



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Plan Commission

FROM: Kat Trotter, Planner I

DATE: March 12, 2021

SUBJECT: **CCZBA-002-AM-21:** Amend the Zoning Map to change the zoning district destination at 3804 Cunningham Avenue from the AG-2 Agriculture Zoning District to the B-4 General Business Zoning District in order to establish and operate the proposed Special Use in related Zoning Case 003-S-21.

Introduction

Ryan and Amanda Donaldson, dba D5 Holdings Group, LLC, have submitted a petition to the Champaign County Department of Planning and Zoning (CCDPZ) to amend the zoning map for 3804 Cunningham Avenue from the AG-2 Agriculture Zoning District to the B-4 General Business Zoning District, to allow them to establish and operate the Illini Fire Service, LLC, a fire suppression equipment and design company owned by the petitioners. A related Special Use Permit is also requested to authorize multiple principal buildings on the same lot (003-S-21).

The proposed zoning map amendment (“rezoning”) is of interest to the City of Urbana to the extent that it will affect zoning and land development decisions within the City’s one-and-a-half mile extraterritorial jurisdictional (ETJ). The City has subdivision and land development jurisdiction within the ETJ, while the County holds zoning jurisdiction in this area. It is important that there be consistency between these two jurisdictions where certain regulations overlap. Since development within the ETJ may abut Urbana’s corporate boundary or may eventually be annexed into the City, some level of consistency in zoning regulations is also desirable. Land uses in the County affect the City of Urbana in several ways, including:

- Land uses in Champaign County can potentially conflict with adjacent land uses in the City of Urbana;
- Unincorporated portions of Champaign County adjacent to the City of Urbana will likely be annexed into the City at some point in the future. Existing land uses would also be incorporated as part of annexation; and
- In addition to land uses, development patterns of areas annexed into the City of Urbana will affect the City’s ability to grow according to the shared vision provided in the 2005 Comprehensive Plan.

For these reasons, the City should examine the proposed rezoning to ensure compatibility with existing City ordinances. It is the Plan Commission’s responsibility to review the proposed amendment to determine what impact it may have on the City, and to recommend to City Council whether or not to protest the proposed rezoning. Under state law, a municipal protest of the proposed amendment

would require a three-quarters super-majority of votes to approve the request at the County Board; otherwise, a simple majority would be required.

Background

Detailed background information on the rezoning case, including location and zoning maps, is contained within the CCDPZ Preliminary Memoranda (Exhibit B).¹ The following discussion of the issues involved will summarize the essential parts of this information as it pertains to the City's planning jurisdiction.

County rezoning approval is a separate action from future subdivision approval. Because the parcel lies within one-and-a-half miles of the Urbana city limits, the City has jurisdiction over the subdivision of land into separate legal parcels. Any future subdivision must comply with the City of Urbana Subdivision and Land Development Code regulations.

Recent Activity and Future Plans

The petitioners would like to construct two buildings on the property. The Illini Fire Service, LLC would be in the north half of the Phase I building. There would be an office and warehouse space for the fire suppression equipment and design company. The other half of the building would be leasable space. In addition to the zoning map amendment cases that are able to be reviewed by the City of Urbana, the petitioners have submitted an associated case which *is not* reviewed by the City:

- Case 003-S-21
 - Authorize a Special Use Permit consisting of multiple principal buildings on the same lot on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current AG-2 Agricultural Zoning District in related zoning case 002-AM-21.

The CCZBA heard two previous cases regarding the same rezoning and Special Use Permit for this property in 2019. Cases 927-AM-19 and 928-S19 sought a rezoning from AG-2 to B-4, and a Special Use Permit to allow multiple principals buildings on the same lot, but the cases were withdrawn by the previous owners. Relevant information and input received about those cases is included in the CCZBA preliminary memo (Exhibit B).

Drainage Concerns

The CCZBA preliminary memo addresses drainage concerns on the property. The Saline Branch Drainage District has a tile that appears to run just north of the property south of Olympian Road. The Saline Branch Drainage District has not provided comments on the proposed development.

The petitioners have proposed installing an 8-inch drainage tile to connect to the existing 5-inch clay field tile, noted on the Site Plan (Exhibit C). They will also be required to provide a Storm Water Drainage Plan. Section 9.1E. of the *Storm Water Management and Erosion Control Ordinance* requires all building elevations to be one foot above the "maximum created head" at the emergency overflow structure for any detention basin. The CCPZD staff recommend some engineering analysis is necessary to better understand the implications of minimum building elevations.

¹ Excerpts of these memoranda are attached as Exhibit B. The full version is available on the Urbana Plan Commission meeting website at <https://www.urbanaillinois.us/node/9172>

Zoning and Land Use

The property is zoned County AG-2, Agriculture and had been a farmstead. All but one of the former farmstead buildings has been demolished. The 2005 Urbana Comprehensive Plan designates the property for Agriculture use (Exhibit F). The City of Urbana defines the Agriculture land use as “those that involve crop cultivation and production, the raising of livestock and uses that support agriculture, such as feed stores and silos.”

Table 1. County Zoning and Land Use

	County Zoning	Land Use	Future Land Use
Site	AG-2 Agriculture (Proposed rezoning to B-4)	Agriculture and Vacant Former Farmstead	Agriculture
North	B-4 General Business	Agriculture	Agriculture
East	AG-2 Agriculture	Agriculture	Agriculture
West	B-4 General Business and R-5 Manufactured Home Park	Commercial and Residential	Agriculture
South	AG-2 Agriculture	Agriculture	Agriculture

According to the Champaign County Zoning Ordinance, the County AG-2, Agricultural, District is intended to prevent scattered, indiscriminate urban development and to preserve the agricultural nature within areas which are predominantly vacant and which presently do not demonstrate any significant potential for development. This district is intended generally for application to areas within 1-½ miles of existing communities in the County.

The County 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. There is adjacent commercial land use to the west of the subject property.

Discussion

County Zoning

The petitioners wish to establish and operate the Illini Fire Service LLC on the 7.05-acre tract of land. The current AG-2 zoning does not allow multiple buildings on one lot. The requested Map Amendment to change the zoning from AG-2 to B-4 would allow for multiple buildings on the lot with a Special Use Permit. Per CCPZD, Illini Fire Service is most similar to the “Contractor’s Facility with no outdoor storage or operations” land use, which is permitted by right in the proposed B-4 district. The requested Special Use Permit would allow for multiple principal buildings on the same lot.

The petitioners have indicated that “B-4 zoning would allow the flexibility in the tenants that may be interested in leasing space. This would allow us to better serve our customers. There is undeveloped land to the north of our property. This would be in character with surrounding properties.” AG-2 zoning does not allow multiple principal buildings on one lot, and multiple principal buildings are allowed with a Special Use Permit in the B-4 district.

Comprehensive Plan

The following Goals and Objectives of the Comprehensive Plan relate to this case:

Goal 15.0 Encourage compact, contiguous and sustainable growth patterns.

Objectives

15.1 Plan for new growth and development to be contiguous to existing development where possible in order to avoid “leapfrog” development.

Goal 16.0 Ensure that new land uses are compatible with and enhance the existing community.

Objectives

16.3 Encourage development in locations that can be served with existing or easily extended infrastructure and city services.

16.5 Consider the impact of new development on public services and the ability to provide those services cost effectively.

Goal 17.0 Minimize incompatible land uses.

Objectives

17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.

17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

Goal 21.0 Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).

Objectives

21.1 Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.

21.2 Work with other units of government to resolve issues of urban development in unincorporated areas.

When evaluating rezoning requests in the ETJ, the City is required to consider their potential impact in relation to the intent of the Urbana Comprehensive Plan. Relevant Champaign County goals and objectives are discussed extensively in the County’s Memoranda. Some of these goals and policies coincide with those of the Urbana Comprehensive Plan.

Staff finds that the rezoning to County B-4 General Business with a Special Use Permit to allow for multiple principal structures on the lot would be generally consistent with the goals and objectives of the Urbana Comprehensive Plan.

City Zoning

In evaluating the proposed rezoning from the City's perspective, one question to address is whether the use matches the type of uses that would be permitted in the same or similar zoning districts in the City. In the event of a subdivision being annexed into the City, the property's County zoning designation is converted to a City zoning designation on the basis of Urbana Zoning Ordinance Table IV-1. The requested County B-4, General Business district designation is consistent with the commercial land uses to the north and west, along Cunningham Avenue. The County AG-2, Agriculture zoning would convert directly to City AG, Agriculture and the County B-4 zoning would convert to City B-3, General Business, which is consistent with other parcels along Cunningham Avenue that are in the City.

Evaluation Criteria

In the case of *La Salle National Bank v. County of Cook*, the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. In addition to the six *La Salle* Criteria, the court developed two more factors in the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. All eight factors are discussed below to compare the current zoning to the proposed zoning. To maximize the defensibility of their decision, City Council's decision must be based only on an objective application of these criteria.

- 1. The existing land uses and zoning of the nearby property. (What is the degree of compatibility between the existing and proposed zoning districts with the existing land uses and land use regulations in the immediate area?)*

The property contained a former farmstead and farmland. The surrounding area consists of a mix of farmland and agricultural uses to the east and south, and commercial uses to the west. Land use patterns are shown in the Land Use figure attached to the Champaign County Preliminary Memorandum (Table 1. Land Use and Zoning Summary).

County zoning surrounding the subject properties is B-4 to the north and west, and AG-2 to the south and east as shown in the figure attached to the Champaign County Preliminary Memorandum. The proposed B-4 designation of the property is consistent with the zoning and land use pattern found in the vicinity of the site. The expansion of the surrounding B-4 district should weigh *in favor* of the applicant's request for rezoning.

- 2. The extent to which property values are diminished by the restrictions of the ordinance. (What is the difference in the value of neighboring properties with the subject property's current County AG-2 zoning compared to their value if the subject property were zoned County B-4?)*

The area has a mix of land uses and the property has been in agricultural production for many years. All buildings from the former homestead except one storage shed have been removed. Rezoning to B-4 would allow for the proposed commercial development and could result in an increase in the property value, due to the commercial uses to the north and west, which should weigh in favor of the applicants' request for rezoning.²

² It should be noted that City Planning Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact on the value of the property. Therefore, any discussion pertaining to property values must be considered speculative.

3. The extent to which the ordinance promotes the health, safety, morals or general welfare of the public. (Does the proposed rezoning potentially impact of the public welfare?)

The proposed rezoning to County B-4 will not affect the health, safety, morals, or general welfare of the public in any foreseeable way and should weigh *in favor* of the applicant's request for rezoning.

4. The relative gain to the public as compared to the hardship imposed on the individual property owner. (Do the restrictions provide gain to the public which offsets the hardships imposed on the property owner by the restrictions?)

The site is shown as Agriculture in the Urbana Comprehensive Plan, however, the property is on Cunningham Avenue and is contiguous to commercial uses. The proposed rezoning would positively affect the public, as a vacant farmstead would be redeveloped, and drainage improvements will be required as a part of the new development. There should be no potential harm to the public caused by rezoning to the County B-4 designation as proposed, weighing *in favor* of the applicant's request for rezoning.

5. The suitability of the subject property for the zoned purposes. (Are there certain features of the property which favor the type and intensity of uses permitted in either the current or the proposed zoning district?)

The Champaign County Department of Planning and Zoning has determined that the subject property is well-suited to the proposed use under their criteria of review. The Cunningham Avenue/US45 North corridor has been a commercial area for many years, and the requested rezoning to County B-4 would be consistent with surrounding development. This suitability should weigh *in favor* of the applicant's request for rezoning.

6. The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property. (Has the property remained vacant for a significant period of time because of restrictions in that zoning district?)

The main development on the subject property was a former farmstead, and all but one of the farmstead buildings has been demolished in anticipation of commercial development. The remainder of the site is still in agricultural production. This vacancy of the former farmstead, and the proximity to commercial uses should weigh *in favor* of the applicant's request for rezoning.

7. The community's need for more of the proposed use.

The CCZBA has determined that the proposed rezoning will help achieve better service provided in a rural area (Policy 4.2.1). The proposed Special Use does not serve the surrounding agricultural land uses exclusively, but it does support rural clients and is generally appropriate in a rural area. As better service can be provided, and the use is appropriate in the rural area, this should weigh *in favor* on the applicant's request for rezoning.

8. The care with which the community has planned its land use development.

The Urbana Comprehensive Plan designated the area containing the property as "Agriculture," however, the property is in the Cunningham Avenue/US45 North corridor, characterized by commercial uses. That, and the proposed rezoning would meet aforementioned Goals of the Comprehensive Plan should weigh *in favor* of the applicants' requests for rezoning.

Impacts to City of Urbana Zoning

The primary impacts of the proposed rezoning from County AG-2 to County B-4 have to do with lot development regulations (Table 2.). If the proposed rezoning from County AG-2 to County B-4 were granted, and there was a future annexation of the property, the differences in the resulting direct conversion of the County zoning to City zoning are a small variation in lot size and width, and that the required yards are greater in the County.³ Staff does not anticipate a negative impact to the City or to the City's ability to plan or manage growth or development.

Table 2. Comparison of Current & Proposed County & City Lot Development Regulations

Zoning	Minimum Area	Average / Minimum* Lot Width	Required Yards (Front, Side, Rear)	Lot Coverage / Open Space* & Floor-Area Ratio*
County B-4	6,500 sf	65 ft	85-55', 10', 20'	40%
County AG-2	20,000 sf	100 ft	85-55', 10', 20'	20%
City B-3	6,000 sf	60 ft	15', 5', 10'	4.00 & 0.00
City AG	43,560 sf	150 ft	25', 15', 25'	0.55 & 0.25

* Denotes City lot development regulatory variable

Summary of Staff Findings

1. The site is within the City's Extra-territorial Jurisdiction.
2. The proposed rezoning is generally compatible with the Comprehensive Plan Future Land Use designation of the site and surrounding areas for "General Business."
3. The proposed zoning change is generally compatible with the land use policy goals of the Comprehensive Plan, which promote contiguous growth and compatibility of land uses.
4. The proposed rezoning and land use is generally compatible with the surrounding County zoning and land uses.
5. The evaluation of the *LaSalle* and *Sinclair* Criteria reiterates the findings above. The proposed zoning change is acceptable because the site and surrounding area are generally suitable for the proposed zoning district, and the change will not be injurious to the general welfare of the public.
6. The proposed rezoning and overlay district should not negatively affect the City or the City's ability to plan or manage growth or development.

³ Urbana Zoning Ordinance, Table VI-3. Development Regulations By District.

Options

The Plan Commission has the following options in CCZBA 002-AM-21, to rezone the subject property from County AG-2, Agriculture to County B-4, General Business.

The Urbana Plan Commission may:

1. Forward the plan case to the City Council with a recommendation to “defeat a resolution of protest”; or
2. Forward the plan case to the City Council with a recommendation to “defeat a resolution of protest”, contingent upon specific provisions to be identified; or
3. Forward the plan case to the City Council with a recommendation to “adopt a resolution of protest”.

Staff Recommendation

Based upon the findings above, staff recommends that the Plan Commission forward to the City Council a recommendation to **defeat a resolution of protest** as presented.

Attachments: Exhibit A: Location Map (CCDPZ)

Exhibit B: CCDPZ Preliminary Memo

- Mail packets include only an excerpt of each memo; the complete memos are available at <https://www.urbanaillinois.us/node/9172>

Exhibit C: Proposed Site Plan (CCDPZ)

Exhibit D: Land Use Map (CCDPZ)

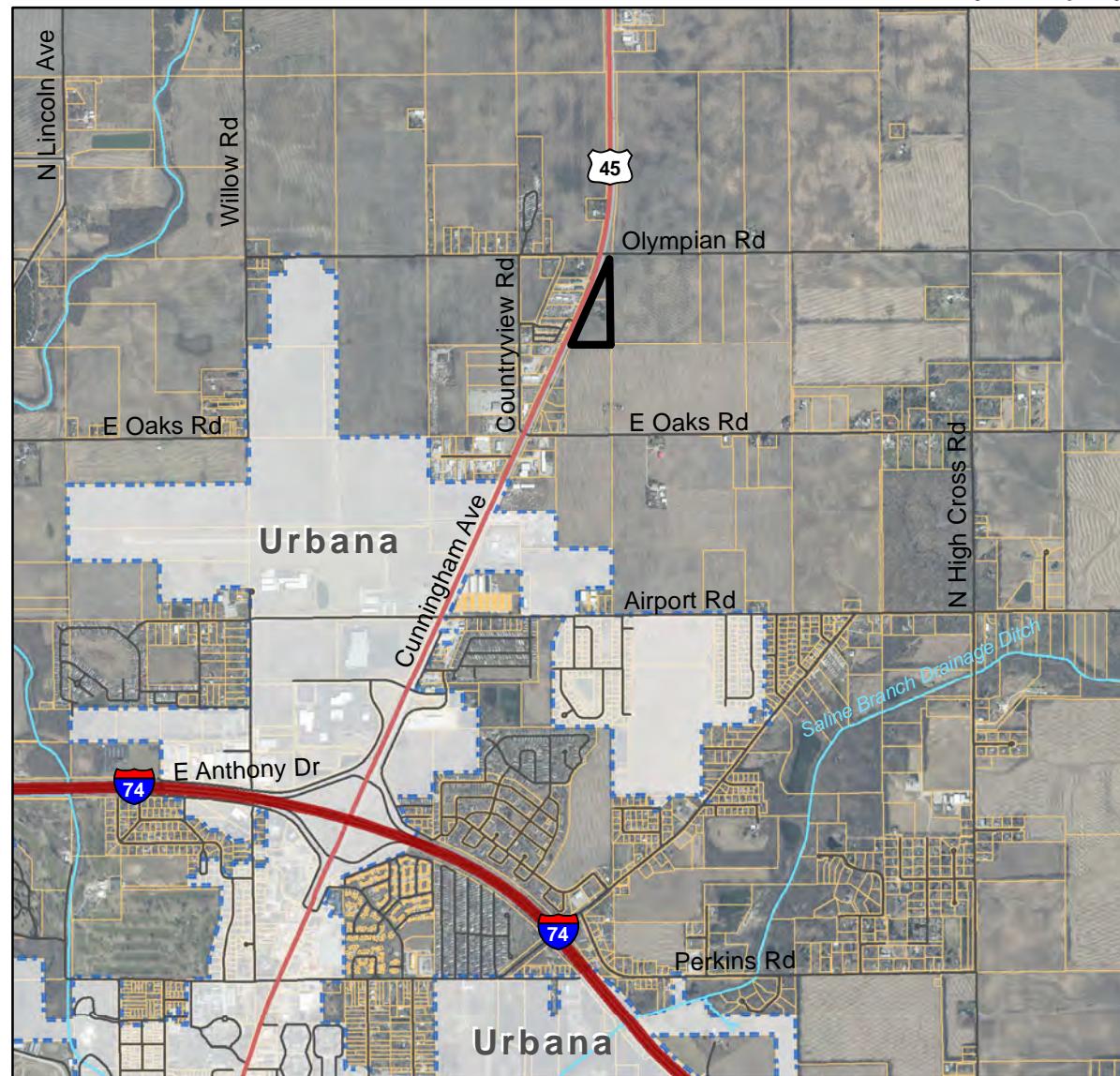
Exhibit E: Current Zoning Map (CCDPZ)

cc: Ryan and Amanda Donaldson, dba D5 Holdings Group, LLC, Petitioners
John Hall, Director, Champaign County Department of Planning and Zoning

Location Map

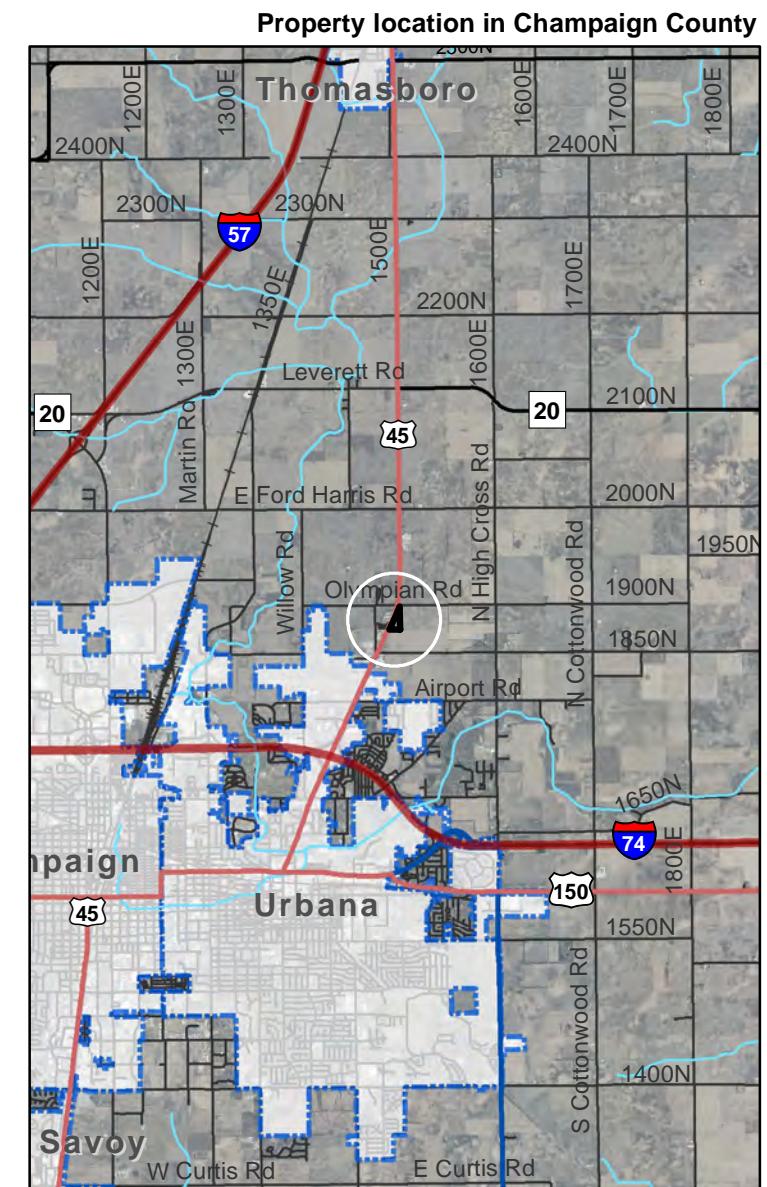
Cases 002-AM-21 & 003-S-21

March 11, 2021



Legend

- Subject Property
- Municipal Boundary
- Parcels



CASES 002-AM-21 and 003-S-21

PRELIMINARY MEMORANDUM

MARCH 2, 2021

Petitioners: Ryan and Amanda Donaldson, d.b.a. D5 Holdings Group LLC

Request:

Case 002-AM-21

Amend the Zoning Map to change the zoning district designation from the AG-2 Agriculture Zoning District to the B-4 General Business Zoning District in order to establish and operate the proposed Special Use in related Zoning Case 003-S-21.

Case 003-S-21

Authorize a Special Use consisting of multiple principal buildings on the same lot on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current AG-2 Agriculture Zoning District in related zoning case 002-AM-21.

Location: A 7.05-acre tract of land in the East Half of the Northeast Quarter of the Northeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township with an address of 3804 N Cunningham Avenue, Urbana.

