repair (all indoors);
 - (x) Minor AUTOMOBILE repair (all indoors);
 - (y) Gasoline service station;
 - (z) AUTOMOBILE washing facility;
 - (aa) Building material sales (excluding concrete or asphalt mixing);
 - (bb) Fuel oil, ice, coal, wood (sales only);
 - (cc) Monument sales (excludes stone cutting);
 - (dd) Heating, ventilating, air conditioning sales and service;
 - (ee) Bait sales;
 - (ff) Outdoor commercial recreational enterprise (except amusement park);
 - (gg) Commercial fishing lake;
 - (hh) Veterinary hospital;
 - (ii) Wholesale business;
 - (jj) Warehouse;
 - (kk) Christmas tree sales lot;
 - (ll) OFF-PREMISIS SIGN;
 - (mm) Temporary Uses;
 - (nn) RECYCLING CENTER with no outdoor STORAGE nor outdoor OPERATIONS;
 - (oo) Contractors facility (with no outdoor STORAGE nor outdoor OPERATIONS);
 - (pp) Contractors facility with outdoor STORAGE and/or outdoor operations;
 - (qq) AGRICULTURAL DRAINAGE CONTRACTOR facility with no outdoor STORAGE and/or outdoor OPERATIONS;
 - (rr) AGRICULTURAL DRAINAGE CONTRACTOR facility with outdoor STORAGE and/or outdoor OPERATIONS; and
 - (ss) SMALL SCALE METAL FABRICATING SHOP.
- b. The following 62 uses are authorized by right in the I-2 District and are not authorized at all in the B-4 District:
- (a) Railroad yards and freight terminals;

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- (b) Farm chemicals and fertilizer sales including incidental storage and mixing of blended fertilizer;
- (c) Livestock sales facility and stockyards;
- (d) Slaughter houses;
- (e) Grain storage elevator and bins;
- (f) ADULT USE CANNABIS INFUSER ORGANIZATION;
- (g) ADULT USE CANNABIS PROCESSING ORGANIZATION;
- (h) Wholesale produce terminal;
- (i) Bakery (more than 2,500 SF);
- (j) JUNK YARD or AUTOMOBILE SALVAGE YARD;
- (k) Country club or golf course;
- (l) Country club clubhouse;
- (m) Riding Stable;
- (n) Seasonal hunting or fishing lodge;
- (o) Aviation sales, service or storage;
- (p) Pet cemetery;
- (q) Commercial breeding facility;
- (r) Vegetable fats and oils manufacturing & packaging;
- (s) Canning and preserving of vegetables and seafood;
- (t) Grain mill products manufacturing and packaging
- (u) Dairy products manufacturing & packaging;
- (v) Confectionery products, manufacturing and packaging;
- (w) Beverage (Alcoholic and non-alcoholic) distilling, manufacturing, processing and bottling;
- (x) Other food preparations manufacturing, processing and packaging;
- (y) Wool, cotton, silk and man-made fiber manufacturing;
- (z) Manufacturing and processing wearing apparel and related finished products manufacturing;
- (aa) Miscellaneous finished products manufacturing including home products, canvas products, decorative textiles, luggage, umbrellas and similar products;
- (bb) Machinery (except electrical manufacturing);
- (cc) Armaments manufacturing (non explosive);
- (dd) Electrical and electronic machinery, equipment and supplies manufacturing;
- (ee) Transportation equipment manufacturing;
- (ff) Other fabricated metal products including containers, tools, hardware, structural metals piping, boilers and furnaces, machined products, metal stamping, wire products and the coating and engraving of metal products;
- (gg) Drug manufacturing;
- (hh) Cosmetics and toiletries manufacturing;
- (ii) Gasoline and volatile oils storage of greater than 80,000 gallons but no more than 175,000 gallon capacity in the aggregate;
- (jj) Glass products manufacturing;
- (kk) Hydraulic cement manufacturing;
- (ll) Structural clay products manufacturing;