Site Area: 7.05 acres

Time Schedule for Development: As soon as possible

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

BACKGROUND

The petitioners would like to construct two buildings on the subject property. The north half of the Phase 1 building would house Illini Fire Service LLC, a fire suppression equipment and design company owned by the petitioners. Their area would have office and warehouse space. The remaining area would be leasable space.

The current AG-2 zoning does not allow multiple buildings on one lot at all. The proposed development requires a Map Amendment (Case 002-AM-21) to change the zoning from AG-2 to B-4, which allows multiple buildings with a Special Use Permit. Case 003-S-21 is for the Special Use Permit to allow multiple buildings. Illini Fire Service is most similar to the “Contractor’s Facility with no outdoor storage or operations” land use, which is allowed by right in the proposed B-4 district. Any businesses that lease space will either need to be by right uses in B-4 or they will need to apply for a Special Use Permit.

Previous zoning cases 927-AM-19 and 928-S-19 sought the same rezoning and Special Use Permit, but had different proposed uses. Those cases were withdrawn by previous owners, but relevant information about the property and input received during those cases was included in the Summary of Evidence for the current cases.

EXTRATERRITORIAL JURISDICTION

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

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

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

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

DRAINAGE CONCERNS

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

There is a private 5-inch clay field tile noted on the Site Plan received January 27, 2021. The petitioners propose an 8-inch tile connecting to this tile and running along the south property line.

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

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

Attachment O includes photos submitted by the Weckel family during previous cases 927-AM-19 and 928-S-19, received on March 6, 2019. The photos illustrate the inundation of the subject property in a December 2018 storm. Based on these photos, it seems reasonable to establish minimum building elevations to prevent flooding of any buildings. Section 9.1E. of the *Storm Water Management and Erosion Control Ordinance* also requires all building elevations to be one foot above the "maximum created head" at the emergency overflow structure for any detention basin. Staff recommends some engineering analysis is necessary to better understand the implications of minimum building elevations.

DECISION POINTS FOR CASE 002-AM-21

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 CONDITIONS

The following special condition is proposed for the Map Amendment:

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

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

Conformance with Land Resource Management Plan Policy 4.2.3.

The following special conditions are proposed for the Special Use:

- A. **The Special Use is subject to the approval of Case 002-AM-21.**

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

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

- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed construction until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

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

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

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

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

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

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

- E. **A septic system shall be installed on the subject property in conjunction with construction, and:**
- (1) **A Zoning Use Permit shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.**
 - (2) **The location of the proposed septic system shall be marked and staked prior to any grading or construction activities, and no construction activities or traffic shall be allowed in the area of the proposed septic system except as required to install the septic systems.**
 - (3) **The septic leach field shall be kept free of vehicular traffic and cannot be paved over.**

The special conditions stated above are required to ensure the following:

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

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

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

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

- G. **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.

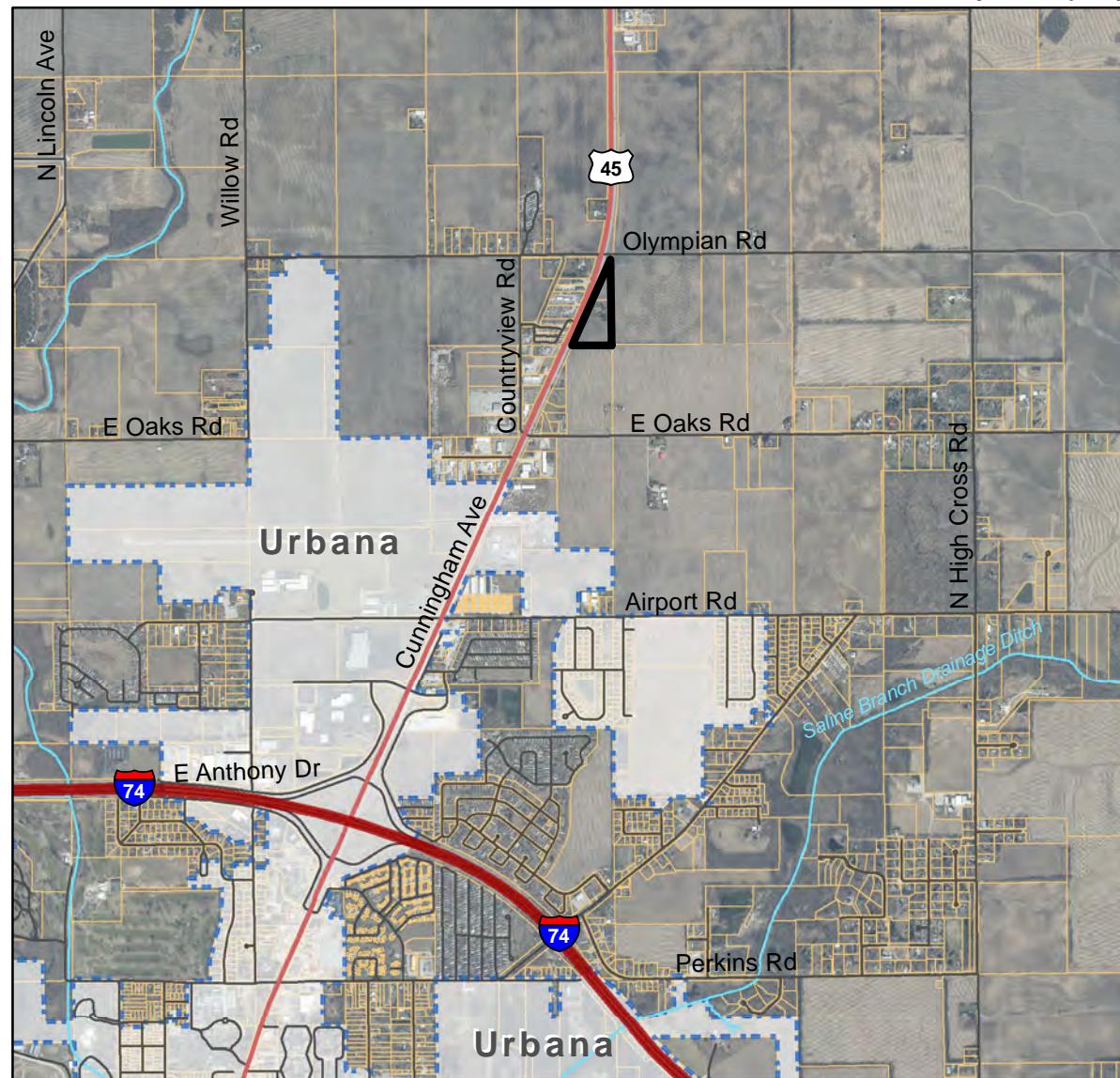
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received January 27, 2021
- C LRMP Land Use Goals, Objectives, and Policies
- D LRMP Appendix of Defined Terms
- E LRMP Land Use Management Areas Map revised 2018
- F Copy of Right to Farm Resolution 3425
- G Urbana Future Land Use Map from the Urbana Comprehensive Plan 2005
- H Letter from Michael Flanagan, Champaign Urbana Public Health District, received January 24, 2018, regarding septic suitability for a previously proposed subdivision on the subject property
- I Preliminary Plat for the Rolfe Subdivision that was previously proposed for the subject property, received April 9, 2018
- J Contour Map of subject property on 2020 aerial
- K Email from Ed Clancy of Berns, Clancy & Associates received February 15, 2018
- L Part of Saline Branch Drainage District Plan Sheet dated November 30, 1977
- M Natural Resources Report from Champaign County Soil and Water Conservation District dated January 12, 2018 and received January 26, 2018
- N EcoCAT Natural Resource review and follow up letter from IDNR dated January 20, 2018 and received January 25, 2018
- O Pictures of flooding from Mack Weckel received March 6, 2019
- P Site photos taken by P&Z Staff on February 4, 2021
- Q Summary of Evidence, Finding of Fact, and Final Determination for Case 002-AM-21
- R Summary of Evidence, Finding of Fact, and Final Determination for Case 003-S-21

Location Map

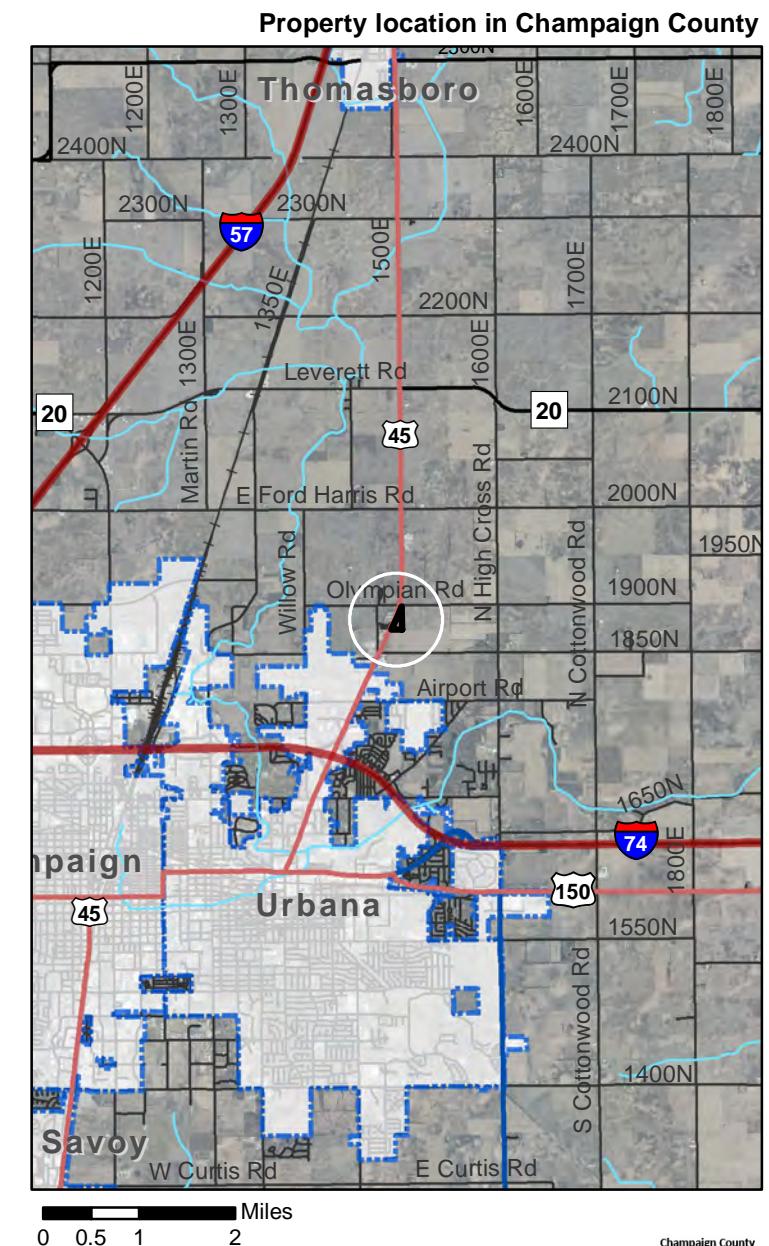
Cases 002-AM-21 & 003-S-21

March 11, 2021



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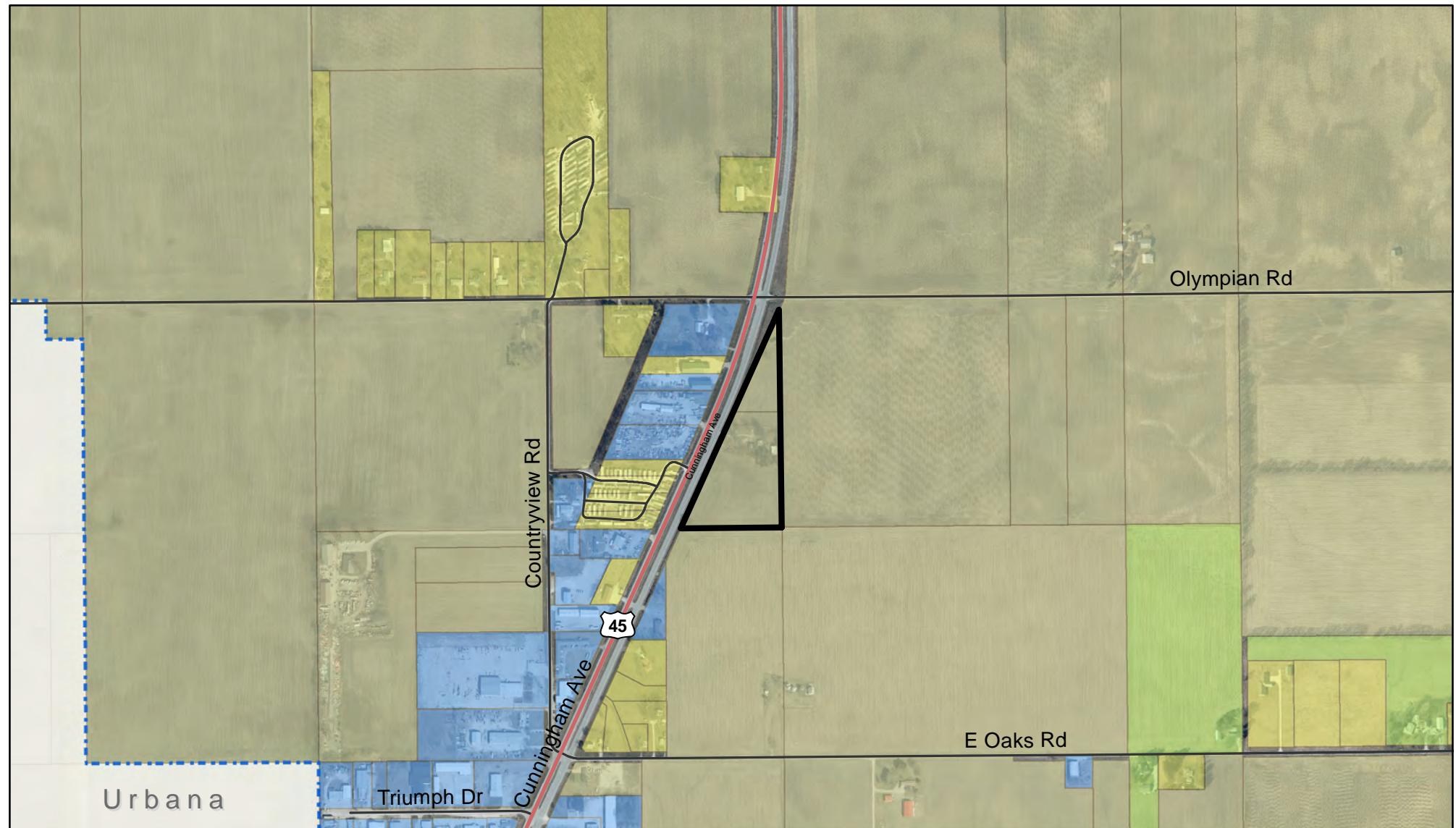
- Subject Property
- Municipal Boundary
- Parcels



Land Use Map

Cases 002-AM-21 & 003-S-21

March 11, 2021



Legend

	Subject Property		Agriculture		Residential
	Municipal Boundary		Ag/Residential		Commercial

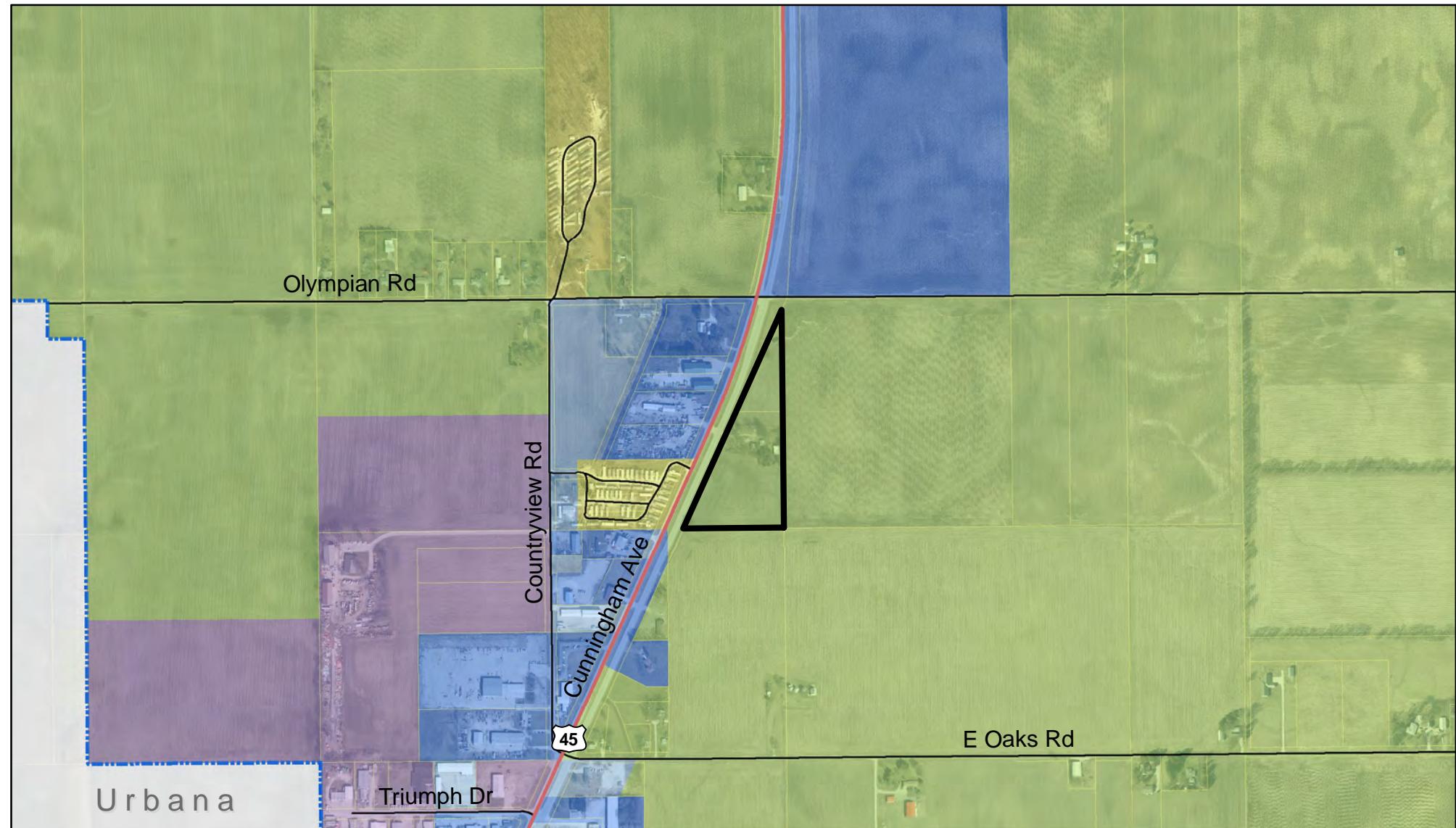
0 200 400 800 Feet



Zoning Map

Cases 002-AM-21 & 003-S-21

March 11, 2021



Legend

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

0 200 400 800 Feet



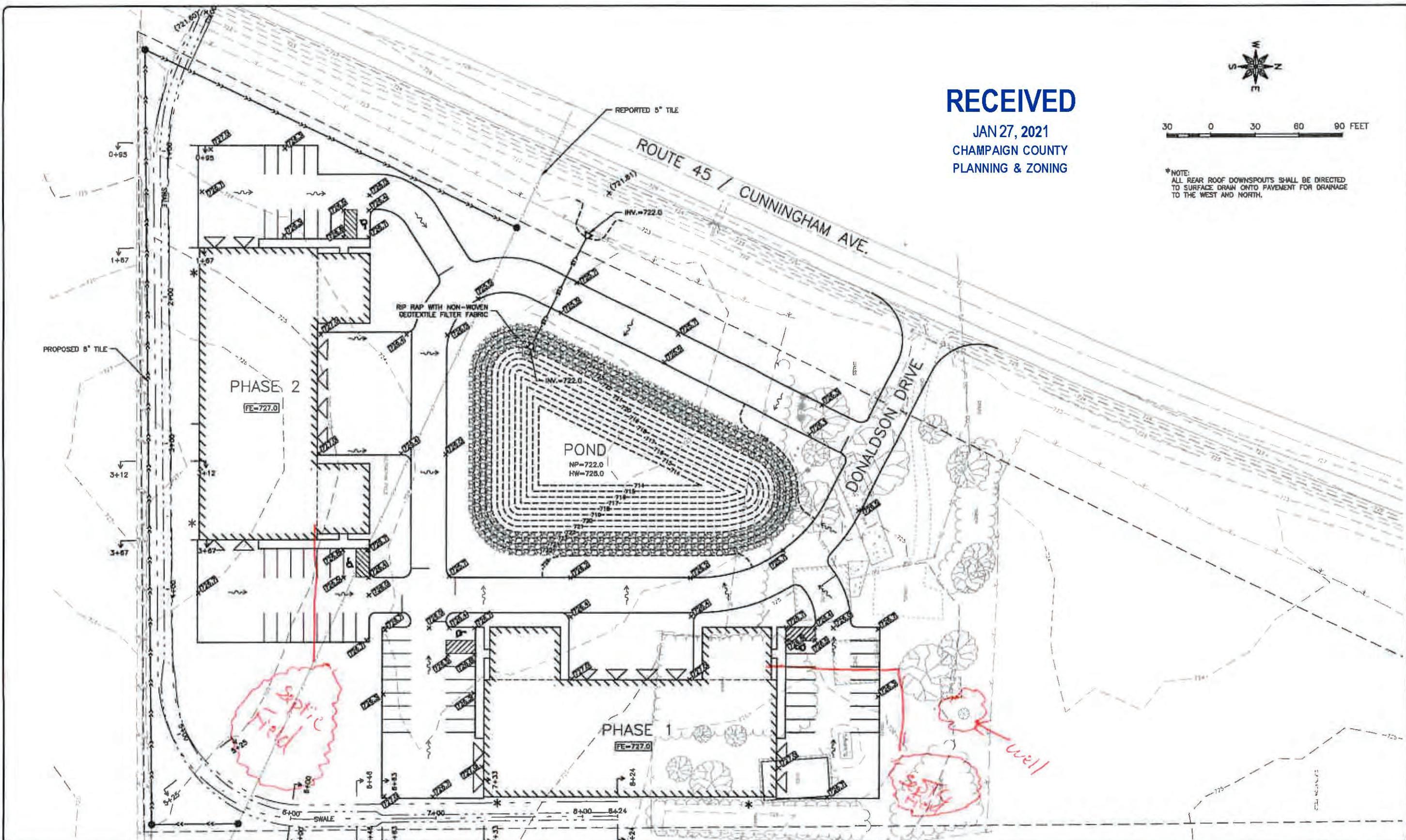
RECEIVED

JAN 27, 2021
CHAMPAIGN COUNTY
PLANNING & ZONING



30 0 30 60 90 FEET

*NOTE:
ALL REAR ROOF DOWNSPOUTS SHALL BE DIRECTED
TO SURFACE DRAIN ONTO PAVEMENT FOR DRAINAGE
TO THE WEST AND NORTH.



FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL
KUNZ DESIGN FIRM NO. 184-003525
CUT DATE 1/2/21 © 2021 FEHR GRAHAM

ILLINOIS
IOWA
WISCONSIN

OWNER/DEVELOPER:
ILLINI FIRE SERVICE
1212 E. UNIVERSITY
URBANA, IL 61802

PROJECT AND LOCATION
3804 N. CUNNINGHAM A.
URBANA, IL

DRAWN BY RLT
APPROVED BY CNI
DATE 8/30/1
SCALE AS SHOWN

REVISIONS		
REV. NO.	DESCRIPTION	DATE

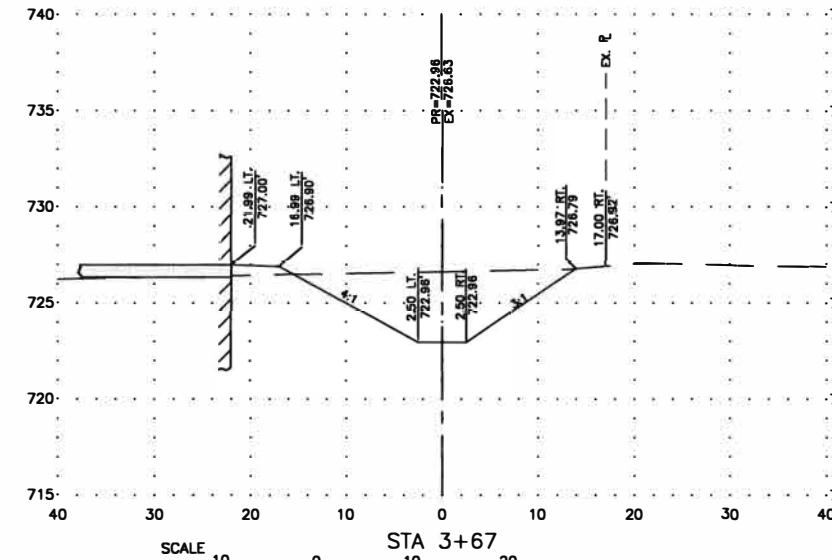
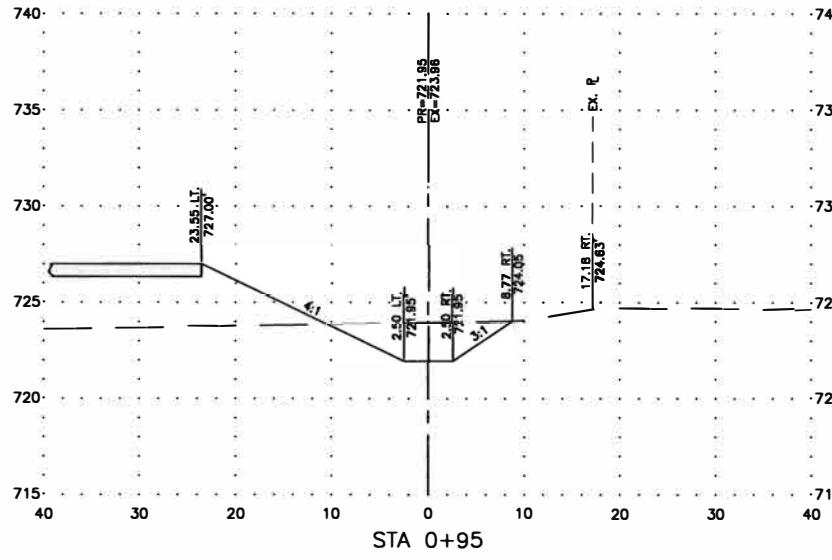
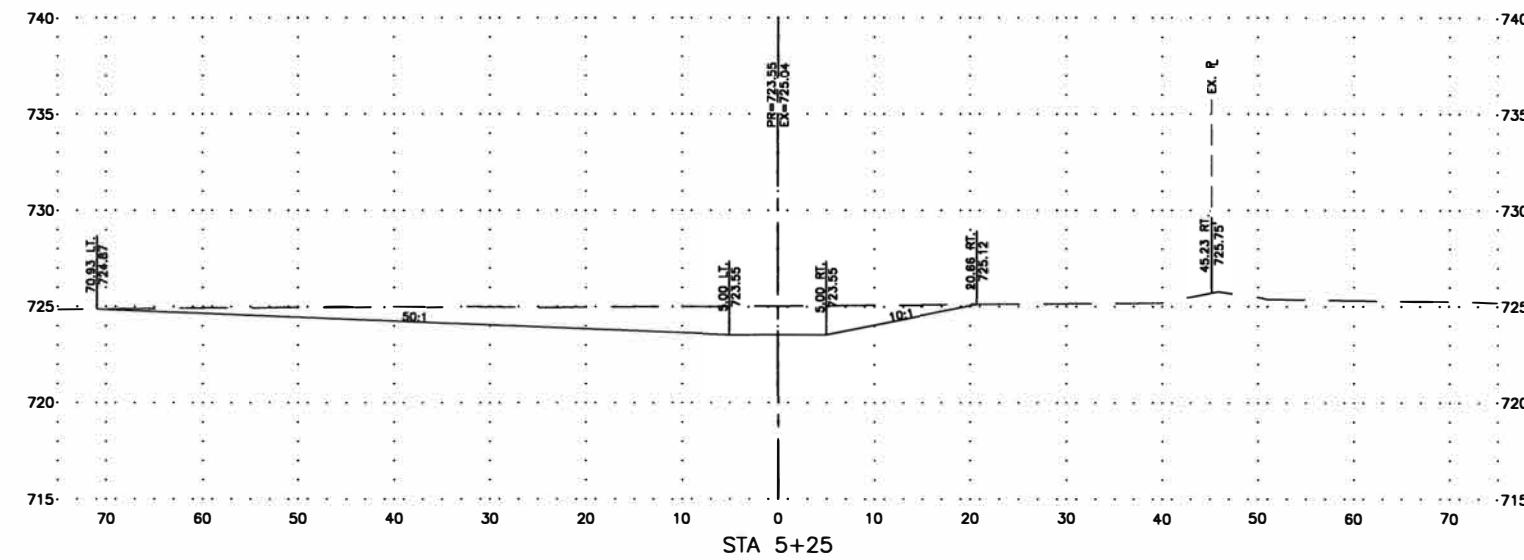
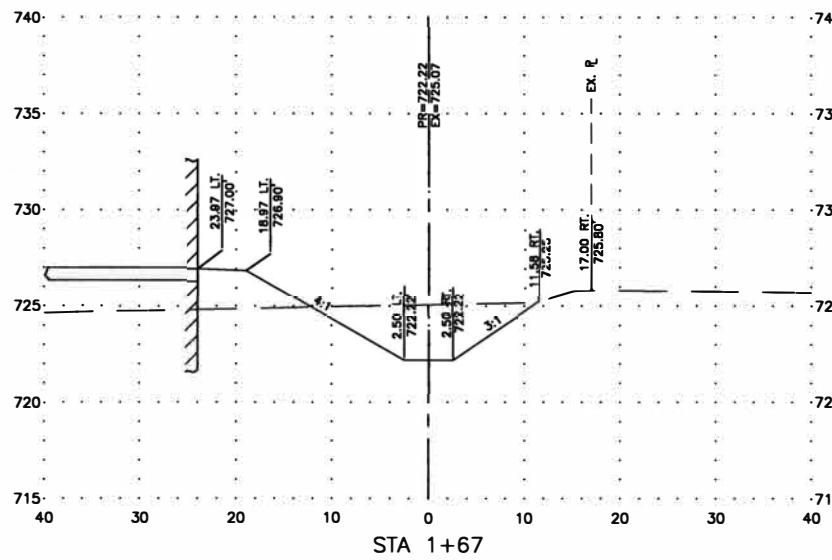
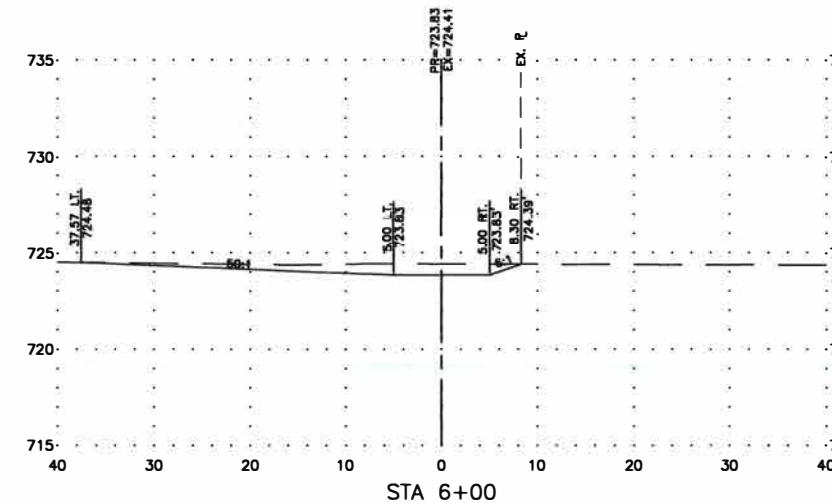
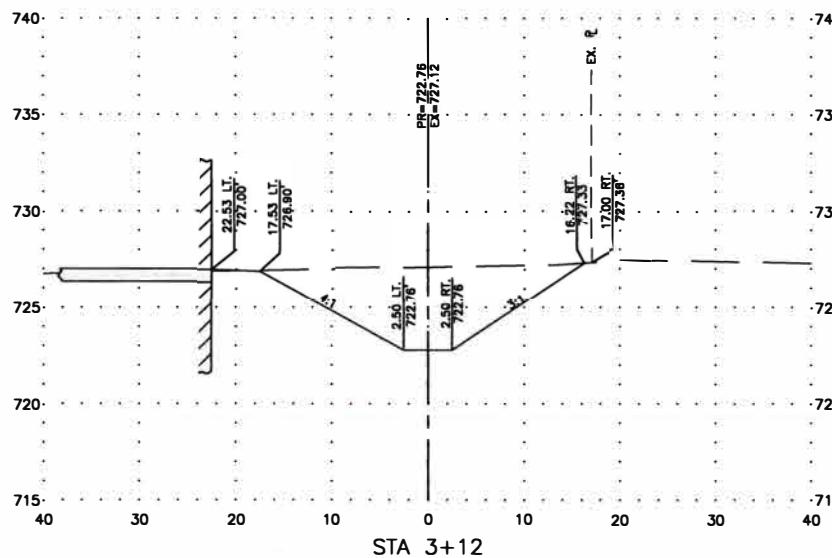
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SCHEMATIC SITE PLAN
SHEET NUMBER: 1 OF 1
DATE: 10/10/2023
BY: PRELIMINARY

JOB NUMBER
20-453
SHEET NUMBER
1 of 4

RECEIVED

JAN 27, 2021

CHAMPAIGN COUNTY
PLANNING & ZONING



FEHR GRAHAM

ENGINEERING & ENVIRONMENTAL

ILLINOIS DESIGN FIRM NO. 184-003525

PLOT DATE: 1/8/21

ILLINOIS
IOWA
WISCONSIN

OWNER/DEVELOPER:
ILLINI FIRE SERVICE
1212 E. UNIVERSITY AVE
URBANA, IL 61802

PROJECT AND LOCATION:
3804 N. CUNNINGHAM AVE.
URBANA, IL

DRAWN BY: RLT
APPROVED BY: CMO
DATE: 6/30/20
SCALE: AS SHOWN

REVISIONS

DRAWING:
**PROPOSED DRAINAGE SWALE CROSS
SECTIONS**

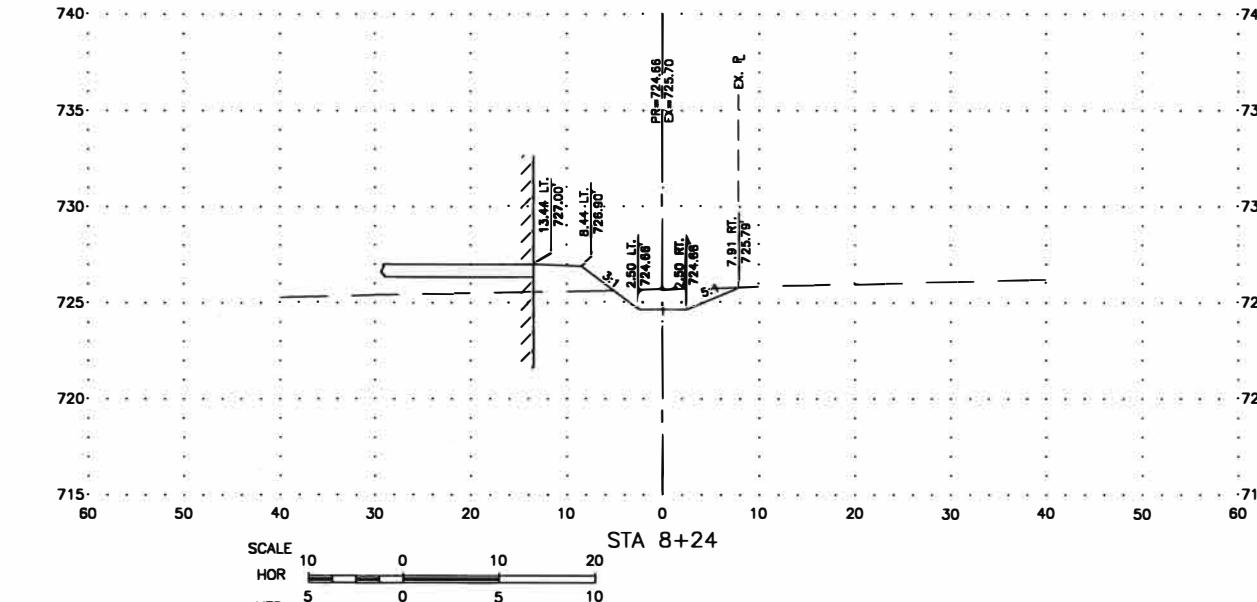
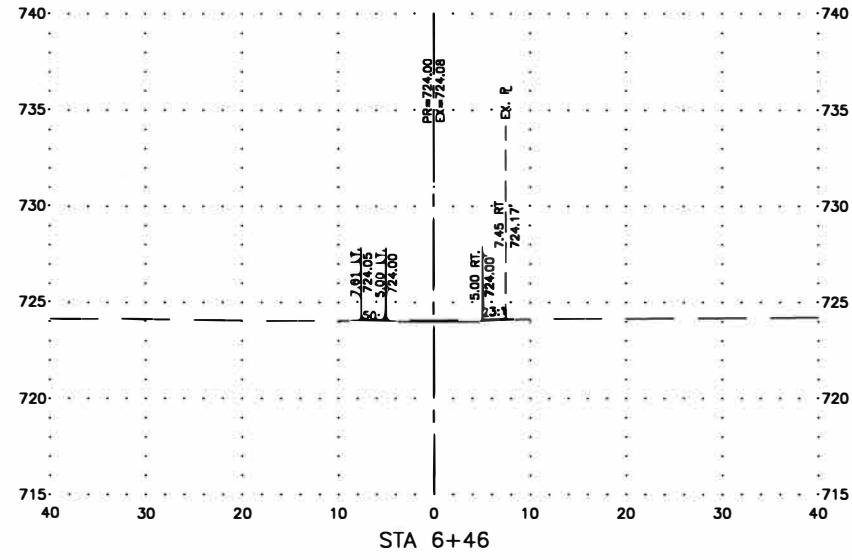
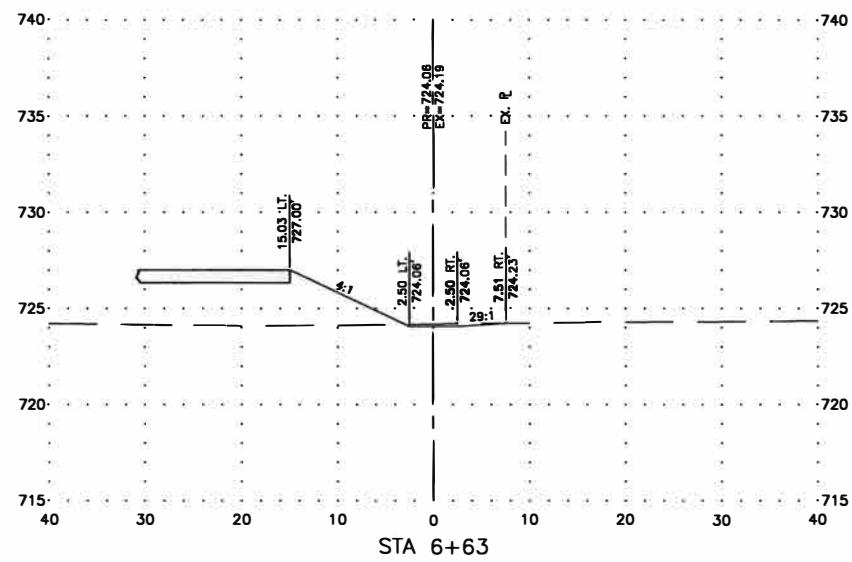
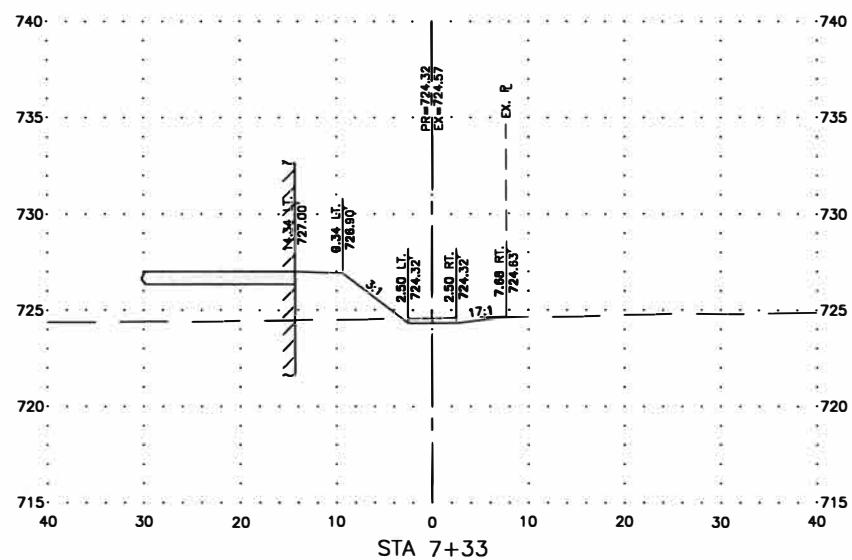
SET TYPE: PRELIMINARY

JOB NUMBER:
20-453

2 of 4

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JAN 27, 2021
 CHAMPAIGN COUNTY
 PLANNING & ZONING





Champaign County Land Resource Management Plan Goals, Objectives and Policies

LRMP Goals

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

Goal 1 Planning and Public Involvement

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

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

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

Objective 1.2 Updating Officials

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

Objective 1.3 Incremental Updates

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

Objective 1.4 Comprehensive Updates

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

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

Objective 1.2 Updating Officials

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

Policy 1.2.1

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

Objective 1.3 Incremental Updates

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

Policy 1.3.1

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

Objective 1.4 Comprehensive Updates

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

Policy 1.4.1

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

Policy 1.4.2

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

Goal 2 Governmental Coordination

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

Goal 2 Objectives

Objective 2.1 Local and Regional Coordination

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

Objective 2.2 Information Sharing

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

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

Policy 2.1.1

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

Policy 2.1.2

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

Policy 2.1.3

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

Objective 2.2 Information Sharing

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

Goal 3 Prosperity

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

Goal 3 Objectives

Objective 3.1 Business Climate

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

Objective 3.2 Efficient County Administration

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

Objective 3.3 County Economic Development Policy

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 4 Agriculture

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

Goal 4 Objectives

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

Objective 4.2 Development Conflicts with Agricultural Operations

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

Objective 4.3 Site Suitability for Discretionary Review Development

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

Objective 4.4 Regulations for Rural Residential Discretionary Review

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

Objective 4.5 LESA Site Assessment Review and Updates

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

Objective 4.6 Protecting Productive Farmland

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

Objective 4.7 Right to Farm Resolution

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

Objective 4.8 Locally Grown Foods

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

Objective 4.9 Landscape Character

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

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.

Policy 4.1.1

Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 4.1.2

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

Policy 4.1.3

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

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

Policy 4.1.5

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

Policy 4.1.6

Provided that the use, design, site and location are consistent with County policies regarding:

- suitability of the site for the proposed use;
 - adequacy of infrastructure and public services for the proposed use;
 - minimizing conflict with agriculture;
 - minimizing the conversion of farmland; and
 - minimizing the disturbance of natural areas, then,
- on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
 - on *best prime farmland*, the County may authorize non-residential *discretionary development*; or
 - the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

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

Policy 4.1.8

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

Policy 4.1.9

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Objective 4.2 Development Conflicts with Agricultural Operations

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

Policy 4.2.1

The County may authorize a proposed business or other non-residential *discretionary review* development in a *rural* area if the proposed development supports agriculture or involves a product or service that is provided better in a *rural* area than in an urban area.

Policy 4.2.2

The County may authorize *discretionary review* development in a *rural* area if the proposed development:

- a. is a type that does not negatively affect agricultural activities; or
- b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
- c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.

Policy 4.2.3

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

Policy 4.2.4

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

Objective 4.3 Site Suitability for Discretionary Review Development

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

Policy 4.3.1

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

Policy 4.3.2

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

Policy 4.3.3

The County may authorize a *discretionary review* development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.

Policy 4.3.4

The County may authorize a *discretionary review* development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.

Policy 4.3.5

On *best prime farmland*, the County will authorize a business or other non-residential use only if:

- a. it also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
- b. the use is otherwise appropriate in a *rural* area and the site is very well suited to it.