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- (mm) Pottery and related products manufacturing;
 - (nn) Concrete, gypsum and plaster manufacturing;
 - (oo) Cut stone and stone products manufacturing;
 - (pp) Abrasives, asbestos and miscellaneous non-metallic products manufacturing;
 - (qq) Engineering, laboratory, scientific and research instruments, manufacturing;
 - (rr) Mechanical measuring and controlling instruments manufacturing;
 - (ss) Optical instruments and lenses manufacturing;
 - (tt) Surgical, medical, dental and mortuary instruments and supplies manufacturing;
 - (uu) Photographic equipment and supplies manufacturing;
 - (vv) Watches, clocks and clockwork operated devices manufacturing;
 - (ww) Printing and publishing plants for newspapers, periodicals, books, stationery, and commercial printing;
 - (xx) Bookbinding;
 - (yy) Motion picture production studio;
 - (zz) Wood fabricating shop and related activities;
 - (aaa) Sawmills and planing mills, and related activities;
 - (bbb) Household and office furniture manufacturing;
 - (ccc) Paper and pulp manufacturing;
 - (ddd) Building paper, paper containers, and similar products manufacturing;
 - (eee) Theoretical and applied research development and prototype light manufacturing of the following: Drugs, chemicals, food products, rubber and petroleum products, light weight fabricated metal products, electronic and electrical products, non-electrical machinery, textiles, glass and ceramic products;
 - (fff) Non-profit or governmental and research agencies;
 - (ggg) Jewelry, costume, jewelry, novelties, silverware and plated ware manufacturing and processing;
 - (hhh) Medical instruments and allied products manufacturing;
 - (iii) Office and artists materials manufacturing (except paints, inks, dyes and similar products); and
 - (jjj) SIGNS and advertising display manufacturing.
- c. The following 78 uses are authorized by right in the B-4 District and not at all in the I-2 District:
- (a) HOTEL – No more than 15 lodging units;
 - (b) HOTEL – over 15 lodging units;
 - (c) RURAL SPECIALTY BUSINESS, Minor;
 - (d) RURAL SPECIALTY BUSINESS, Major;
 - (e) Garden shop;
 - (f) Plant Nursery;
 - (g) Institution of an Educational, Philanthropic or Eleemosynary Nature;

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- (h) Church, Temple, or church related TEMPORARY USES on church PROPERTY;
- (i) Township highway maintenance garage;
- (j) Library, museum or gallery;
- (k) Barber shop;
- (l) Beauty shop;
- (m) Reducing salon;
- (n) Dressmaking Shop;
- (o) Drycleaning ESTABLISHMENT;
- (p) Laundry and/or drycleaning pick-up;
- (q) Millinery shop;
- (r) Self-service laundry;
- (s) Shoe repair shop;
- (t) Tailor and pressing shop;
- (u) Diaper service ESTABLISHMENT;
- (v) Clothing repair and storage;
- (w) Mortuary or funeral home;
- (x) Medical and dental clinic;
- (y) ADULT USE CANNABIS DISPENSING ORGANIZATION;
- (z) Artist Studio;
- (aa) Banks, savings and loan associations;
- (bb) Insurance and real estate offices
- (cc) Business office;
- (dd) Professional office;
- (ee) Private kindergarten or day care facility;
- (ff) Vocational, trade or business SCHOOL;
- (gg) Meat and fish market;
- (hh) Restaurant (indoor service only);
- (ii) Supermarket or grocery store;
- (jj) Drive-in restaurant;
- (kk) Tavern or night club;
- (ll) Bakery (less than 2,500 sf;
- (mm) Dairy store;
- (nn) Delicatessen;
- (oo) Confectionery store;
- (pp) Retail liquor store;
- (qq) Locker, cold storage for individual use;
- (rr) AUTOMOBILE, truck, trailer and boat sales room (all indoors);
- (ss) AUTOMOBILE or trailer sales area (open lot);
- (tt) Automotive accessories (new);
- (uu) Hardware store;
- (vv) Electrical or gas appliance sales and service;
- (ww) Department store;
- (xx) Apparel shop;
- (yy) Shoe store;
- (zz) Jewelry store;
- (aaa) Stationery-gift shop-art supplies;