Objective 4.4 Regulations for Rural Residential Discretionary Review

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Objective 4.5 LESA Site Assessment Review and Updates

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

Objective 4.6 Protecting Productive Farmland

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

Policy 4.6.1

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

Policy 4.6.2

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

Policy 4.6.3

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

Objective 4.7 Right to Farm Resolution

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

Objective 4.8 Locally Grown Foods

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

Objective 4.9 Landscape Character

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

Policy 4.9.1

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

Goal 5 Urban Land Use

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

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

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

Objective 5.2 Natural Resources Stewardship

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

Objective 5.3 Adequate Public Infrastructure and Services

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

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

Policy 5.1.1

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

Policy 5.1.2

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

Policy 5.1.3

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

Policy 5.1.4

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

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

Policy 5.1.5

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

Policy 5.1.6

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

Policy 5.1.7

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

Policy 5.1.8

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

Policy 5.1.9

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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

Objective 5.2 Natural Resources Stewardship

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

Policy 5.2.1

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

Policy 5.2.2

The County will:

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

Policy 5.2.3

The County will:

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

Objective 5.3 Adequate Public Infrastructure and Services

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

Policy 5.3.1

The County will:

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

Policy 5.3.2

The County will:

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

Policy 5.3.3

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 6 Public Health and Public Safety

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

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

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

Objective 6.2 Public Assembly Land Uses

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

Objective 6.3 Development Standards

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

Objective 6.4 Countywide Waste Management Plan

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

Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

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

Policy 6.1.1

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

Policy 6.1.2

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

Policy 6.1.3

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

Policy 6.1.4

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

Objective 6.2 Public Assembly Land Uses

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

Policy 6.2.1

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



Champaign County Land Resource Management Plan **Goals, Objectives and Policies**

Policy 6.2.2

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

Policy 6.2.3

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

Objective 6.3 Development Standards

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

Objective 6.4 Countywide Waste Management Plan

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

Goal 7 Transportation

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

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

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

Objective 7.2 Countywide Transportation System

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

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

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

Policy 7.1.1

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

Objective 7.2 Countywide Transportation System

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

Policy 7.2.1

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

Policy 7.2.2

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 7.2.3

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

Policy 7.2.4

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

Policy 7.2.5

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

Policy 7.2.6

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

Goal 8 Natural Resources

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

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

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

Objective 8.2 Soil

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

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

Objective 8.4 Surface Water Protection

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

Objective 8.5 Aquatic and Riparian Ecosystems

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

Objective 8.6 Natural Areas and Habitat

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

Objective 8.7 Parks and Preserves

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

Objective 8.8 Air Pollutants

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Objective 8.9 Natural Resources Assessment System

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

Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

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

Policy 8.1.1

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

Policy 8.1.2

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

Policy 8.1.3

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

Policy 8.1.4

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

Policy 8.1.5

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

Policy 8.1.6

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

Policy 8.1.7

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

Policy 8.1.8

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

Policy 8.1.9

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

Objective 8.2 Soil

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 8.2.1

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

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

Policy 8.3.1

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

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

Objective 8.4 Surface Water Protection

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

Policy 8.4.1

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

Policy 8.4.2

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

Policy 8.4.3

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

Policy 8.4.4

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

Policy 8.4.5

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

Policy 8.4.6

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

Objective 8.5 Aquatic and Riparian Ecosystems

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

Policy 8.5.1

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 8.5.2

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

Policy 8.5.3

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

Policy 8.5.4

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

Policy 8.5.5

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

Objective 8.6 Natural Areas and Habitat

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

Policy 8.6.1

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

Policy 8.6.2

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

Policy 8.6.3

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

Policy 8.6.4

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

Policy 8.6.5

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

Policy 8.6.6

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

Objective 8.7 Parks and Preserves

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 8.7.1

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

Policy 8.7.2

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

Policy 8.7.3

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

Policy 8.7.4

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

Policy 8.7.5

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

Policy 8.7.6

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

Objective 8.8 Air Pollutants

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

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

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

Objective 8.9 Natural Resources Assessment System

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 9 Energy Conservation

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

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases

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

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

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

Objective 9.4 Reuse and Recycling

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

Objective 9.5 Renewable Energy Sources

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

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

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

Policy 9.1.1

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

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

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

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Policy 9.2.1

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

Policy 9.2.2

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

Objective 9.3 Land Use and Transportation Policies

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

Objective 9.4 Reuse and Recycling

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

Objective 9.5 Renewable Energy Sources

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 10 Cultural Amenities

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

Goal 10 Objective

Objective 10.1 Cultural Amenities

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

Goal 10 Objectives and Policy

Objective 10.1 Cultural Amenities

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

Policy 10.1.1

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



APPENDIX: LRMP DEFINED TERMS

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy, as amended. Terms already available in the Zoning Ordinance Definitions have been removed.

Contiguous Urban Growth Area (CUGA)

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

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

discretionary review

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

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

good zoning lot (commonly referred to as a ‘conforming lot’)

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

parks and preserves

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

pre-settlement environment

When used in reference to outlying Champaign County areas, this phrase refers to the predominant land cover during the early 1800s, when prairie comprised approximately 92.5 percent of land surface; forestland comprised roughly 7 percent; with remaining areas of wetlands and open water. Riparian areas along stream corridors containing ‘Forest Soils’ and ‘Bottomland Soils’ are thought to most likely be the areas that were forested during the early 1800s.

public infrastructure

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



Volume 2: Champaign County Land Resource Management Plan Appendix

public services

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

rural

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

site of historic or archeological significance

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

urban development

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

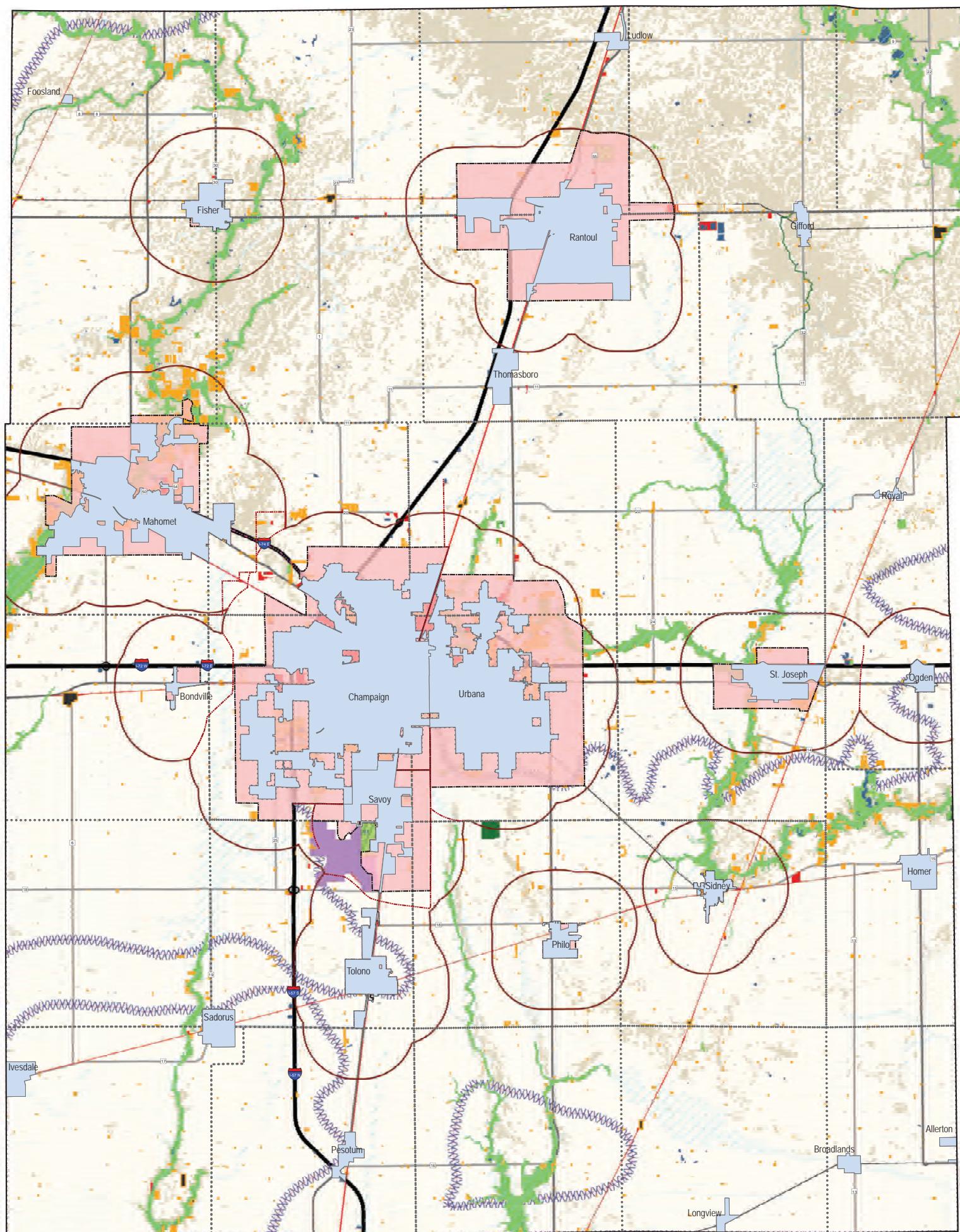
urban land

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

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

urban land use

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



Land Use Management Areas

Policy Areas

Rural
Best Prime Farmland
Non Best Prime Farmland
Existing Natural Area
Areas which may contain Natural Areas
Parks and Preserves
Mahomet Aquifer (approx.)
Primary Sand & Gravel Aquifers (approx.) *
Stream
Lake

Urban
Settlement
Contiguous Urban Growth Area

* also situated above the Mahomet Aquifer

Administrative Boundaries

Extraterritorial Jurisdiction
Extraterritorial Jurisdiction Boundary Agreement
Township Boundary
Floodplain



0 2.5 5 Miles

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

Existing Land Uses

Commercial / Industrial
Residential
Existing Incorporated Area
Airport

Roads

Interstate
Federal Highway
State Highway
County Highway
Railroad

Map Produced March 8, 2018

RESOLUTION NO. 3425

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

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

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

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

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

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

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

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

RESOLUTION NO. 3425

Page 2

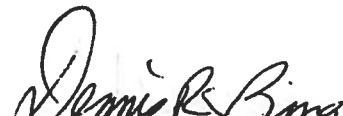
4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

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



Chairman, County Board of the
County of Champaign, Illinois

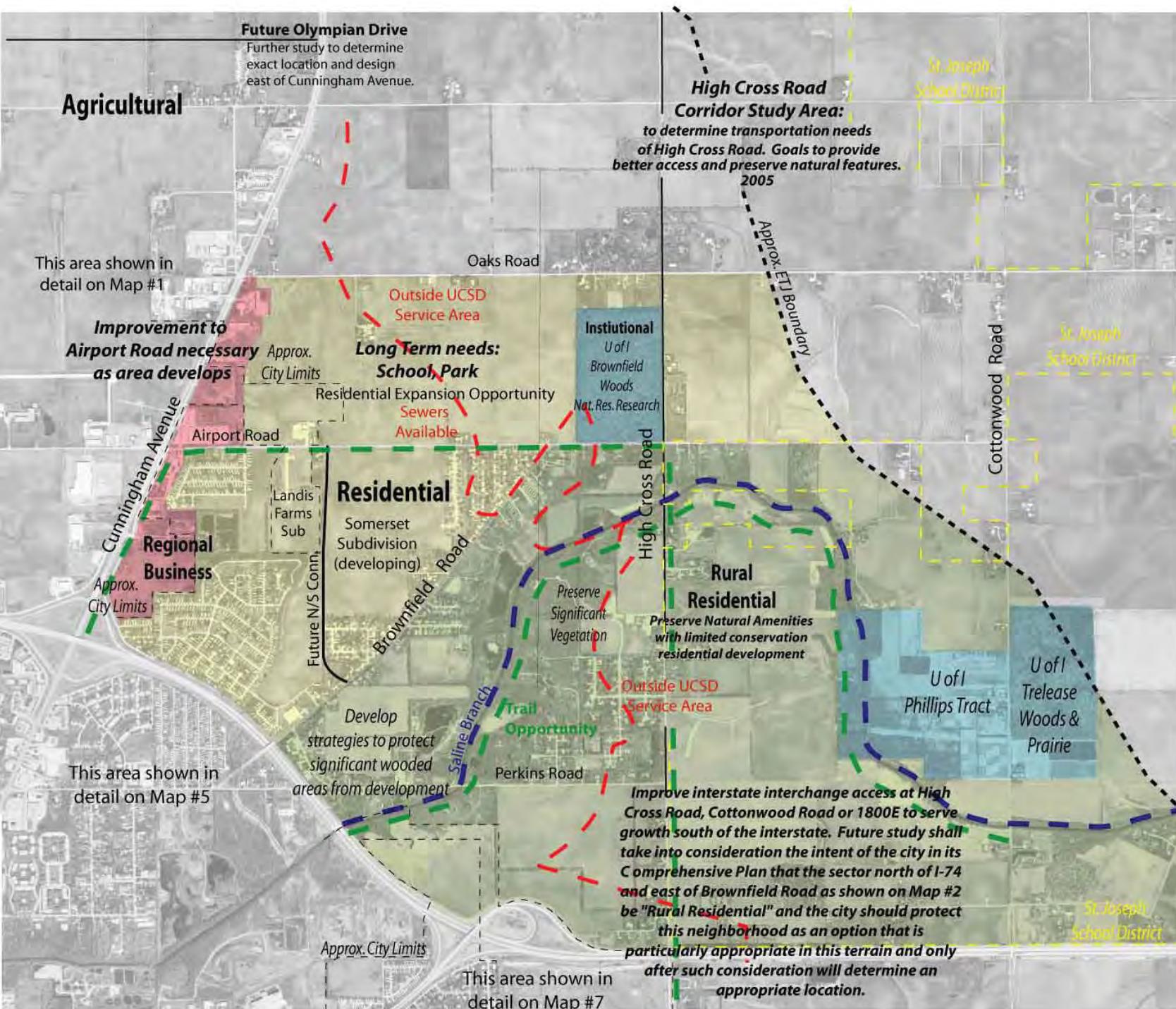
ATTEST:



Dennis R. Bing
County Clerk and Ex-Officio
Clerk of the County Board

Map #2

Northeast Urbana / Champaign County



ADOPTED

April 11, 200

Map Created by City of Urbana
Community Development Services Dept.

201 West Kenyon Road
Champaign, IL 61820



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

Public Health
Prevent. Promote. Protect.

Champaign County
Public Health Department

January 5, 2018

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

RECEIVED

JAN 24 2018

CHAMPAIGN CO. P & Z DEPARTMENT

Dear Mr. Clancy:

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

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

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

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

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

Mr. Edward Clancy
January 5, 2018
Page 2

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

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

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

Sincerely,



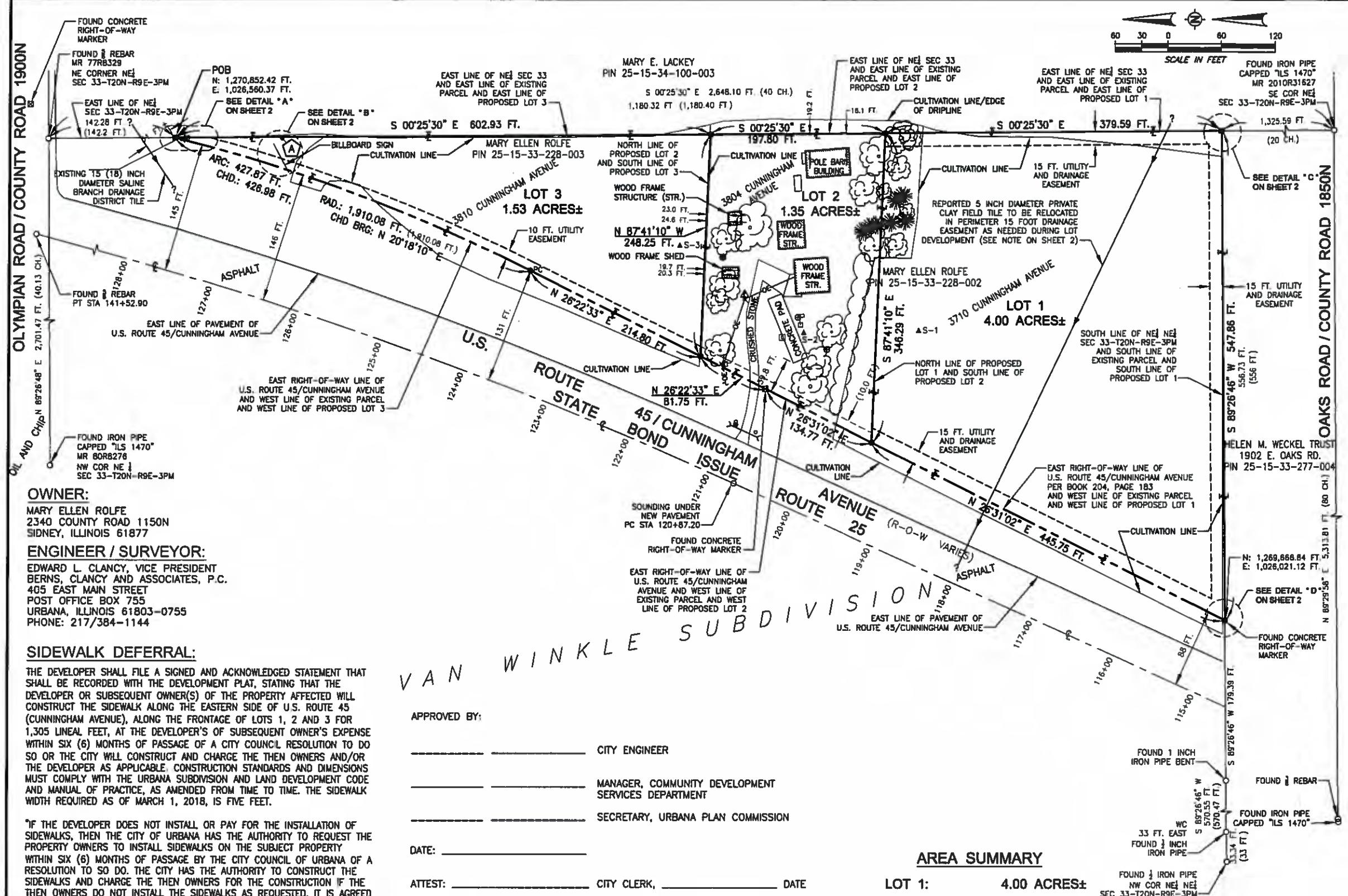
Michael Flanagan, LEHP, REHS
Program Coordinator



LEGEND

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

APR 09 2018

RECEIVED
CHAMPAIGN CO. P & Z DEPARTMENT**PRELIMINARY**

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



BERNS, CLANCY AND ASSOCIATES
ENGINEERS • SURVEYORS • PLANNERS
405 EAST MAIN STREET - POST OFFICE BOX 755
URBANA, ILLINOIS 61803-0755
PHONE: (217) 384-1144 - FAX: (217) 384-3355
BCA
JOB: 7550
FILE: 7550.DWG
DATE: 040618
SHEET 1 OF 2



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J. U. L. I. E.

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SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO
CONSTRUCTION ACTIVITIES. FOR UTILITY LOCATIONS
CALL: J.U.L.I.E. (800) 892-0123

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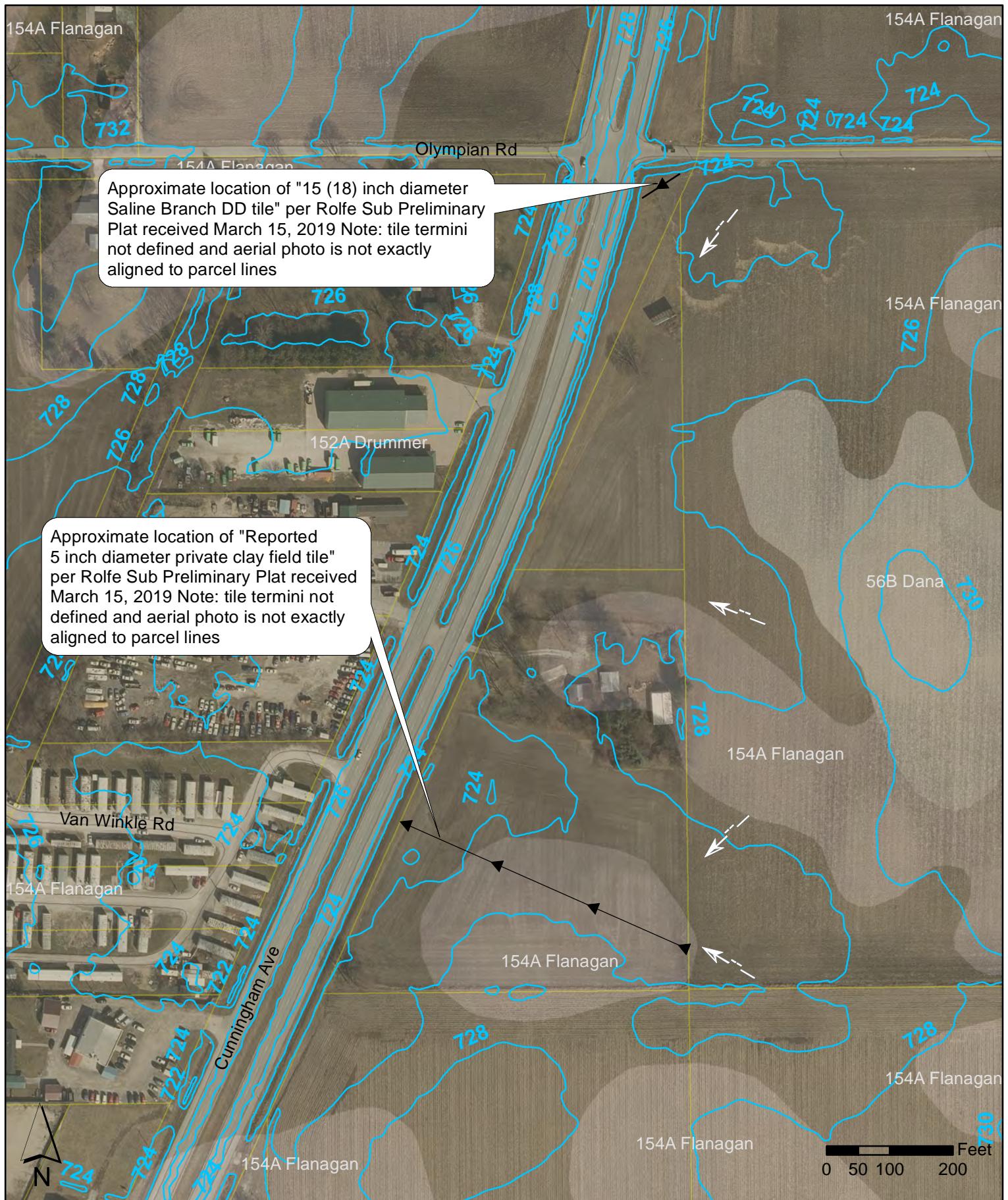
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FILE: 7550.DWG
DATE: 040618
SHEET 1 OF 1

2008 Contours on 2020 Aerial Photo

Cases 002-AM-21 & 003-S-21, ZBA 03/11/21
Attachment J, Page 1 of 1

Cases 002-AM-21 & 003-S-21

March 11, 2021



Susan Burgstrom

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

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

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

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

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

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

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

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

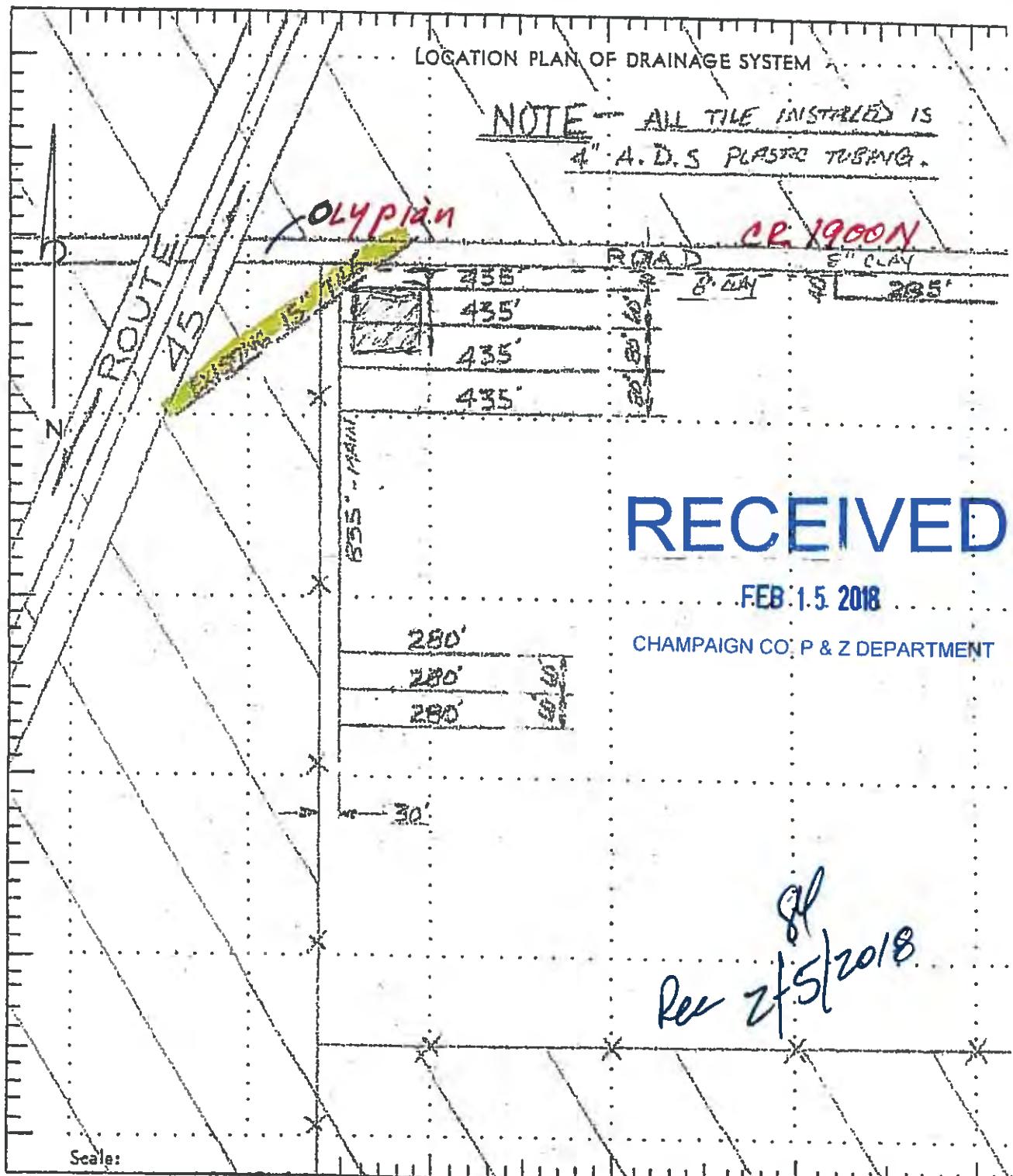
Attached are Champaign County comments on the proposed Rolfe Subdivision (Plan Case # 2336-S-18). Paper copies are being mailed today.

Sincerely,

John Hall
Director
Zoning Administrator

RECEIVED
FEB 15 2018
CHAMPAIGN CO P & Z DEPARTMENT

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



— LEGEND —

Permanent Fence

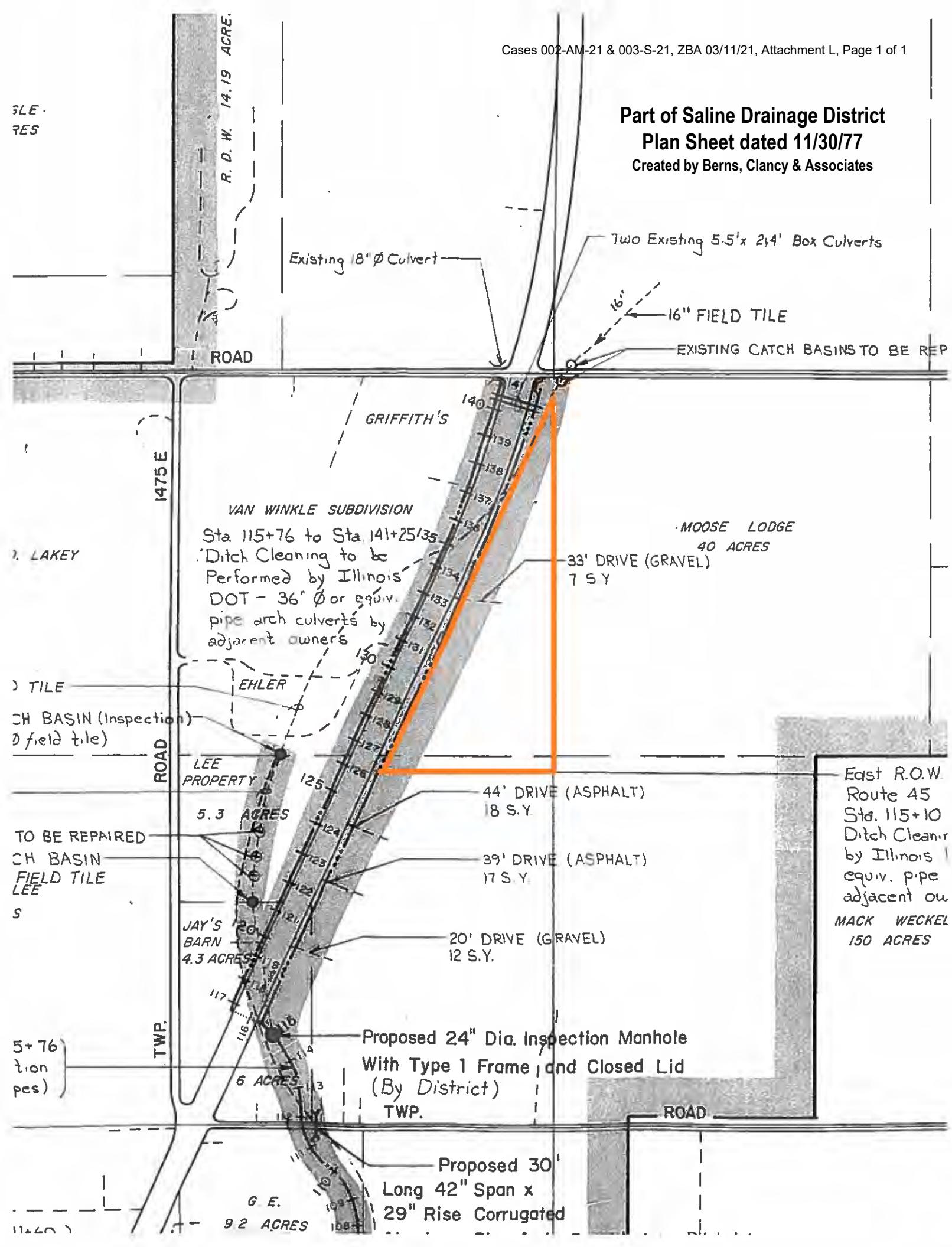


Spacing

7550

GLE.
RES

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





Champaign County

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

NATURAL RESOURCE REPORT

Development Name: Cothern Minor Subdivision

Date Reviewed: January, 12th, 2018

Requested By: BCA

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

Location of Property: part of the NE ¼ of sec.33 in T. 20 N., R.9 E., of the 3rd. P.M.



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

RECEIVED

JAN 26 2018

CHAMPAIGN CO. P & Z DEPARTMENT



Champaign County

Soil and Water Conservation District

2110 West Park Court Suite C Champaign, IL 61821

(217) 352-3536 Extension 3 --- www.ccsbcd.com

d) Sedimentation:

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

Example: When will inlets for storm drains need to be cleaned out or how often? All sediment-laden runoff should be routed through sediment basins before discharge. Silt fences should be used in flow areas with drainage areas that do not exceeding 0.5 acres. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control. The website is: <http://wwwaiswcd.org/IUM/>

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

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

WATER RESOURCE

a) Surface Drainage:

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

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

b) Subsurface Drainage:

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

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



Champaign County

Soil and Water Conservation District

2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- www.ccsbcd.com

CULTURAL, PLANT, AND ANIMAL RESOURCE

a) Cultural:

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

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

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

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

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

project location:

Brownfield Woods INAI Site

c) Plant:

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

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

Signed by Joe Rothermel
Joe Rothermel
Board Chairman

Prepared by Jonathon Manuel
Jonathon Manuel
Resource Conservationist

LAND EVALUATION WORKSHEET

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

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

Total LE Weighted Factor= 720

Acreage= 7.2

Land Evaluation Factor For Site=

100

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

Data Source: Champaign County Digital Soil Survey

Cothern Minor Subdivision

Date: 1/12/2018

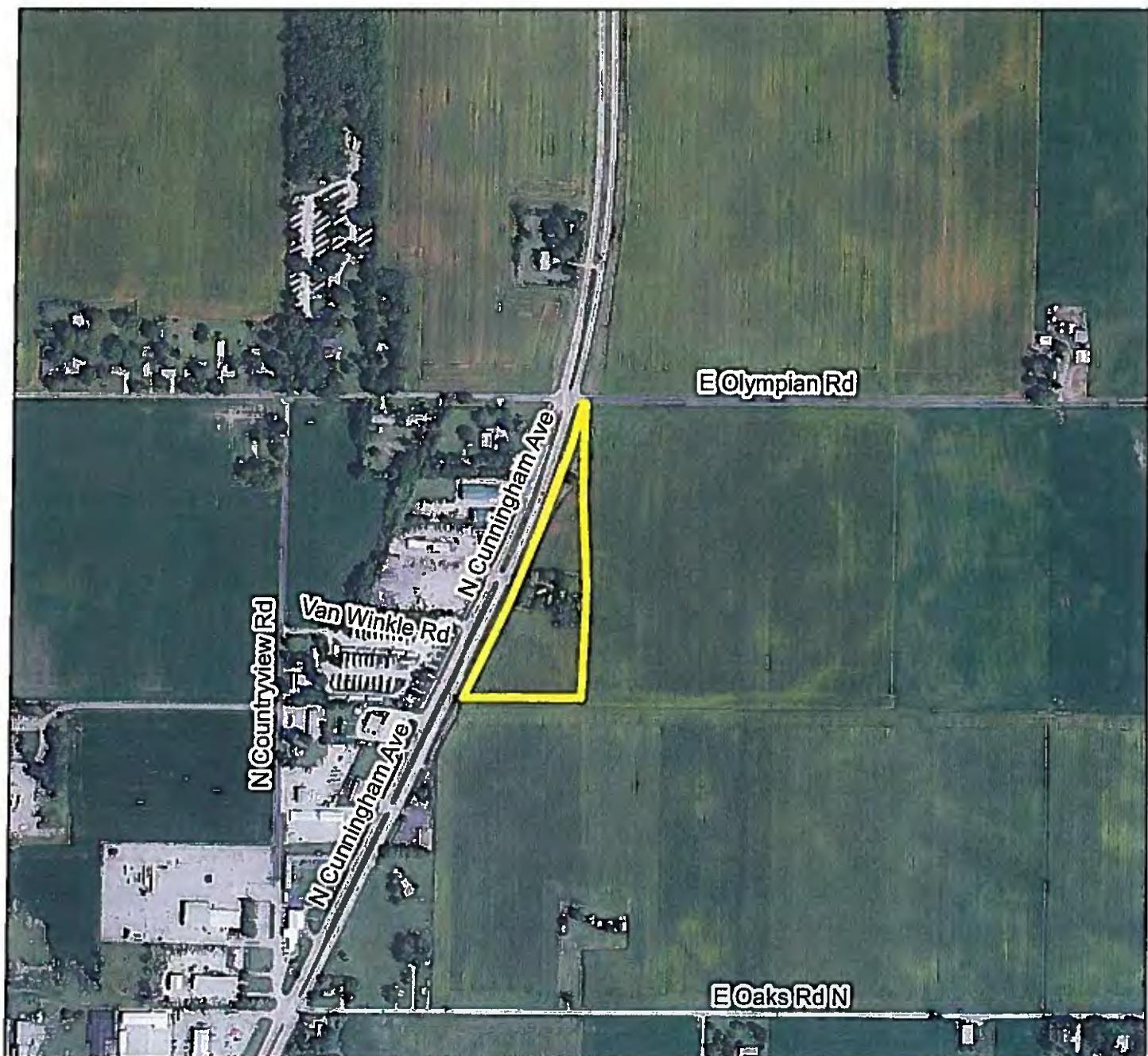
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

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

State and County: IL, Champaign County, Illinois



Prepared with assistance from USDA-Natural Resources Conservation Service

380 0 380 760 1,140 1,520
Feet

Legend

- Cothern Minor Subdivision
fe_2007_17019_edges



Cothern Minor Subdivision

Date: 1/12/2018

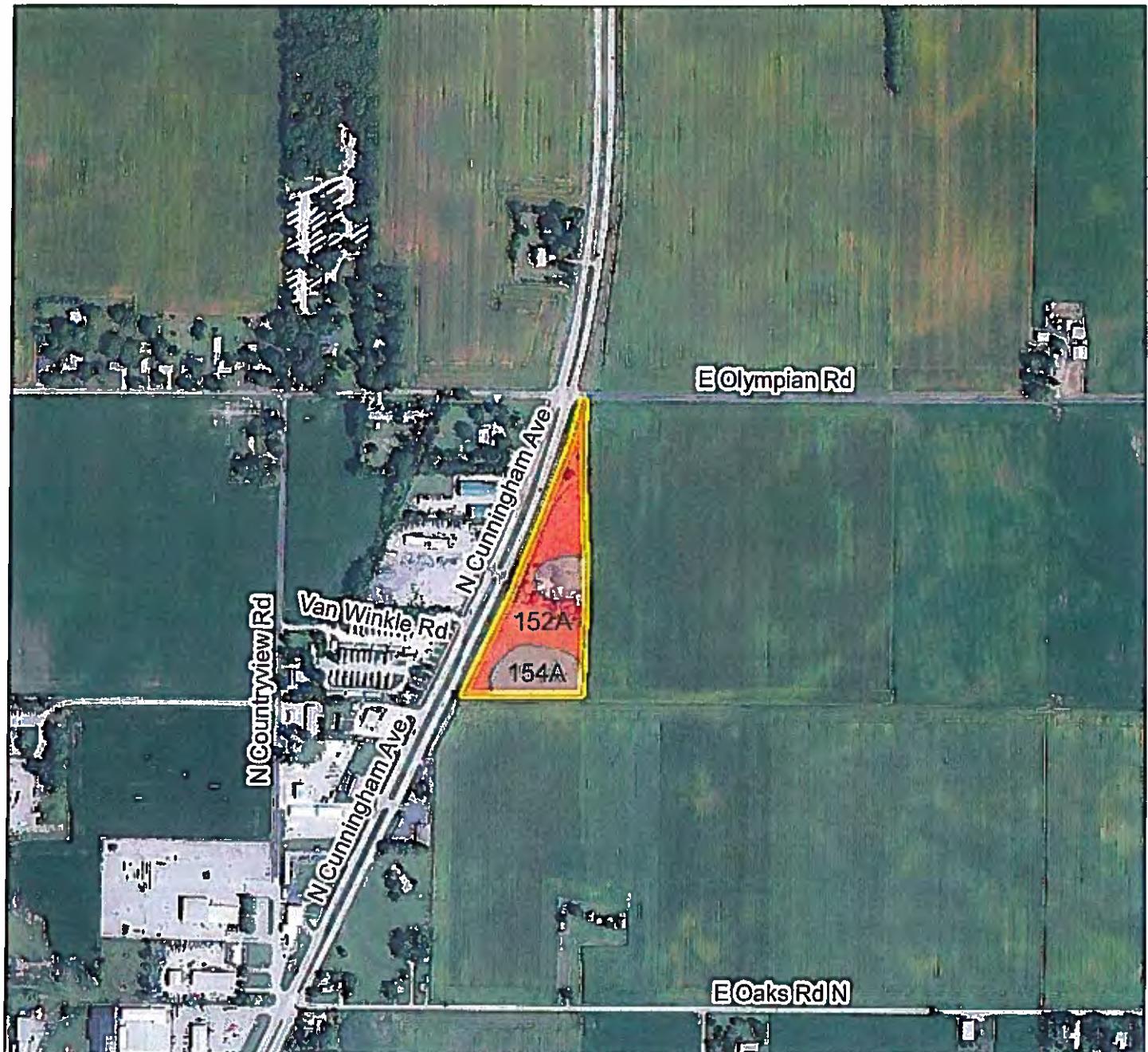
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

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

**Legend****Soils Map****MUSYM**

■ 152A

■ 154A

■ Cothern Minor Subdivision



Prepared with assistance from USDA-Natural Resources Conservation Service

380 0 380 760 1,140 1,520
Feet

N

Cothern Minor Subdivision

Date: 1/12/2018

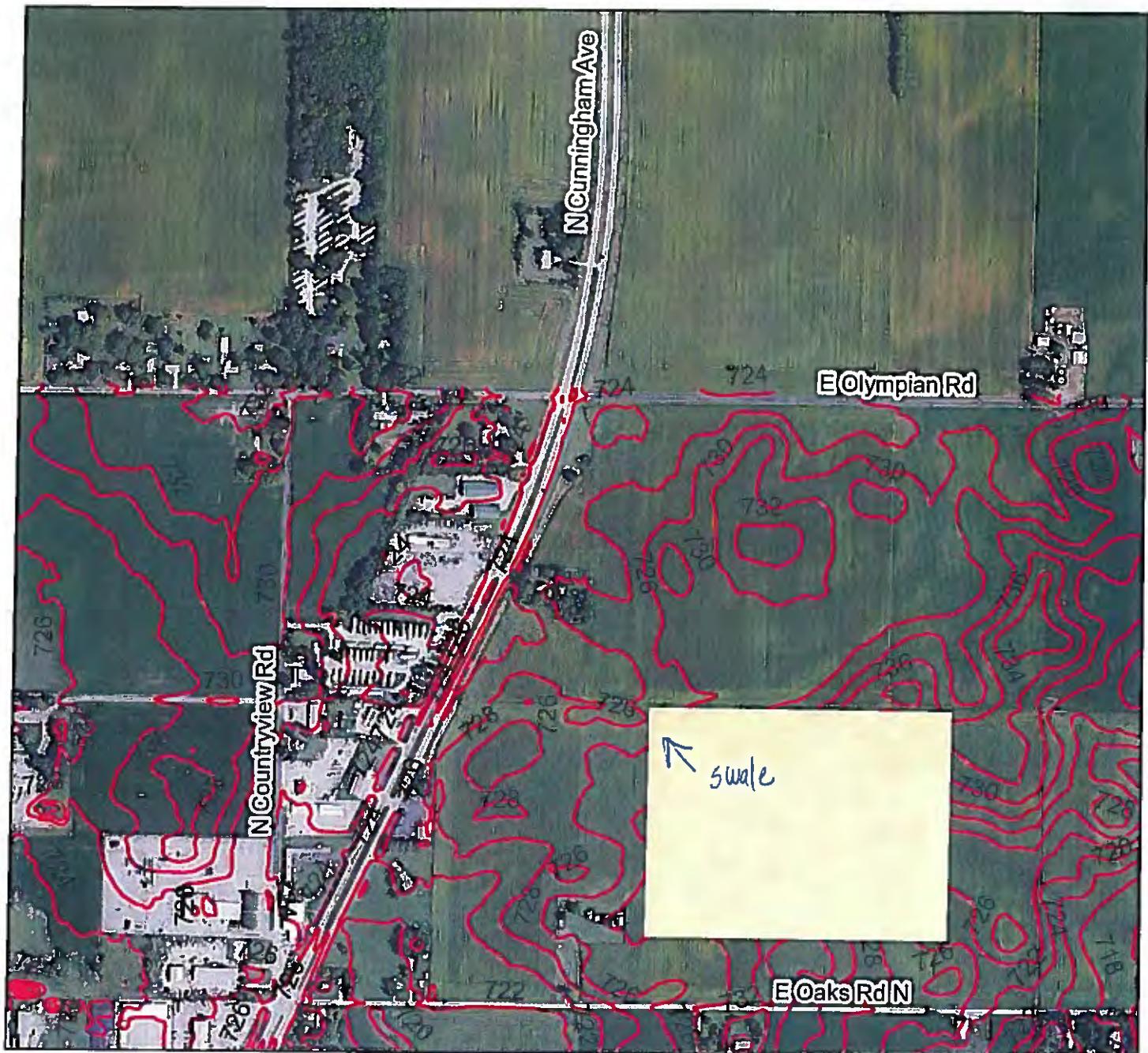
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

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

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois



Prepared with assistance from USDA-Natural Resources Conservation Service

380 0 380 760 1,140 1,520
Feet

Legend

- 3_T20N_R09E_SEC34
- 3_T20N_R09E_SEC33
- fe_2007_17019_edges





Description: Division of Farm Ground

Natural Resource Review Results

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

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

Brownfield Woods INAI Site

Location

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



County: Champaign

Township, Range, Section:

20N, 9E, 33

IL Department of Natural Resources

Contact

Impact Assessment Section

217-785-5500

Division of Ecosystems & Environment

Disclaimer

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

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IDNR Project Number: 1805928

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

Date: 1/12/2018

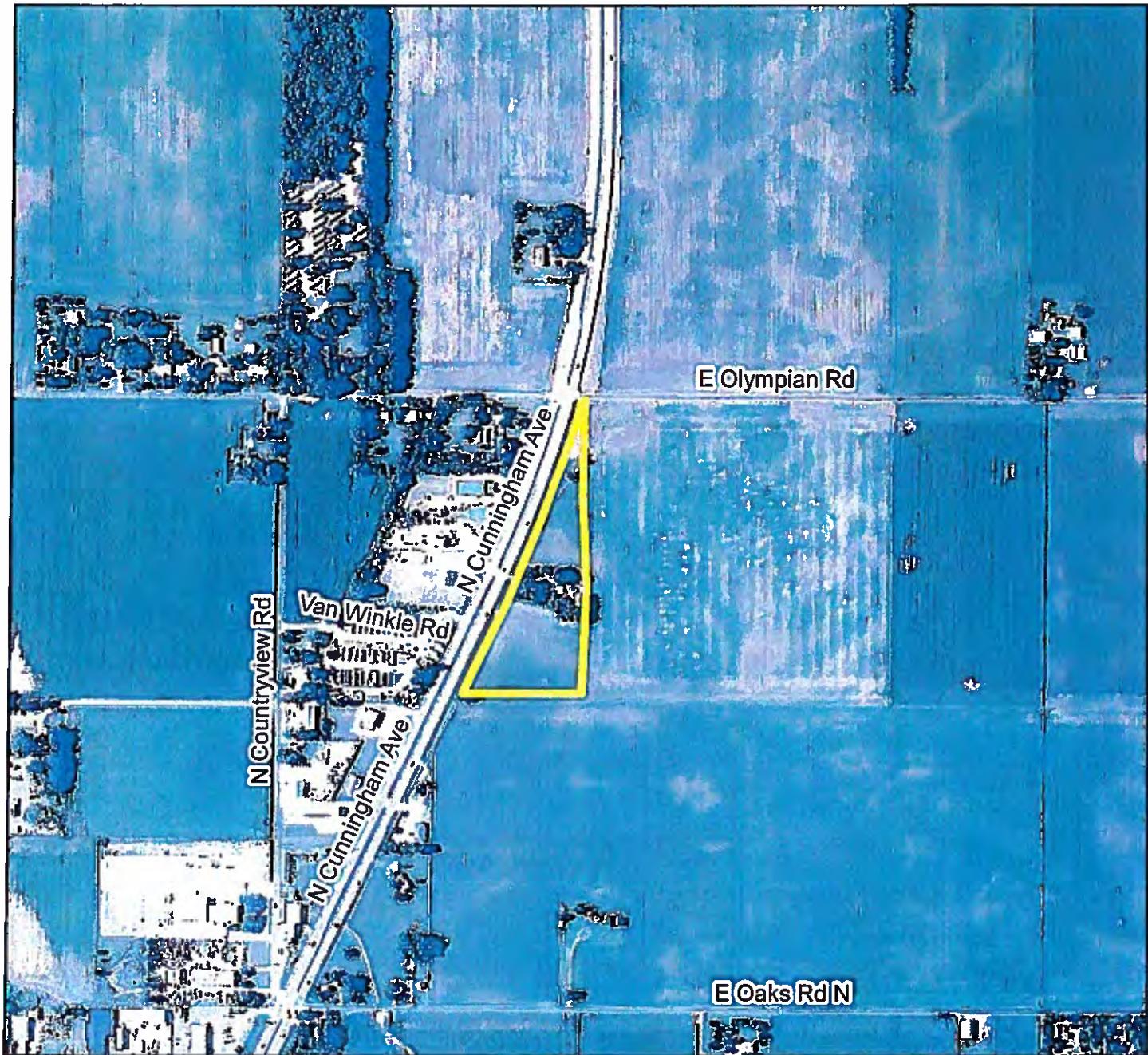
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