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- (bbb) Florist;
 - (ccc) Newsstand-bookstore;
 - (ddd) Tobacconist;
 - (eee) Variety-drygoods store;
 - (fff) Music store;
 - (ggg) Drugstore;
 - (hhh) Photographic studio & equipment sales and service;
 - (iii) Furniture store-office equipment sales;
 - (jjj) Antique sales and service;
 - (kkk) Used furniture sales and service;
 - (lll) Pet store;
 - (mmm) Bicycle sales and service;
 - (nnn) Pawn shop;
 - (ooo) Sporting goods sales & service;
 - (ppp) Lawnmower sales and service;
 - (qqq) Billiard room;
 - (rrr) Bowling alley;
 - (sss) Dancing academy or hall;
 - (ttt) Lodge or private club;
 - (uuu) Private indoor recreational development;
 - (vvv) THEATRE, indoor;
 - (www) Self-storage warehouses, providing heat and utilities to individual units;
 - (xxx) Self-storage warehouses, not providing heat and utilities to individual units;
 - (yyy) Auction house (non-animal); and
 - (zzz) SEXUALLY ORIENTED BUSINESSES.
- d. There is one use authorized by right in the B-4 District that requires a Special Use Permit in the I-2 District.
- (a) Radio or television station.
- e. There are 4 uses that are authorized by right in the I-2 District that require a Special Use Permit in the B-4 District:
- (a) Electrical substation;
 - (b) Bakery (more than 2,500 sf;
 - (c) KENNEL; and
 - (d) RECYCLING CENTER with outdoor STORAGE and/or outdoor operations.
- (2) There are 47 types of uses authorized by Special Use Permit (SUP) in the I-2 District (including the 1 use authorized by right in the B-4 District, see above) and 14 types of uses authorized by SUP in the B-4 District:
- a. The following 6 uses may be authorized by SUP in the both the I-2 District and B-4 District:
 - (a) Private or commercial transmission and receiving towers (including antennas) over 100' in height;

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- (b) HELIPORT-RESTRICTED LANDING AREAS;
 - (c) Amusement park;
 - (d) PERMANENT COMPOSTABLE WASTE COLLECTION POINT;
 - (e) SPECIFIC MATERIAL COLLECTION POINT; and
 - (f) PV SOLAR ARRAY.
- b. The following 37 uses may be authorized by Special Use Permit in the I-2 District and not at all in the B-4 District:
- (a) Artificial lake of 1 or more acres;
 - (b) Mineral extraction, quarrying, topsoil removal and allied activities;
 - (c) Sewage disposal plant or lagoon;
 - (d) Water treatment plant;
 - (e) Public fairgrounds;
 - (f) AIRPORT;
 - (g) RESTRICTED LANDING AREAS;
 - (h) HELIPORT/HELISTOPS;
 - (i) Stadium or coliseum;
 - (j) CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY;
 - (k) LANDSCAPE WASTE PROCESSING FACILITY;
 - (l) LANDSCAPE WASTE COMPOSTING FACILITY;
 - (m) Meat, fish and poultry preparation and packing;
 - (n) Animal and marine fats and oils manufacturing and packaging;
 - (o) Steel works, blast furnaces and the rolling and finishing of ferrous metals;
 - (p) Smelting and refining of non-ferrous metals;
 - (q) Foundries;
 - (r) Rolling, drawing & extrusion of non-ferrous metals;
 - (s) Plastics, synthetic resins, synthetic rubber manufacturing;
 - (t) Soap, detergent, bleaching agents and cleaning preparations manufacturing;
 - (u) Paints, varnishes, lacquers, enamels, inks, dyes, gum and wood derivatives manufacturing;
 - (v) Explosives and incendiary products manufacturing and storage;
 - (w) Fertilizer manufacturing and bulk storage;
 - (x) Bone distillation and glue manufacturing;
 - (y) Radioactive materials manufacturing and refining;
 - (z) Corrosive acids, chlorine, caustic soda and potash manufacturing and bulk storage;
 - (aa) Coal/oil steam turbine;
 - (bb) Natural gas steam turbine;
 - (cc) Gas Turbine Peaker;
 - (dd) BIG WIND TURBINE TOWER (1-3 BIG WIND TURBINE TOWERS);
 - (ee) Petroleum refining
 - (ff) Paving and roofing materials manufacturing;