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



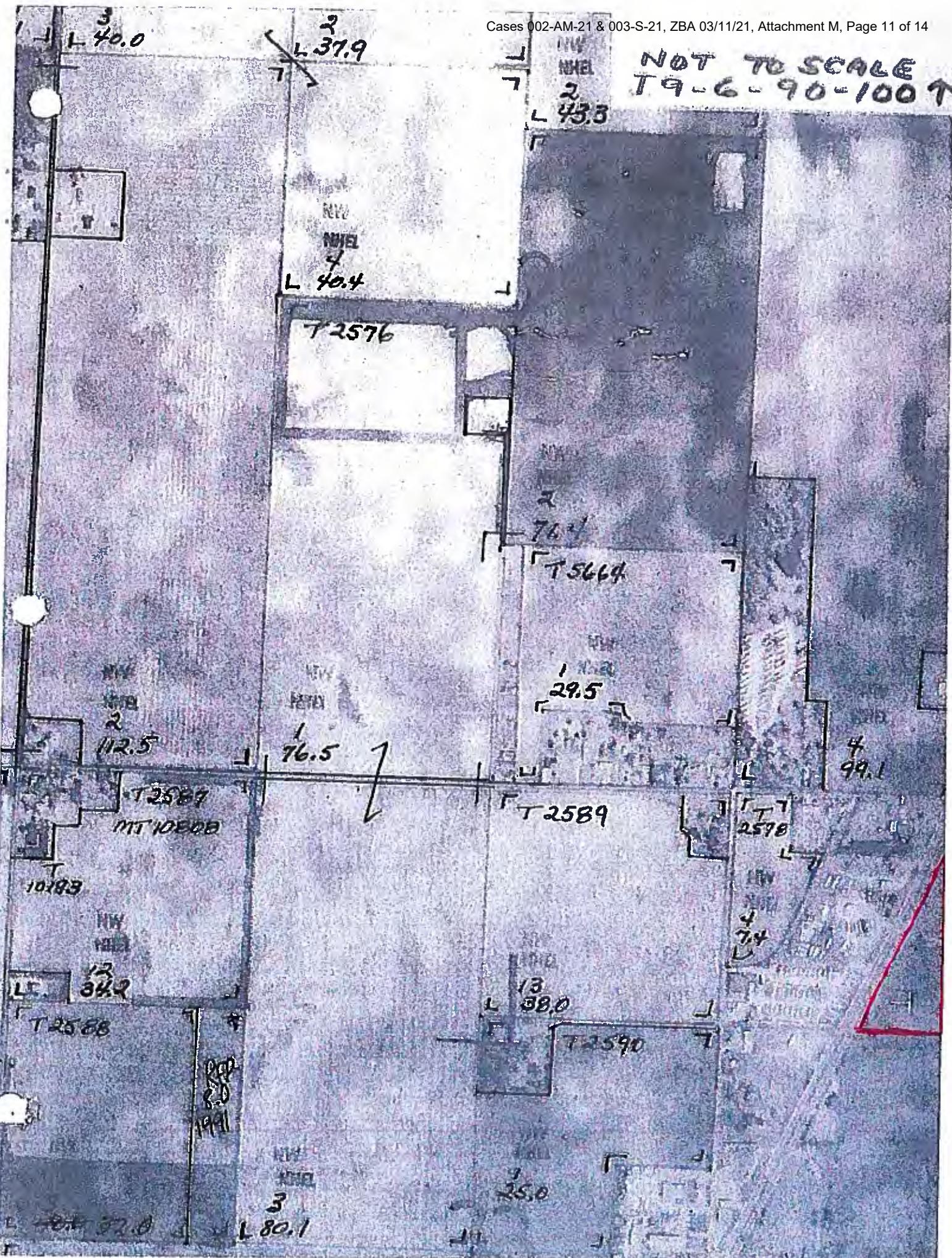
Prepared with assistance from USDA-Natural Resources Conservation Service

380 0 380 760 1,140 1,520
Feet

Legend

- Cothern Minor Subdivision
- fe_2007_17019_edges





2-3-26-89

NOT TO SCALE

Y-186 BB

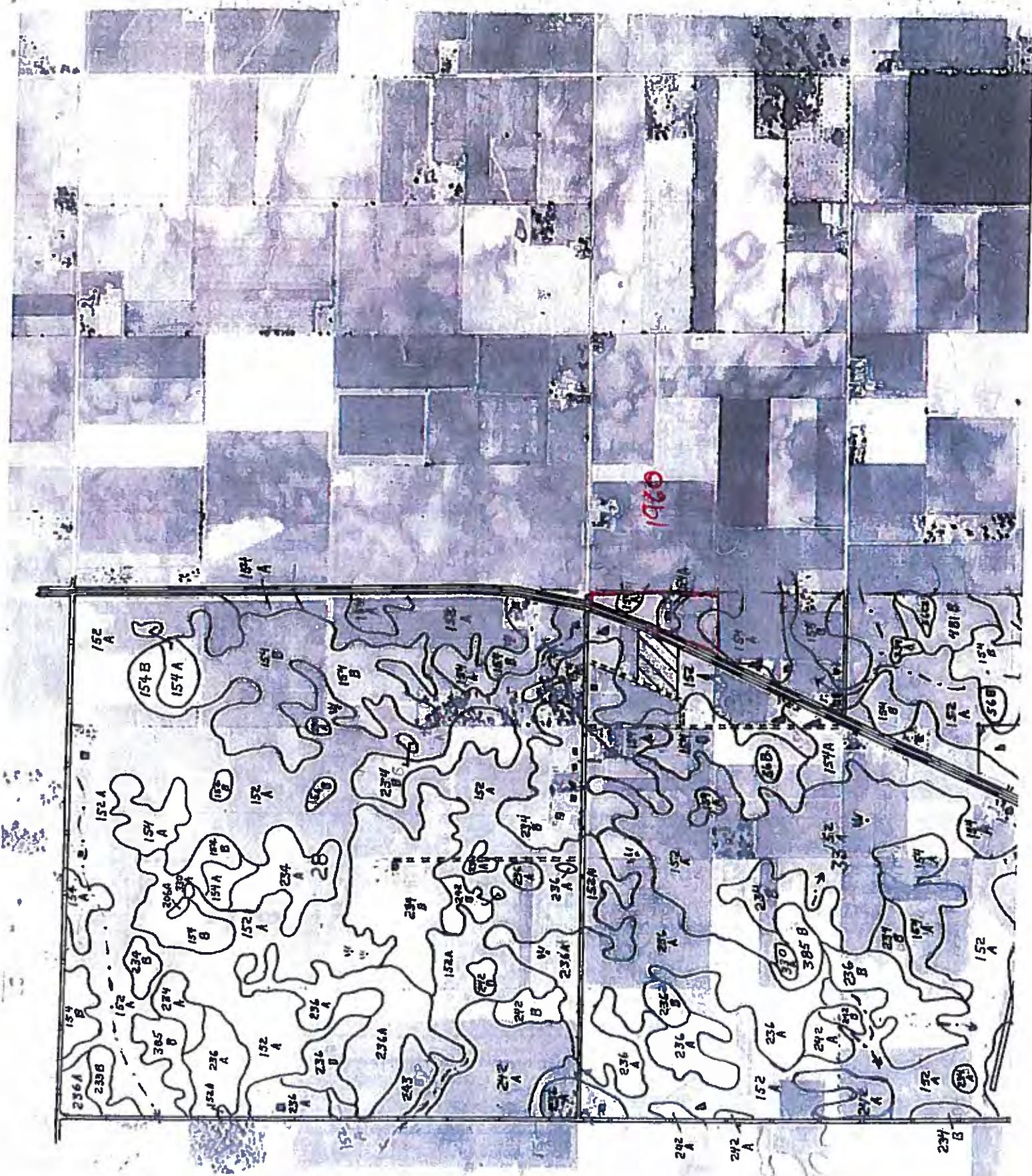
Y-17

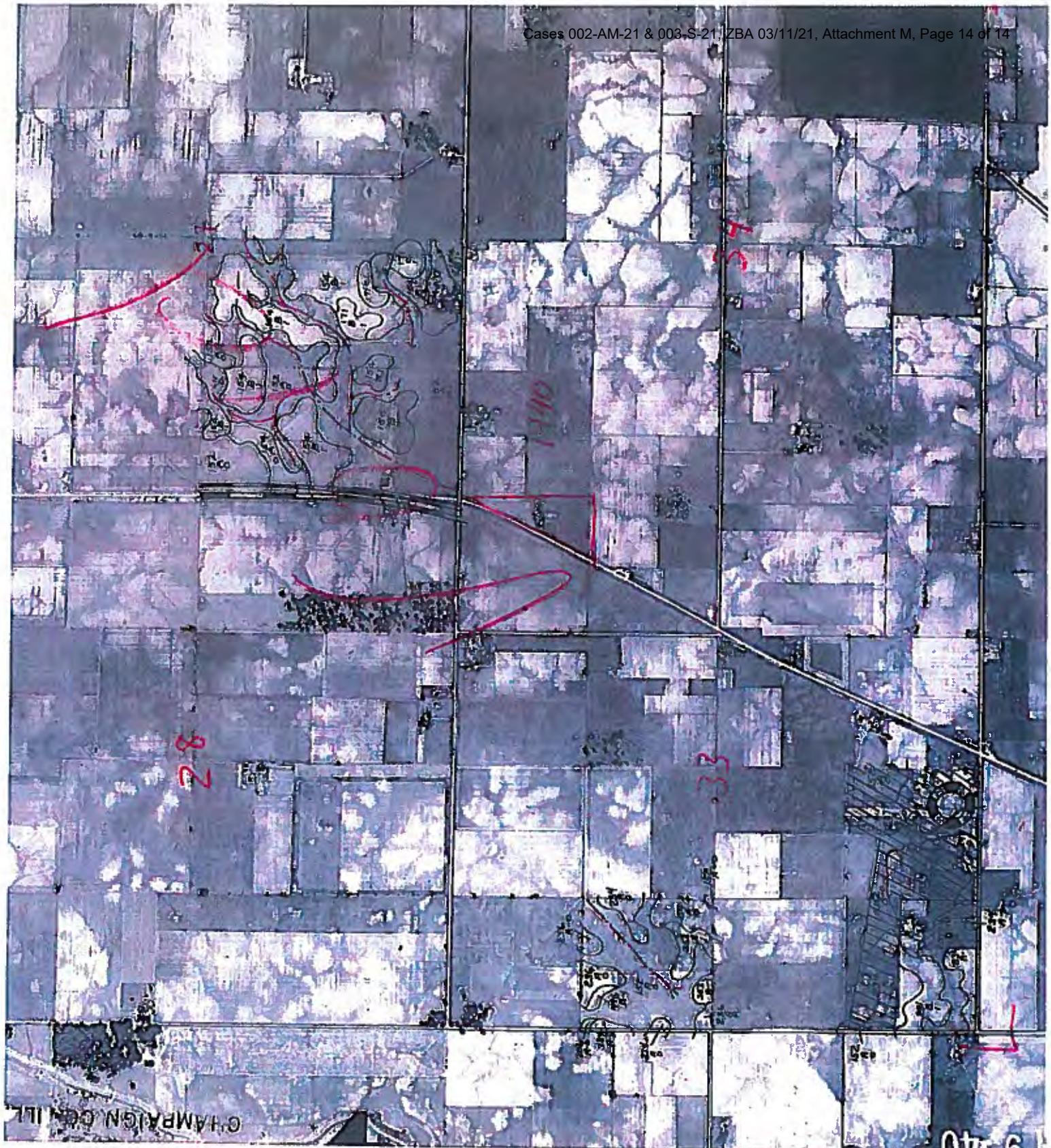
Retired
Y348

Y-290

Y-21

55







Applicant: Berns, Clancy & Associates

IDNR Project Number: 1805237

Contact: Jubal Underwood

Date: 12/26/2017

Address: 405 East Main Street
Post Office Box 755
Urbana, IL 61803

Project: ROLFE SUBDIVISION

Address: 3804 NORTH CUNNINGHAM AVENUE, URBANA

Description: SUBDIVIDE A 6.88 ACRE PARCEL INTO THREE LOTS

Natural Resource Review Results

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

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

Brownfield Woods INAI Site

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

Location

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



County: Champaign

Township, Range, Section:

20N, 9E, 33

20N, 9E, 34

IL Department of Natural Resources

Contact

Rich Lewis

217-785-5500

Division of Ecosystems & Environment

Government Jurisdiction

champaign county planning and zoning

john hall

1776 e washington st

urbana , illinois 61802

Disclaimer

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IDNR Project Number: 1805237

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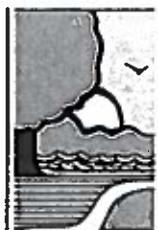
Security

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Illinois Department of Natural Resources

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

Bruce Rauner, Governor

Wayne Rosenthal, Director

January 20, 2018

Jubal Underwood
BURNS, CLANCY & ASSOCIATES
405 East Main Street
Post Office Box 755
Urbana, IL 61803 0755

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

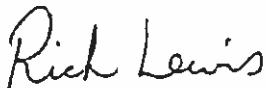
Dear Applicant:

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

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

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

Please contact me if you have questions regarding this review.

A handwritten signature in black ink that reads "Rich Lewis". The signature is fluid and cursive, with "Rich" on the first line and "Lewis" on the second line.

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

7550

Images received from Mack Weckel on 03/06/19

As part of Cases 927-AM-19 and 928-S-19 (withdrawn)



Facing east on north side of former homestead



From existing access drive facing east

Images received from Mack Weckel on 03/06/19

As part of Cases 927-AM-19 and 928-S-19 (withdrawn)



Weckel photos received 03/06/19

From US45 Northbound facing north



Weckel photos received 03/06/19

From US45 NB just south of existing access, facing north

Images received from Mack Weckel on 03/06/19

As part of Cases 927-AM-19 and 928-S-19 (withdrawn)



Weckel photos received 03/06/19

From US45 NB farther south of existing access, facing north



Weckel photos received 03/06/19

Roadside ditch on subject property

Images received from Mack Weckel on 03/06/19

As part of Cases 927-AM-19 and 928-S-19 (withdrawn)



From US45 NB facing N toward northern part of subject property



From west side of US 45 at Olympian Dr facing east to subject property

Images received from Mack Weckel on 03/06/19

As part of Cases 927-AM-19 and 928-S-19 (withdrawn)



From Olympian Rd east of US45N facing east – subject property is at right



From Olympian Rd east of US45N facing SE toward subject property

002-AM-21 & 003-S-21 Site Images



Approaching subject property on northbound US 45



From existing access on US45 North, facing east

002-AM-21 & 003-S-21 Site Images



From existing access facing north toward Olympian Dr



From existing access facing south

002-AM-21 & 003-S-21 Site Images



002-AM-21 & 003-S-21
02/04/21

From subject property facing west across US 45



002-AM-21 & 003-S-21
02/04/21

From west side of US45 facing east to subject property

002-AM-21 & 003-S-21 Site Images



From west side of US 45 facing NE



From west side of US 45 facing SE

PRELIMINARY DRAFT

002-AM-21

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

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

Date: **{March 11, 2021}**

Petitioners: **Ryan and Amanda Donaldson, d.b.a. D5 Holdings Group LLC**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-2 Agriculture Zoning District to the B-4 General Business Zoning District in order to establish and operate the proposed Special Use in related Zoning Case 003-S-21.**

Table of Contents

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Purpose of the Zoning Ordinance	22 - 25
Special Conditions	25
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Case 002-AM-21 Summary Finding of Fact.....	27 - 29
Case 002-AM-21 Final Determination.....	30

PRELIMINARY DRAFT

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 11, 2021**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 003-S-21)

- *1. Petitioners Ryan and Amanda Donaldson, 725 N Maple, Paxton, own the subject property. They are the sole officers and stakeholders of D5 Holdings Group LLC.
- *2. The subject property is a 7.05-acre tract in the East Half of the Northeast Quarter of the Northeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township with an address of 3804 N Cunningham Avenue, Urbana.
 - *A. According to the Champaign County Supervisor of Assessments Office, the subject property was erroneously divided into two parcels under Urbana Champaign Sanitary District (UCSD) Ordinance Number 266. However, the UCSD deed only annexes properties into the UCSD area; it does not create lots. This division was never approved by the City of Urbana, which has subdivision jurisdiction. For the purpose of processing these zoning cases, the subject property will be referred to as a 7.05-acre tract, and resolving the recording error is independent of the Champaign County Planning & Zoning Department.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the City.
 - (1) The subject property is 0.42 miles north of the City of Urbana. The City's most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Agriculture future land use area. Urbana defines the Agriculture land use as "those that involve crop cultivation and production, the raising of livestock and uses that support agriculture, such as feed stores and silos."
 - *B. The subject property is located within Somer Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.
- 4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: "**AG-2 zoning does not allow multiple principal buildings on one lot. Multiple principal buildings are allowed in B-4.**"
- 5. Regarding comments by the petitioner, when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following: "**B-4 zoning would allow the flexibility in the tenants that may be interested in leasing space. This would allow us to better serve our customers. There is undeveloped land with to the north of our property. This would be in character with the surrounding properties.**"

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *6. Land use and zoning on the subject property and in the vicinity are as follows:

PRELIMINARY DRAFT

Case 002-AM-21
Page 3 of 30

- *A. The subject property is a 7.05-acre tract and is currently zoned AG-2 Agriculture. The site is in agricultural production and all but one of the former farmstead buildings has been demolished.
 - *B. Land to the north of the subject property is zoned B-4 General Business and is in agricultural production.
 - *C. Land to the south and east of the subject property is zoned AG-2 Agriculture and is agricultural production.
 - *D. Land to the northwest is zoned B-4 General Business and is commercial in use.
 - *E. Land to the southwest is zoned R-5 Manufactured Home Park and is commercial in use as a manufactured home park.
- *7. Regarding the site plan and proposed operations of the subject property:
- *A. The site plan received January 27, 2021, indicates the following proposed improvements to the lot:
 - *(1) The 1,500 square feet existing storage building on the east side of the property will be demolished.
 - *(2) One 20,480 square feet building on the east side as Phase 1;
 - *(3) 30 parking spaces as part of Phase 1;
 - *(4) One 20,480 square feet building on the east side as Phase 2;
 - *(5) 26 parking spaces as part of Phase 2;
 - *(6) One pond in the west-central part of the subject property;
 - *(7) One septic field on the north side of the Phase 1 building and a second septic field on the east side of the Phase 2 building;
 - *(8) One existing well on the north side of the Phase 1 building; and
 - *(9) Use of an existing access drive to US 45 North (Cunningham Avenue) which will be improved and extended to serve both buildings.
 - *B. Previous Zoning Use Permits on the subject property are as follows:
 - *(1) ZUPA #203-99-01 was approved on July 22, 1999, for Mary and Gary Rolfe to place a manufactured home on the property.
 - *a. A manufactured home was removed from the property sometime after the 2014 Champaign County aerial photography was taken; a concrete pad remains on the site.
 - *(2) ZUPA #94-92-01 was approved on April 3, 1992, for Gary Rolfe to construct a 1,500 square feet detached storage building.

PRELIMINARY DRAFT

- *C. Previous Zoning Cases on the subject property are as follows:
 - (1) Cases 927-AM-19 and 928-S-19 were to rezone the property from AG-2 to B-4 and for a Special Use Permit for multiple buildings. The cases were withdrawn by the previous owner.
- *D. Previous Zoning Cases near the subject property are as follows:
 - (1) The North Cunningham Avenue/US45 North corridor has been a commercial area for many years and most zoning cases in the area have involved rezoning to B-3 or B-4 Districts and/or obtaining Special Use Permits for retail and service businesses.
 - a. Since adoption of the Zoning Ordinance on October 10, 1973, there have been 16 approved rezoning cases in Section 33 of Somer Township, of which 15 were rezoned to B-4 General Business.
 - b. Since adoption of the Zoning Ordinance on October 10, 1973, there have been 10 approved Special Use Permits in Section 33 of Somer Township.
 - (2) Adjacent to the subject property, Case 130-AM-98 was approved on October 29, 1998 and rezoned 4.55 acres that included Lots 4 through 7 in Van Winkle Sub from B-3 Highway Business to B-4 General Business.
 - a. Case 823-S-15 was approved on October 27, 2016, for a Special Use Permit on Lots 4 and 5 in Van Winkle Sub to establish a Contractor's Facility with Outdoor Storage and Outdoor Operations.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

- 8. Regarding the existing and proposed zoning districts:
 - A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - (1) The AG-2 Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - (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 15 types of uses authorized by right in the AG-2 District and there are 122 types of uses authorized by right in the B-4 District:
 - a. The following 9 uses are authorized by right in both the AG-2 District and B-4 District:
 - (a) Subdivisions of three lots or less;
 - (b) AGRICULTURE, including customary ACCESSORY USES;
 - (c) Minor RURAL SPECIALTY BUSINESS;

PRELIMINARY DRAFT

Case 002-AM-21
Page 5 of 30

- (d) Plant Nursery;
 - (e) Township Highway Maintenance Garage (must meet separations in AG-2 or SUP is required);
 - (f) ADULT USE CANNABIS CULTIVATION CENTER;
 - (g) ADULT USE CANNABIS CRAFT GROWER;
 - (h) Christmas Tree Sales Lot; and
 - (i) Temporary Uses.
- b. The following 6 uses are authorized by right in the AG-2 District and are not authorized at all in the B-4 District:
- (a) SINGLE FAMILY DWELLING;
 - (b) Roadside Stand operated by Farm Operator;
 - (c) Country club or golf course;
 - (d) Commercial Breeding Facility;
 - (e) OFF-PREMISES SIGN within 660 feet of edge of the RIGHT-OF-WAY of an interstate highway; and
 - (f) OFF-PREMISES SIGN along federal highway except interstate highways.
- c. The following 80 uses are authorized by right in the B-4 District and not at all in the AG-2 District:
- (a) HOTEL – over 15 lodging units;
 - (b) Institution of an Educational, Philanthropic, or Eleemosynary Nature;
 - (c) PARKING GARAGE;
 - (d) PARKING LOT;
 - (e) Telegraph Office;
 - (f) Railway Station;
 - (g) Barber Shop;
 - (h) Beauty Shop;
 - (i) Reducing Salon;
 - (j) Dressmaking Shop;
 - (k) Dry-cleaning ESTABLISHMENT;
 - (l) Laundry and/or dry-cleaning pick-up;
 - (m) Millinery shop;
 - (n) Self-service laundry;
 - (o) Shoe repair shop;
 - (p) Tailor and pressing shop;
 - (q) Diaper Service ESTABLISHMENT;
 - (r) Clothing repair and storage;
 - (s) Medical and dental clinic;
 - (t) Farm Equipment Sales and Service;
 - (u) ADULT USE CANNABIS DISPENSING ORGANIZATION;
 - (v) Banks, Savings and Loan Associations;
 - (w) Insurance and Real Estate Offices;
 - (x) Business Office;
 - (y) Professional Office;
 - (z) Private Kindergarten or Day Care Facility;

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- (aa) Vocational, Trade or Business SCHOOL;
- (bb) Meat and Fish Market;
- (cc) Restaurant (indoor service only);
- (dd) Supermarket or Grocery Store;
- (ee) Drive-in Restaurant;
- (ff) Tavern or Night Club;
- (gg) Bakery (less than 2,500 sf);
- (hh) Dairy Store;
- (ii) Delicatessen;
- (jj) Confectionery Store;
- (kk) Retail Liquor Store;
- (ll) Locker, Cold Storage for Individual Use;
- (mm) AUTOMOBILE, Truck, Trailer, and Boat Sales room (all indoors);
- (nn) AUTOMOBILE or Trailer Sales area (open lot);
- (oo) Major AUTOMOBILE Repair (all indoors);
- (pp) Minor AUTOMOBILE Repair (all indoors);
- (qq) Gasoline Service Station;
- (rr) AUTOMOBILE Washing Facility;
- (ss) Automotive Accessories (new);
- (tt) Building Material Sales (excluding concrete or asphalt mixing);
- (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;
- (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) Used Furniture Sales and Service;
- (kkk) Pet Store;
- (lll) Bicycle Sales and Service;
- (mmm) Fuel Oil, ice, coal, wood (sales only);
- (nnn) Monument Sales (Excludes stone cutting);
- (ooo) Pawn Shop;
- (ppp) Sporting Good Sales & Service;
- (qqq) Heating, Ventilating, Air Conditioning Sales and Service;
- (rrr) Lawnmower Sales and Service;
- (sss) Billiard Room;
- (ttt) Bowling Alley;
- (uuu) Dancing Academy or hall;

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- (vvv) Indoor THEATER;
 - (www) Wholesale Business;
 - (xxx) Warehouse;
 - (yyy) Self-storage Warehouses, providing heat and utilities to individual units;
 - (zzz) Auction House (non-animal);
 - (aaaa) OFF-PREMISES SIGN; and
 - (bbbb) SEXUALLY ORIENTED BUSINESSES.
- d. The following 36 uses are authorized by right in the B-4 District but require a Special Use Permit in the AG-2 District:
- (a) HOTEL – no more than 15 lodging units;
 - (b) SUBDIVISION(S) totaling more than 3 LOTS or with new STREETS or PRIVATE ACCESSWAYS (County Board Special Use Permit);
 - (c) Major RURAL SPECIALTY BUSINESS;
 - (d) Commercial Greenhouse;
 - (e) Greenhouse (not exceeding 1,000 sq ft);
 - (f) Garden shop;
 - (g) Church, Temple, or church related TEMPORARY USES on church PROPERTY;
 - (h) Municipal or GOVERNMENT BUILDING;
 - (i) Township Highway Maintenance Garage;
 - (j) Police Station or Fire Station;
 - (k) Library, Museum or Gallery;
 - (l) Public park or recreational facility;
 - (m) Radio or Television Station;
 - (n) Telephone Exchange;
 - (o) Motor Bus Station;
 - (p) Truck Terminal;
 - (q) Mortuary or Funeral Home;
 - (r) Roadside Produce Sales Stand;
 - (s) Feed and Grain (sales only);
 - (t) ADULT USE CANNABIS TRANSPORTING ORGANIZATION;
 - (u) ADULT USE CANNABIS CULTIVATION CENTER;
 - (v) ADULT USE CANNABIS CRAFT GROWER;
 - (w) Artist Studio;
 - (x) Antique Sales and Service;
 - (y) Bait Sales;
 - (z) Lodge or private club;
 - (aa) Outdoor commercial recreational enterprise (except amusement park);
 - (bb) Private Indoor Recreational Development;
 - (cc) Commercial Fishing Lake;
 - (dd) Veterinary Hospital;
 - (ee) Self-storage Warehouses, not providing heat and utilities to individual units;

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- (ff) Contractors Facilities with no outdoor STORAGE nor Outdoor OPERATIONS;
 - (gg) Contractors Facilities with outdoor STORAGE and/or Outdoor OPERATIONS;
 - (hh) AGRICULTURAL DRAINAGE CONTRACTOR Facility with no Outdoor STORAGE and/or Outdoor OPERATIONS;
 - (ii) AGRICULTURAL DRAINAGE CONTRACTOR Facility with outdoor STORAGE and/or Outdoor OPERATIONS; and
 - (jj) SMALL SCALE METAL FABRICATING SHOP.
- e. There are two uses that are authorized by right in the AG-2 District that could require a Special Use Permit in the B-4 District:
- (a) ADULT USE CANNABIS CULTIVATION CENTER; and
 - (b) ADULT USE CANNABIS CRAFT GROWER.
- (2) There are 82 types of uses authorized by Special Use Permit (SUP) in the AG-2 District (including the 36 uses 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 10 uses may be authorized by SUP in the both the AG-2 District and B-4 District:
- (a) Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - (b) Private or commercial transmission and receiving towers (including antennas) over 100' in height;
 - (c) Electrical Substation;
 - (d) HELIPORT-RESTRICTED LANDING AREAS;
 - (e) ADULT USE CANNABIS CULTIVATION CENTER;
 - (f) ADULT USE CANNABIS CRAFT GROWER;
 - (g) Amusement Park;
 - (h) KENNEL;
 - (i) Contractors Facilities with outdoor STORAGE nor OPERATIONS; and
 - (j) Agricultural Drainage Contractor Facility with outdoor STORAGE and/or outdoor OPERATIONS.
- b. The following 40 uses may be authorized by Special Use Permit in the AG-2 District and not at all in the B-4 District:
- (a) TWO-FAMILY DWELLING;
 - (b) Home for the aged;
 - (c) Nursing Home;
 - (d) TRAVEL TRAILER Camp;
 - (e) Residential PLANNED UNIT DEVELOPMENT;
 - (f) Artificial lake of 1 or more acres;
 - (g) Mineral extraction, Quarrying, topsoil removal, and allied activities;
 - (h) Elementary SCHOOL, Junior High SCHOOL, or High SCHOOL;
 - (i) Penal or correctional institution;
 - (j) Sewage disposal plant or lagoon;

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- (k) Water Treatment Plant;
- (l) Public Fairgrounds;
- (m) Railroad Yards and Freight Terminals;
- (n) AIRPORT;
- (o) RESIDENTIAL AIRPORTS;
- (p) RESTRICTED LANDING AREAS;
- (q) HELIPORT/HELISTOPS;
- (r) Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
- (s) Livestock Sales Facility and Stockyards;
- (t) Slaughter Houses;
- (u) Grain Storage Elevator and Bins;
- (v) RESIDENTIAL RECOVERY CENTER;
- (w) Resort or Organized CAMP;
- (x) Country Club Clubhouse;
- (y) Public CAMP or picnic area;
- (z) Riding Stable;
- (aa) Seasonal hunting or fishing lodge;
- (bb) Stadium or coliseum;
- (cc) OUTDOOR THEATER;
- (dd) Aviation sales, service or storage;
- (ee) Cemetery or Crematory;
- (ff) Pet Cemetery;
- (gg) OFF-PREMISES SIGN beyond 660' of the edge of the RIGHT-OF-WAY of an interstate highway;
- (hh) LANDSCAPE WASTE PROCESSING FACILITIES;
- (ii) Gas Turbine Peaker;
- (jj) BIG WIND TURBINE TOWER (1-3 turbines);
- (kk) PV SOLAR FARM;
- (ll) Wood Fabricating Shop and Related Activities;
- (mm) Sawmills, Planing Mills, and related activities; and
- (nn) Pre-Existing Industrial Uses (existing prior to October 10, 1973).

- c. The following 4 uses may be authorized by SUP in the B-4 District and not at all in the AG-2 District:
 - (a) HOSPITAL;
 - (b) Bakery (more than 2,500 sf);
 - (c) Recycling of non-hazardous materials (all storage and processing indoors); and
 - (d) LIGHT ASSEMBLY.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

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- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:
“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows...”
- B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

REGARDING RELEVANT LRMP GOALS & POLICIES

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

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

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

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

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

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

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

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

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

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

- A. The three objectives are:
 - (1) Objective 3.1 is entitled “Business Climate” and states: Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

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- (2) Objective 3.2 is entitled “Efficient County Administration” and states: “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”
 - (3) Objective 3.3 is entitled “County Economic Development Policy” and states: “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.”
- B. Although the proposed rezoning is ***NOT DIRECTLY RELEVANT*** to any of these objectives, the proposed rezoning will allow the Petitioners to establish a mix of business uses that could benefit Champaign County’s business climate; therefore, the proposed rezoning can be said to ***HELP ACHIEVE*** Goal 3.
13. LRMP Goal 4 is entitled “Agriculture” and states:
Champaign County will protect the long-term viability of agriculture in Champaign County and its land resource base.
- Goal 4 has 9 objectives and 22 policies. Objectives 4.4, 4.5, 4.6, 4.8, and 4.9 and their policies do not appear to be relevant to the proposed rezoning. The proposed amendment will ***HELP ACHIEVE*** Goal 4 for the following reasons:
- A. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states: “Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”
- Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, and 4.1.9 do not appear to be relevant to the proposed rezoning. The proposed rezoning will ***HELP ACHIEVE*** Objective 4.1 because of the following:
- (1) Policy 4.1.1 states, **“Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.”**
- The proposed rezoning will ***HELP ACHIEVE*** Policy 4.1.1 because the farmland acreage on the subject property is relatively small – about 5 acres. Commercial agriculture at this scale is less efficient and is further limited by adjacent uses and a federal highway.
- (2) Policy 4.1.6 states: **“Provided that the use, design, site and location are consistent with County policies regarding:**
 - i. **Suitability of the site for the proposed use;**
 - ii. **Adequacy of infrastructure and public services for the proposed use;**
 - iii. **Minimizing conflict with agriculture;**
 - iv. **Minimizing the conversion of farmland; and**
 - v. **Minimizing the disturbance of natural areas; then**

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- a) **On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
- b) **On best prime farmland, the County may authorize non-residential discretionary development; or**
- c) **The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

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

- a. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam and 154A Flanagan silty clay loam, and has an average Land Evaluation (LE) of 100.
- b. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding site suitability on best prime farmland and will **HELP ACHIEVE** Policy 4.3.5.
- c. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
- d. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policies 4.2.1, 4.2.2, 4.2.3, and 4.2.4.
- e. Regarding compliance with policies having to do with minimizing the disturbance of natural areas, there are no natural areas on the subject property and the proposed amendment **WILL NOT IMPEDE** the achievement of Goal 8.

- (3) Policy 4.1.8 states, “**The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.8 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam and 154A Flanagan silty clay loam, and has an average Land Evaluation (LE) of 100.

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- b. The Site Assessment (SA) portion of the LESA analysis scored 32 points. Note that properties within the CUGA can score a maximum of 90 points for the SA portion, rather than the 200 points for those outside the CUGA.
 - c. The total LESA score of 132 receives the lowest protection rating in LESA, which is “low rating for protection.”
- B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

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

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

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

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
- b. The proposed development in related Case 003-S-21 ***DOES NOT*** support agriculture, but does support rural customers.
- *c. In a letter received January 9, 2018, Michael Flanagan of the Champaign-Urbana Public Health District stated, “based upon the soil evaluation findings, it appears private sewage disposal systems could be designed to serve these lots.”
 - *(a) Previous owners had discussed subdividing the subject property for residential lots; this proposal was set aside in 2018.
 - *(b) The proposed construction will require a septic system, but it is assumed that if septic systems could have been installed for three residential properties then septic systems for the two commercial buildings should also be feasible. A special condition has been included in related Case 003-S-21 to ensure that a septic system is considered before a Zoning Use Permit is approved.
- d. The proposed development does not need urban infrastructure, and is thus suitable for a rural area.

- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
 - a) **is a type that does not negatively affect agricultural activities; or**

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- b) is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
- c) will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural roads*, or other agriculture-related infrastructure.”**

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

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

- (3) **Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

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

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

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

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

- a. No buffer or fencing is required for the proposed use.
 - b. The Site Plan received January 27, 2021, does not include a buffer, berms, or fencing.
 - c. The proposed use on the subject property will **NOT** create nuisance conditions or inhibit adjacent agricultural activities.
- C. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states: “Champaign County will require that each discretionary review development is located on a suitable site.”

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

- (1) **Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”**

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

- a. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam and 154A Flanagan silty clay loam, and has an average Land Evaluation (LE) of 100.
- b. The subject property has been a farmstead with most of its 7.05 acres in agricultural production for many years, and has an existing access drive onto US 45 North.
- *c. Regarding surface drainage:
 - *(a) The Natural Resource Report by the Champaign County Soil and Water Conservation District received January 26, 2018 as part of cases 927-AM-19 and 928-S-19 for the same property, indicates the following:
 - *a. “The site is relatively flat. The developed area seems to have good drainage. The water from the site will leave by way of the road drainage ditch.”
 - *(b) Mack and Helen Weckel, adjacent landowners, provided photos of flooded areas on the subject property during previous cases 927-AM-19 and 928-S-19. The photos were from a heavy rainfall event in December 2018, and were received on March 6, 2019.
 - *a. Mack Weckel is a Commissioner with the Saline Branch Drainage District.

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- *(c) The petitioners are required to submit a Storm Water Drainage Plan and construct a detention basin on the subject property. An independent consulting engineer for the P&Z Department will complete a review of the proposed plan and basin prior to the P&Z Department approving a Zoning Use Permit for construction.

- *d. Regarding agricultural drainage:
 - *(a) The Saline Branch Drainage District has a tile that appears to run just north of the subject property south of Olympian Road; how the proposed development might affect the tile is unclear. The Saline Branch Drainage District was notified of this case, and no comments have been received.

 - *(b) The Natural Resource Report by the Champaign County Soil and Water Conservation District received January 26, 2018, indicates the following:
 - *i. "It is likely that this site contains agricultural tile; if any tile is found, care should be taken to maintain the tile in working order. Severe ponding, along with wetness may be a limitation associated with the soil types on the site. Installing a properly designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils."

- e. The proposed development will include a new septic system.

- f. There is a mix of residential, commercial, and agricultural uses surrounding the subject property.

- g. 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.

- h. The subject property is located along the east side of US 45 North, approximately 0.42 mile north of the City of Urbana, and approximately 2,200 feet from the nearest sanitary sewer connection.
 - *(a) In a letter received January 9, 2018, Michael Flanagan of the Champaign-Urbana Public Health District stated, "based upon the soil evaluation findings, it appears private sewage disposal systems could be designed to serve these lots."
 - *i. Previous owners had discussed subdividing the subject property for residential lots; this proposal was set aside in 2018.

 - *ii. The proposed construction will require a septic system, but it is assumed that if septic systems could have been installed for three residential properties then septic systems for the

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two commercial buildings should also be feasible. A special condition has been included in related Case 003-S-21 to ensure that a septic system is considered before a Zoning Use Permit is approved.

- (2) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

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

- *a. The subject property is located approximately 2.5 road miles from the Carroll Fire Protection District station. Notice of these zoning cases was sent to the Carroll Fire Protection District, and no comments have been received.

- (3) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

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

- a. No connection to public water or sewer is planned; the petitioners plan to install a new septic system and utilize an existing well.
 - *(a) In a letter received January 9, 2018, Michael Flanagan of the Champaign-Urbana Public Health District stated, “based upon the soil evaluation findings, it appears private sewage disposal systems could be designed to serve these lots.”
 - *i. Previous owners had discussed subdividing the subject property for residential lots; this proposal was set aside in 2018.
 - *ii. The proposed construction will require a septic system, but it is assumed that if septic systems could have been installed for three residential properties then septic systems for the two commercial buildings should also be feasible. A special condition has been included in related Case 003-S-21 to ensure that a septic system is considered before a Zoning Use Permit is approved.

- (4) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**

- a) **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
- b) **The use is otherwise appropriate in a rural area and the site is very well suited to it.”**

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

- a. The proposed use in related Case 003-S-21 **DOES NOT** serve surrounding agricultural land uses exclusively, but does support rural clients.
- b. The subject property is 0.42 miles north of the City of Urbana. The City's most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Agriculture future land use area. Urbana defines the Agriculture land use as "those that involve crop cultivation and production, the raising of livestock and uses that support agriculture, such as feed stores and silos."
- c. The proposed development in related Case 003-S-21 **IS** otherwise appropriate in a rural area based on the following:
 - (a) In item 13.B.(2)a. of this Finding of Fact, the Zoning Board of Appeals recommended that the existing and proposed use of the subject property **DOES NOT** negatively affect agricultural activities (Policy 4.2.2).
 - (b) In item 13.B.(2)a.(b) of this Finding of Fact, the Zoning Board of Appeals recommended that the existing and proposed use of the subject property **IS NOT** negatively affected by surrounding agricultural activities (Policy 4.2.2); and
 - (c) In items 13.B.(2)a.(a) and (c) of this Finding of Fact, the Zoning Board of Appeals recommended that the existing and proposed use on the subject property **WILL NOT** damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure (Policy 4.2.2).
- d. Regarding whether the site is very well suited to the proposed land use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use (Item 13.C.(1)).

- D. Objective 4.7 is entitled "Right to Farm Resolution" and states: "Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County."

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

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

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

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

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

- A. The Land Resource Management Plan defines “urban land use” as generally any land use that is connected and served by a public sanitary system and “urban development” is defined as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary system.
- B. The subject property is within the Contiguous Urban Growth Area (CUGA) of the City of Urbana. The CUGA is defined in the Land Resource Management Plan as unincorporated land within the County that meets one of the following criteria:
 - (1) Land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
 - a. The land is not designated for urban use on Urbana’s 2005 Future Land Use Map.
 - b. The subject property is not serviced by sanitary sewer or a public water supply.
 - c. The uses proposed in related Case 003-S-21 do not need access to a sanitary sewer or a public water supply and should not be considered “urban development.”
 - d. The City of Urbana is aware of the proposed development, and no comments have been received.
 - (2) Land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
 - a. The nearest sewer line is over 2,200 feet away from the subject property.
 - b. At one point, the previous owner was working with the City of Urbana on subdividing the property into residential lots, which would have annexed the property. The proposed subdivision was set aside in 2018.
 - (3) Land surrounded by incorporated land or other urban land within the County.
 - a. The subject property is 0.42 mile away from the Urbana corporate limits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GENERALLY REGARDING THE LASALLE FACTORS

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

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

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Agriculture and vacant Residential	AG-2 Agriculture (Proposed rezoning to B-4)
North	Agriculture	B-4 General Business

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

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

- (1) It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
- (2) This area has a mix of land uses and the subject property has been in agricultural production for many years. All buildings from the former homestead except one storage shed have been removed.
- (3) Regarding the value of nearby residential properties, it is not clear if the requested map amendment would have any effect.

C. *LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.* Regarding this factor:

- (1) There has been no evidence submitted regarding property values.
- (2) This area has a mix of land uses and the subject property has been in agricultural production for many years.
- (3) Presumably, the petitioner seeks to develop the property because there is more value to the proposed development than leaving the land in agricultural production.

D. *LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.* Regarding this factor:

- (1) The gain to the public of the proposed rezoning is positive because it will redevelop a vacant farmstead, which will be more desirable than the previous aging accessory farm structures.
- (2) There are known drainage issues on the property and along this stretch of US45. The public will also benefit from drainage improvements required as part of developing the subject property.

E. *LaSalle factor: The suitability of the subject property for the zoned purposes.*

Regarding this factor:

- (1) The North Cunningham Avenue/US45 North corridor has been a commercial area for many years and most zoning cases in the area have involved rezoning to B-3 or B-4 Districts and/or obtaining Special Use Permits for retail and service businesses.

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- *a. Since adoption of the Zoning Ordinance on October 10, 1973, there have been 16 approved rezoning cases in Section 33 of Somer Township, of which 15 were rezoned to B-4 General Business.
- *b. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding site suitability on best prime farmland and will **HELP ACHIEVE** Policy 4.3.5.

F. ***LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.*** Regarding this factor:

- (1) Most of the 7.05-acre property continues to be in agricultural production. The former homestead sat vacant for several years without a buyer. All but one of the former homestead buildings have been demolished in anticipation of commercial development.

G. ***Sinclair factor: The need and demand for the use.*** Regarding this factor:

- (1) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use **IS** a service better provided in a rural area.
- (2) In the review of Policy 4.3.5, the ZBA has recommended the following:
 - a. The proposed use in related Case 003-S-21 **DOES NOT** serve surrounding agricultural land uses exclusively, but does support rural clients.
 - b. The proposed development **IS** otherwise appropriate in a rural area.

H. ***Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.***

- (1) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
- (2) The subject property is 0.42 miles north of the City of Urbana. The City's most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Agriculture future land use area.

I. Overall, the proposed map amendment **IS CONSISTENT** with the LaSalle and Sinclair factors.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

21. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

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

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

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

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

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

The ZBA has recommended that the proposed rezoning will ***NOT IMPEDE*** Goal 7 Transportation, but no Traffic Impact Assessment has been made.

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

The proposed rezoning will not trigger the need for storm water management; however, creation of additional impervious area due to the construction of the proposed buildings in related Special Use Permit case 003-S-21 will require a Storm Water Drainage Plan and independent review by the P&Z Department's consulting engineer.

- *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.

(3) No comments have been received for the proposed rezoning.

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

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

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

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

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

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

- *I. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
 - (1) The proposed Special Use in related Case 003-S-21 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
 - (2) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan, although the proposed Special Use Permit is not urban in use.
- *J. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

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

The proposed Special Use in related Case 003-S-21 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

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

*(1) The proposed use will remove approximately 5 acres from agricultural production.

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

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

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

REGARDING SPECIAL CONDITIONS OF APPROVAL

23. Proposed Special Condition of Approval:

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

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

Conformance with Land Resource Management Plan Policy 4.2.3.