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- (gg) Rubber products manufacturing, including the reclamation of rubber;
 - (hh) Linoleum and other hard surface floor coverings manufacturing;
 - (ii) Gasoline and volatile oils storage facilities exceeding 175,000 gallon capacity of volatile liquid in the aggregate;
 - (jj) Fuel ethanol manufacturing; and
 - (kk) Liquified petroleum gasses storage.
- c. The following 4 uses may be authorized by SUP in the B-4 District and not at all in the I-2 District:
- (a) Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right in B-1, B-2, B-3, B-4, B-5 and I-1;
 - (b) HOSPITAL;
 - (c) DATA CENTER; and
 - (d) LIGHT ASSEMBLY.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

9. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:
“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows...”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
 - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

REGARDING RELEVANT LRMP GOALS & POLICIES

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

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

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

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

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

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

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

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

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

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

- A. The three objectives are:
- (1) Objective 3.1 is entitled “Business Climate” and states: Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.
 - (2) Objective 3.2 is entitled “Efficient County Administration” and states: “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”
 - (3) Objective 3.3 is entitled “County Economic Development Policy” and states: “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.”
- B. Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of these objectives, the proposed rezoning will allow the Petitioners to establish a mix of business uses that could benefit Champaign County’s business climate; therefore, the proposed rezoning can be said to **HELP ACHIEVE** Goal 3.

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

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

Goal 4 has 9 objectives and 22 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 4.

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

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

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

- A. Objective 5.1 states, **“Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.”**

The proposed rezoning will **NOT IMPEDE** Objective 5.1 because of the following:

- (1) Policies 5.1.2 and 5.1.4 do not appear to be relevant to the proposed rezoning.
- (2) Policy 5.1.1 states, **“The County will encourage new urban development to occur within the boundaries of incorporated municipalities.”**

The proposed rezoning will **NOT IMPEDE** Policy 5.1.1 because the subject property is a developed lot that is adjacent to the municipal boundaries of the City of Urbana and shown on their Future Land Use Map.

- (3) Policy 5.1.3 states, **“The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.”**
 - (a) The Land Resource Management Plan defines “urban land use” as generally any land use that is connected and served by a public sanitary system and “urban development” is defined as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary system.
 - (b) The subject property is within the Contiguous Urban Growth Area (CUGA) of the City of Urbana. The CUGA is defined in the Land Resource Management Plan as unincorporated land within the County that meets one of the following criteria:
 - a. Land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).

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- i. The subject property is not serviced by public sanitary sewer. There is no known plan to provide access to public sanitary sewer to the property.
 - ii. The uses proposed in related Case 150-AM-24 do not need access to a sanitary sewer and should not be considered “urban development.”
 - iii. The proposed trailer sales use is an allowed use in the adjacent City of Urbana IN-2 Heavy Industrial Zoning District. The Champaign County Zoning Ordinance does not allow trailer sales in the I-2 Heavy Industry Zoning District which necessitates the need to request a change of zoning to the B-4 General Business Zoning District.
 - iv. The City of Urbana is aware of the proposed development, and no comments have been received.
- b. Land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
 - i. The nearest accessible sewer line is over 3,000 feet away from the subject property.
 - c. Land surrounded by incorporated land or other urban land within the County.
 - i. The subject property is bordered on one side by the City of Urbana.

15. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

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

The proposed amendment will **NOT IMPEDE** the achievement of Goal 6.

16. LRMP Goal 7 is entitled “Transportation” and states as follows:

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

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

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

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

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

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

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

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

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

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

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

GENERALLY REGARDING THE LASALLE FACTORS

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

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

Table 1. Land Use and Zoning Summary		
Direction	Land Use	Zoning
Onsite	Contractors facility/outdoor storage	I-2 Heavy Industry (Proposed rezoning to B-4)
North	Warehouse/manufacturing, contractors facility	I-2 Heavy Industry
East	Contractors facility	City of Urbana IN-2 Heavy Industrial
West	Contractors facility	I-2 Heavy Industry
South	Contractors facility	I-2 Heavy Industry

- B. **LaSalle factor: The extent to which property values are diminished by the particular zoning restrictions.** Regarding this factor:

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- (1) It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
 - (2) This area has a mix of land uses, and the subject property was used as a junkyard for many years. The property has been in the process of being cleaned up over the past several years and the petitioner purchased the property in 2021 for further development.
 - (3) There are no residential properties near the subject property.
- C. **LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.** Regarding this factor:
- (1) There has been no evidence submitted regarding property values.
 - (2) This area has a mix of land uses, and the subject property was used as a junkyard for many years. The property has been in the process of being cleaned up over the past several years and the petitioner purchased the property in 2021 for further development.
 - (3) Presumably, the petitioner seeks to develop the property because there is more value to the proposed use and zoning district than leaving the land in its current use and zoning district.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) The gain to the public of the proposed rezoning is positive because it will provide a service to Champaign County residents for which there is demand.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.** Regarding this factor:
- (1) The subject property is suitable for the proposed zoned purposes; it is adjacent to commercial and industrial uses and has convenient access to city streets and I-74.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
- (1) The subject property was used as a junk yard prior to the adoption of the Champaign County Zoning Ordinance. The property was being cleaned up over the last several years. The petitioner purchased the property in 2021 and has been using the property as a contractors facility.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) The petitioner believes that there is demand for a trailer sales facility in the area.

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- H. **Sinclair factor: The extent to which the use conforms to the municipality's (Champaign County's) comprehensive planning.**
- (1) The proposed rezoning and proposed use should not have a detrimental effect on the adjacent properties.
 - (2) The proposed rezoning doesn't impede Policy 5.1.3 of the Champaign County Land Resource Management Plan because while the subject property is shown on the Future Land Use Map in the City of Urbana Comprehensive plan as Heavy Industrial it is not served by sanitary sewer and there are no known plans to provide sanitary sewer service to the property.
 - (3) The County's B-4 General Business zoning district allows a variety of uses that are not permitted in the City of Urbana's IN-2 Heavy Industrial district. However, the petitioners proposed trailer sales use is an allowed use in the City of Urbana's IN-2 Heavy Industrial district.
- I. Overall, the proposed map amendment ***IS CONSISTENT*** with the LaSalle and Sinclair factors.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

21. The proposed amendment will ***HELP ACHIEVE*** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:
- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.
 - (1) The subject property contains an office building and storage building that were constructed by a previous owner and are closer to the north property line than the required 20 ft. side yard. The required side yard in the requested B-4 General Business Zoning District is 10 ft. and a change in zoning would bring the existing buildings into compliance with the 10 ft. side yard requirement.
 - (2) No other buildings are proposed at this time, the current development on the property should provide adequate light, pure air, and safety from fire and other dangers.
 - B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
 - (1) It is not clear whether the proposed rezoning will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
 - (2) The proposed rezoning and existing development should not have a detrimental effect on the adjacent properties. Future development on the subject property could have a greater effect on the adjacent properties.

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

Traffic would not be expected to increase significantly given the small size of the property and the proposed use.

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

The proposed rezoning will not trigger the need for storm water management, and there is no proposed construction.

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

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

(2) 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.

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

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance. The existing office building and storage building are closer to side lot line than the required 20 ft. yard requirement in the current I-2 district. A change of zoning to the B-4 district would bring the two buildings into conformance with the 10 ft. side yard requirement in the B-4 district.

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

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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 use and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

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

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

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

- (1) The proposed development does not meet the definition of “urban use” because it would not require a connection to sanitary sewer.
- (2) The proposed rezoning and proposed use will not take any land out of agricultural production.

- J. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

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

The proposed rezoning and the proposed use will not require the development of public utilities or transportation facilities.

- L. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.
- (1) The proposed use will not remove any land from agricultural production.

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

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

REGARDING SPECIAL CONDITIONS OF APPROVAL

23. Proposed special condition of approval:

- A. **A Zoning Use Permit and applicable fees shall be required for the existing office and storage buildings and to document the change of use on the property.**

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

Conformance with the Champaign County Zoning Ordinance.

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DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment received August 22, 2024
 - A Site Plan received August 27, 2024

3. Preliminary Memorandum dated October 10, 2024, for Case 150-AM-24 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received August 27, 2024
 - C Annotated Aerial
 - D Urbana Future Land Use Map
 - E LRMP Land Use Goals, Objectives, and Policies (on ZBA meetings website)
 - F LRMP Appendix of Defined Terms (on ZBA meetings website)
 - G Site photos taken by P&Z Staff on September 23, 2024
 - H Sanitary Sewer Easement on Adjacent Property
 - I Draft Finding of Fact, and Final Determination for Case 150-AM-24 dated October 17, 2024

PRELIMINARY DRAFT**Case 150-AM-24**
Page 21 of 23**SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 17, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
 - A. Regarding Goal 3:
 - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioners to establish a mix of business uses that could benefit Champaign County's business climate.
 - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment **WILL HELP ACHIEVE** Goal 3 Prosperity.
 - C. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
 - Goal 1 Planning and Public Involvement
 - Goal 2 Governmental Coordination
 - Goal 4 Agriculture
 - Goal 5 Urban Land Use
 - Goal 6 Public Health and Public Safety
 - Goal 7 Transportation
 - Goal 8 Natural Resources
 - Goal 9 Energy Conservation
 - Goal 10 Cultural Amenities
 - D. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:
 - A. This area has a mix of land uses. The subject property was used as a junkyard for many years and has been in the process of being cleaned up over the last several years.
 - B. It is impossible to establish property values without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
 - C. The gain to the public of the proposed rezoning is positive because it will provide a service to Champaign County residents for which there is demand.
 - D. The petitioners proposed trailer sales use is an allowed use in the City of Urbana's IN-2 Heavy Industrial District.
 - E. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.

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3. The proposed Zoning Ordinance map amendment will ***HELP ACHIEVE*** the purpose of the Zoning Ordinance because:
 - A. The rezoning would achieve Purpose 2.0 (a), (f), (g) and (h) to secure adequate light, air, and safety from fire and other dangers as well as limiting height, setback bulk of buildings and intensity of use because the proposed change of zoning will bring the existing buildings into conformance with the yard requirements identified in the zoning ordinance.
 - B. The rezoning would achieve Purpose 2.0 (c) to lessen and avoid congestion in the public streets because there would be no significant increase in traffic.
 - C. The rezoning would achieve Purpose 2.0 (d) of the Ordinance to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters because the development does not trigger the need for stormwater management and there is no proposed construction.
 - D. Establishing the B-4 District at this location ***WILL*** help classify, regulate, and restrict the location of the uses authorized in the B-4 District (Purpose 2.0 (i), see Item 21.G.).

4. The following is a proposed special condition of approval:
 - A. **A Zoning Use Permit and applicable fees shall be required for the existing office and storage buildings and to document the change of use on the property.**

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

Conformance with the Champaign County Zoning Ordinance.

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FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County recommends that:

The Zoning Ordinance Amendment requested in **Case 150-AM-24** *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

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