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DOCUMENTS OF RECORD

1. Application for Map Amendment received January 28, 2021
2. Application for Special Use Permit received January 28, 2021
3. Preliminary Site Plan received January 27, 2021
4. Natural Resources Report from Champaign County Soil and Water Conservation District dated January 12, 2018 and received January 26, 2018 as part of previous cases 927-AM-19 & 928-S-19
5. EcoCAT Natural Resource review and follow up letter from IDNR dated January 20, 2018 and received January 25, 2018 as part of previous cases 927-AM-19 & 928-S-19
6. Letter from Michael Flanagan, Champaign Urbana Public Health District, received January 24, 2018, regarding septic suitability for a previously proposed subdivision on the subject property
7. LESA Site Assessment worksheet completed by staff on February 22, 2019 as part of previous cases 927-AM-19 & 928-S-19
8. Preliminary Memorandum dated March 2, 2021 for Cases 002-AM-21 and 003-S-21, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received January 27, 2021
 - C LRMP Land Use Goals, Objectives, and Policies
 - D LRMP Appendix of Defined Terms
 - E LRMP Land Use Management Areas Map approved in 2015
 - F Copy of Right to Farm Resolution 3425
 - G Urbana Future Land Use Map from the Urbana Comprehensive Plan 2005
 - H Letter from Michael Flanagan, Champaign Urbana Public Health District, received January 24, 2018, regarding septic suitability for a previously proposed subdivision on the subject property
 - I Preliminary Plat for the Rolfe Subdivision that was previously proposed for the subject property, received April 9, 2018
 - J Contour Map of subject property on 2020 aerial
 - K Email from Ed Clancy of Berns, Clancy & Associates received February 15, 2018
 - L Part of Saline Branch Drainage District Plan Sheet dated November 30, 1977
 - M Natural Resources Report from Champaign County Soil and Water Conservation District dated January 12, 2018 and received January 26, 2018
 - N EcoCAT Natural Resource review and follow up letter from IDNR dated January 20, 2018 and received January 25, 2018
 - O Pictures of flooding from Mack Weckel received March 6, 2019
 - P Site photos taken by P&Z Staff on February 4, 2021
 - Q Summary of Evidence, Finding of Fact, and Final Determination for Case 002-AM-21
 - R Summary of Evidence, Finding of Fact, and Final Determination for Case 003-S-21

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SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 11, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
 - A. Regarding Goal 3:
 - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioners to establish a mixed-use development that could benefit Champaign County's economic base.
 - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment **WILL HELP ACHIEVE** Goal 3 Prosperity.
 - B. Regarding Goal 4:
 - (1) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because of the following:
 - a. Policy 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 13.A.(1)).
 - b. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.A.(2)).
 - c. Policy 4.1.8 requiring that the County consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development (see Item 13.A.(3)).
 - (2) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because of the following:
 - a. Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 13.B.(1)).
 - b. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(2)).
 - c. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.B.(3)).

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- d. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.B.(4)).
- (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because of the following:
- a. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.C.(1)).
 - b. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(2)).
 - c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(3)).
 - d. Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture or is appropriate in a rural area (see Item 13.C.(4)).
- (4) It will **HELP ACHIEVE** Objective 4.7 requiring affirmation of the Champaign County Right to Farm Resolution (see Item 13.D.(1)).
- (5) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
- C. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
- Goal 1 Planning and Public Involvement
 - Goal 2 Governmental Coordination
 - Goal 5 Urban Land Use
 - Goal 6 Public Health and Public Safety
 - Goal 7 Transportation
 - Goal 8 Natural Resources
 - Goal 9 Energy Conservation
 - Goal 10 Cultural Amenities
- D. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:
- A. This area has a mix of land uses and the subject property has been in agricultural production for many years. All but one building has been removed from the former homestead.

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- B. It is impossible to establish property values without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
 - C. The gain to the public of the proposed rezoning is positive because it will redevelop a vacant farmstead, which will be more desirable than the previous aging accessory farm structures. The public will also benefit from drainage improvements required as part of developing the subject property.
 - D. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use is a service better provided in a rural area.
 - E. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. Establishing the B-4 District in this location **WILL** help lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or floodwaters because approval of the rezoning relates to Special Use Case 003-S-21, which will require a Storm Water Drainage Plan and review (Purpose 2.0 (d), see Item 21.D.).
 - B. Establishing the B-4 District at this location **WILL** help classify, regulate, and restrict the location of the uses authorized in the B-4 District (Purpose 2.0 (i), see Item 21.G.).
 - C. The proposed rezoning and proposed Special Use **WILL NOT** hinder the development of renewable energy sources (Purpose 2.0(r), see Item 21.M).
4. The proposed Zoning Ordinance map amendment is subject to the following special condition:
- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425 (see attached).**

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

Conformance with Land Resource Management Plan Policy 4.2.3.

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FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 002-AM-21 {BE ENACTED / NOT BE ENACTED}** by the County Board,

SUBJECT TO THE FOLLOWING SPECIAL CONDITION:

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

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

SIGNED:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date

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**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

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

Date: **{March 11, 2021}**

Petitioners: **Ryan and Amanda Donaldson, d.b.a. D5 Holdings Group LLC**

Request: **Authorize a Special Use consisting of multiple principal buildings on the same lot on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current AG-2 Agriculture Zoning District in related zoning case 002-AM-21.**

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PRELIMINARY DRAFT**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 11, 2021**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 002-AM-21)

- *1. Petitioners Ryan and Amanda Donaldson, 725 N Maple, Paxton, own the subject property. They are the sole officers and stakeholders of D5 Holdings Group LLC.

- *2. The subject property is a 7.05-acre tract in the East Half of the Northeast Quarter of the Northeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township with an address of 3804 N Cunningham Avenue, Urbana.
 - *A. According to the Champaign County Supervisor of Assessments Office, the subject property was erroneously divided into two parcels under Urbana Champaign Sanitary District (UCSD) Ordinance Number 266. However, the UCSD deed only annexes properties into the UCSD area; it does not create lots. This division was never approved by the City of Urbana, which has subdivision jurisdiction. For the purpose of processing these zoning cases, the subject property will be referred to as a 7.05-acre tract, and resolving the recording error is independent of the Champaign County Planning & Zoning Department.

- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the City.
 - (1) The subject property is 0.42 miles north of the City of Urbana. The City's most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Agriculture future land use area. Urbana defines the Agriculture land use as "those that involve crop cultivation and production, the raising of livestock and uses that support agriculture, such as feed stores and silos."

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

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *4. Land use and zoning on the subject property and in the vicinity are as follows:
 - *A. The subject property is a 7.05-acre tract and is currently zoned AG-2 Agriculture. The site is in agricultural production and all but one of the former farmstead buildings has been demolished.

 - *B. Land to the north of the subject property is zoned B-4 General Business and is in agricultural production.

 - *C. Land to the south and east of the subject property is zoned AG-2 Agriculture and is agricultural production.

 - *D. Land to the northwest is zoned B-4 General Business and is commercial in use.

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

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- 5. Regarding the site plan and operations of the proposed Special Use:
 - *A. The site plan received January 27, 2021, indicates the following proposed improvements to the lot:
 - (1) The 1,500 square feet existing storage building on the east side of the property will be demolished.
 - (2) One 20,480 square feet building on the east side as Phase 1;
 - (3) 30 parking spaces as part of Phase 1;
 - (4) One 20,480 square feet building on the east side as Phase 2;
 - (5) 26 parking spaces as part of Phase 2;
 - (6) One pond in the west-central part of the subject property;
 - (7) One septic field on the north side of the Phase 1 building and a second septic field on the east side of the Phase 2 building;
 - (8) One existing well on the north side of the Phase 1 building; and
 - (9) Use of an existing access drive to US 45 North (Cunningham Avenue) which will be improved and extended to serve both buildings.
 - *B. Previous Zoning Use Permits on the subject property are as follows:
 - (1) ZUPA #203-99-01 was approved on July 22, 1999, for Mary and Gary Rolfe to place a manufactured home on the property.
 - a. A manufactured home was removed from the property sometime after the 2014 Champaign County aerial photography was taken; a concrete pad remains on the site.
 - (2) ZUPA #94-92-01 was approved on April 3, 1992, for Gary Rolfe to construct a 1,500 square feet detached storage building.
 - *C. Previous Zoning Cases on the subject property are as follows:
 - (1) Cases 927-AM-19 and 928-S-19 were to rezone the property from AG-2 to B-4 and for a Special Use Permit for multiple buildings. The cases were withdrawn by the previous owner.
 - *D. Previous Zoning Cases near the subject property are as follows:
 - (1) The North Cunningham Avenue/US45 North corridor has been a commercial area for many years and most zoning cases in the area have involved rezoning to B-3 or B-4 Districts and/or obtaining Special Use Permits for retail and service businesses.

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- *a. Since adoption of the Zoning Ordinance on October 10, 1973, there have been 16 approved rezoning cases in Section 33 of Somer Township, of which 15 were rezoned to B-4 General Business.
 - *b. Since adoption of the Zoning Ordinance on October 10, 1973, there have been 10 approved Special Use Permits in Section 33 of Somer Township.
- (2) Adjacent to the subject property, Case 130-AM-98 was approved on October 29, 1998 and rezoned 4.55 acres that included Lots 4 through 7 in Van Winkle Sub from B-3 Highway Business to B-4 General Business.
- *a. Case 823-S-15 was approved on October 27, 2016, for a Special Use Permit on Lots 4 and 5 in Van Winkle Sub to establish a Contractor's Facility with Outdoor Storage and Outdoor Operations.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for multiple principal buildings in the B-4 General Business Zoning DISTRICT in the *Zoning Ordinance*:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) "AGRICULTURE" is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
 - (3) "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.
 - (4) "BEST PRIME FARMLAND" is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in

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Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:

- a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (5) “BUFFER STRIP” is an area, PROPERTY, LOT or tract of land or portion thereof, either vacant or landscaped with SCREEN PLANTING as herein specified, which shall serve as a separating space between dissimilar USES or DISTRICTS.
- (6) “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.
- (7) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
- (8) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (9) “BY RIGHT” is a term to describe a USE permitted or allowed in the DISTRICT involved, without review by the BOARD or GOVERNING BODY, and complying with provisions of the Zoning Ordinance and with other applicable ordinances and regulations.
- (10) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations
- (11) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
- (12) “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.
- (13) “LOT LINES” are the lines bounding a LOT.
- (14) “PARCEL” is a designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.
- (15) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.

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- (16) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (17) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (18) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (19) “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.
- (20) “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.
- (21) “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.
- (22) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.

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- B. Section 4.2.1 C. states, “it shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-1, Agriculture, AG-2, Agriculture, CR, Conservation-Recreation, R-1, Single Family Residence, R-2, Single Family Residence, and R-3, Two Family Residence DISTRICTS other than in PLANNED UNIT DEVELOPMENTS...”
- C. Section 4.2.1.F. states that more than one main or principal structure or building per lot is authorized by Special Use Permit in the R-4 Multiple Family Residence, B-1 Rural Trade Center, B-2 Neighborhood Business, B-3 Highway Business, B-4 General Business, B-5 Central Business, I-1 Light Industry, and I-2 Heavy Industry Zoning Districts.
 - (1) Subsection 4.2.1.F.2 identifies the criteria that must be met:
 - a. The requirements of Section 9.1.11, SPECIAL USES, shall be met.
 - b. The USES are permitted either by right or as a SPECIAL USE in the DISTRICT in which the LOT or parcel of land is located.
 - c. The regulations and standards for the DISTRICT in which the LOT is located shall be met.
 - d. A LOT may be occupied by two or more MAIN or PRINCIPAL STRUCTURES or BUILDINGS as authorized by a SPECIAL USE under this section, when adequate OPEN SPACE is provided between all STRUCTURES and BUILDINGS in accordance with the following standards:
 - i. For STRUCTURES in the Business or Industrial DISTRICTS the required minimum depth of such OPEN SPACE shall be determined by doubling the required SIDE YARD in the DISTRICT in which the LOT or parcel is located.
 - ii. The minimum depth of such OPEN SPACE, for the purpose of these standards, shall be measured at the closest point between BUILDINGS including any projecting eave, balcony, canopy, awning, or other similar projection.
 - iii. Single Family, Two-Family, Multiple Family or institutional BUILDINGS shall be located on the LOT in conformance to the provisions of Section 4.2.2C.
- D. Section 4.3.10 states the following:
 - (1) Any USE or CONSTRUCTION for which a Zoning Use Permit is required shall also comply with the relevant requirements of the Champaign County Storm Water Management and Erosion Control Ordinance.
 - (2) The limits on maximum LOT COVERAGE contained in Section 5.3 notwithstanding, no more than 16 percent of the surface of any LOT or LOTS in common ownership on January 1, 1998 shall consist of impervious area, including paving consisting of gravel and rock and including any specific impervious area addition to adjacent

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public STREETS that is required to accommodate the USE or CONSTRUCTION, unless the LOT is exempt pursuant to, or complies with, the Storm Water Management and Erosion Control Ordinance.

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

- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full 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.

F. 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.

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- (3) Section 7.4.1 C. establishes parking for off-street commercial establishments.
 - a. Section 7.4.1 C.1. states, "Such PARKING SPACE for the accommodation of a heavy motor truck, MOTOR BUS, or other VEHICLE shall be of dimensions herein specified for an off-STREET LOADING BERTH."
 - b. 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."
 - c. Section 7.4.1 C.3. requires establishments that are not specifically mentioned in the ordinance to provide one parking space for every 200 square feet of floor area or portion thereof.
 - d. Section 7.4.1 C.4. states, "Required parking SCREENS for commercial ESTABLISHMENTS shall be provided as follows:
 - (a) Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.
 - (b) Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN."
- (4) Section 7.4.2 refers to off-street LOADING BERTHS for commercial uses:
 - a. Section 7.4.2 A. establishes general provisions for 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.

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- (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.
- b. Section 7.4.2 C. states, "Off-street LOADING BERTHS for commercial ESTABLISHMENTS shall be provided as follows:
 - (a) All LOADING BERTHS shall be located on the same LOT or tract of land as the ESTABLISHMENT served except when serving adjacent ESTABLISHMENTS when the LOADING BERTH requirement is sufficient to serve both ESTABLISHMENTS.
 - (b) No such BERTH shall be located within any YARD abutting a residential DISTRICT or located less than 100 feet from the BUILDING RESTRICTION LINE of any LOT in the R DISTRICT or any LOT containing a DWELLING conforming as to USE unless such BERTH is screened from public view by a Type C SCREEN. If the berth is located adjacent to an elevated loading dock, however, a Type D SCREEN shall be used to screen both the loading berth and the loading dock.
 - (c) No LOADING BERTH shall be located within 50 feet of the nearest point of intersection of two STREETS.
 - (d) All LOADING BERTHS shall be improved with a compacted base at least six inches thick and shall be surfaced with at least two inches of some all-weather dustless material.
 - (e) Schedule of off-street LOADING BERTHS:

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)

- G. 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

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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.
- H. 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 property was chosen for a variety of reasons. One of the main reasons is that it is located directly on US 45 and within a couple miles of Interstate 74. This allows us to better serve our main areas of Champaign, Urbana, Danville, and Bloomington. This also allows our customers and suppliers to easily access our location.**”
 - B. The subject property is adjacent to US45 North and is located about 1.3 miles north of the I-74 interchange at US 45 North (Cunningham Avenue).

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

- 8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
 - A. The Petitioners have testified on the application, “**This project will improve the property. We believe it will increase business and traffic to the area.**”

PRELIMINARY DRAFT**B. Regarding surface drainage:**

- *(1) The Natural Resource Report by the Champaign County Soil and Water Conservation District received January 26, 2018 as part of cases 927-AM-19 and 928-S-19 for the same property, indicates the following:
 - *a. "The site is relatively flat. The developed area seems to have good drainage. The water from the site will leave by way of the road drainage ditch."
 - *b. Mack and Helen Weckel, adjacent landowners, provided photos of flooded areas on the subject property during previous cases 927-AM-19 and 928-S-19. The photos were from a heavy rainfall event in December 2018, and were received on March 6, 2019.
 - *(a) Mack Weckel is a Commissioner with the Saline Branch Drainage District.
 - *c. The petitioners are required to submit a Storm Water Drainage Plan and construct a detention basin on the subject property. An independent consulting engineer for the P&Z Department will complete a review of the proposed plan and basin prior to the P&Z Department approving a Zoning Use Permit for construction.
- *(2) Regarding agricultural drainage:
 - *a. The Saline Branch Drainage District has a tile that appears to run just north of the subject property south of Olympian Road; how the proposed development might affect the tile is unclear. The Saline Branch Drainage District was notified of this case, and no comments have been received.
 - *b. The Natural Resource Report by the Champaign County Soil and Water Conservation District received January 26, 2018, indicates the following:
 - *(a) "It is likely that this site contains agricultural tile; if any tile is found, care should be taken to maintain the tile in working order. Severe ponding, along with wetness may be a limitation associated with the soil types on the site. Installing a properly designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils."
- (3) A Storm Water Drainage Plan is required, and any subsequent changes to the property based on the SWDP must comply with the SWMEC Ordinance. A special condition has been added to ensure compliance.

C. Regarding impacts on traffic:

- (1) The subject property is on the east side of US Route 45 North, just south of Olympian Drive. The property only has access on US Route 45 North.
- (2) US 45 North is a 4 lane divided federal highway with paved shoulders, classified as "Other Principal Arterial" by the Illinois Department of Transportation (IDOT).

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- (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 2017 near the subject property. US Route 45 North near Olympian Drive had an ADT of 10,800.
 - (4) Traffic volumes are expected to increase due to the proposed Special Use, but no Traffic Impact Analysis has been done.
 - (5) The Somer Township Road Commissioner has been notified of this case, and no comments have been received.
- D. Regarding fire protection on the subject property:
- *(1) The subject property is located approximately 2.5 road miles from the Carroll Fire Protection District station. Notice of these zoning cases was sent to the Carroll Fire Protection District, and no comments have been received.
- E. No part of the subject property is located within a mapped floodplain.
- F. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam and 154A Flanagan silty clay loam, and has an average Land Evaluation (LE) of 100.
- G. Regarding outdoor lighting on the subject property:
- (1) No outdoor lighting was indicated on the Site Plan received January 27, 2021. A special condition has been added to ensure compliance for any future exterior light installations.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) The Site Plan received January 27, 2021, indicates one proposed septic field on the north side of the Phase 1 building and a second proposed septic field on the east side of the Phase 2 building.
 - *(2) In a letter received January 9, 2018, Michael Flanagan of the Champaign-Urbana Public Health District stated, “based upon the soil evaluation findings, it appears private sewage disposal systems could be designed to serve these lots.”
 - *a. Previous owners had discussed subdividing the subject property for residential lots; this proposal was set aside in 2018.
 - *b. The proposed construction will require a septic system, but it is assumed that if septic systems could have been installed for three residential properties then septic systems for the two commercial buildings should also be feasible. A special condition has been included to ensure that a septic system is considered before a Zoning Use Permit is approved.
- I. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:

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- a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
- b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
- c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
- d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
- e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
- f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
- g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
- i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.

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- j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.

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

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

- 9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner has testified on the application: “**Yes.**”
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) More than one main or principal structure or building per lot is authorized by Special Use Permit in the B-4 General Business Zoning District.
 - (2) Regarding parking on the subject property:
 - a. Although Illini Fire is essentially a contractor’s facility, which is a business use in Section 5.2, the business parking standard in subparagraph 7.4.1 C.3.e. of one parking space per 200 square feet of floor area cannot be sensibly applied. Other potential uses could be commercial or industrial. For these reasons, the parking standard for industrial uses in paragraph 7.4.1 D. appears to most closely approximate proposed operations.
 - b. Paragraph 7.4.1.D.1 requires industrial uses to provide one off-street parking space for every three employees based upon the maximum number of persons employed during one work period, plus one space for each business vehicle, and a minimum of one visitor parking space.
 - c. Regarding proposed operations and number of required parking spaces:
 - (a) Mr. Donaldson stated that Illini Fire has 7 office employees and no warehouse employees. He said that they typically have 8 to 10 vehicles on their lot daily. He said that they have approximately 15 total vehicles, most of which do not come to the shop at any point.
 - (b) Assuming 7 employees and 10 company vehicles on a given day, and one visitor parking space, the proposed use would require 14 parking spaces, with at least one of those being an accessible parking space.

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- d. The proposed site plan appears to include more than enough area to accommodate all required off-street parking:
 - (a) The site plan received January 27, 2021 shows 30 parking spaces as part of Phase 1 and 26 parking spaces as part of Phase 2, for a total of 56 parking spaces, including 4 accessible parking spaces.
 - (b) There is enough room for additional parking spaces north of the Phase 1 parking area.
 - e. Loading berth requirements are based on building square footage, and must be surfaced with an all-weather dustless material. Total building area is 8,240 square feet, which requires three 10 feet by 70 feet loading berths.
 - (a) Each building has 8 garage doors with a paved surface leading to them, which would be sufficient area for the required loading berths.
 - f. No screening is required for parking on the subject property because the parking area is more than 100 feet from the building restriction line of a residence.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
- (1) The proposed Special Use must comply with the SWMEC Ordinance because the amount of impervious area proposed on the subject property is more than the 16% Maximum Exempt Impervious Area allowed.
 - (2) The Ordinance states that storm water detention is required if there is one acre or more of impervious surface area and the proposed Special Use would have over 2 acres of impervious area.
 - (3) A Storm Water Drainage Plan is required, but one has not been submitted. A special condition has been added to ensure compliance.
 - (4) The Site Plan received January 27, 2021, shows one detention basin.
 - (5) Compliance with the SWMEC Ordinance will be a requirement of the construction permit process. Given the drainage concerns outlined in Item 8.B. above, certain sections of the SWMEC Ordinance are especially significant for the subject property:
 - a. Section 6.2 requires protection of existing surface drainage, and Section 6.3 has the standards for protection of underground tile.
 - b. Section 9.1 E. of the SWMEC Ordinance requires all building elevations to be one foot above the high water at the basin emergency overflow.
 - c. Sec. 9.1 F. prohibits detention areas from receiving runoff from tributary watersheds unless the runoff can be accommodated within the allowable release rates.
 - d. Section 9.2 D. requires that a parking lot can have no more than 0.6 feet of depth of storm water storage.

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- D. Regarding the *Special Flood Hazard Areas Ordinance*, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the City of Urbana subdivision jurisdiction.
 - (1) According to the Champaign County Supervisor of Assessments Office, the subject property was erroneously divided into two parcels under Urbana Champaign Sanitary District (UCSD) Ordinance Number 266. However, the UCSD deed only annexes properties into the UCSD area; it does not create lots. This division was never approved by the City of Urbana. For the purpose of processing these zoning cases, the subject property will be referred to as a 7.05-acre tract, and resolving the recording error is independent of the Champaign County P&Z Department.
 - (2) The 7.05-acre tract is otherwise compliant with the City of Urbana subdivision regulations.
- F. Regarding the requirement that the Special Use preserve the essential character of the B-4 General Business Zoning District:
 - (1) A contractor's facility with no outdoor storage and/or operations is a by-right USE in the B-4 DISTRICT.
 - (2) Mr. Donaldson believes that other potential tenants would be similar to Illini Fire, as the buildings benefit companies with mostly field personnel.
- G. Currently, the subject property is zoned AG-2 Agriculture and the Petitioner has requested to rezone the property to B-4 General Business in related Case 002-AM-21. Regarding whether or not the proposed Special Use will preserve the essential character of the District in which it will be located:
 - (1) A contractor's facility with no outdoor storage and/or operations is allowed by right in the B-4 District; the proposed Special Use Permit is to allow multiple buildings.
 - (2) The subject property is located on US 45 North. Land use and zoning in the immediate area of the subject property are discussed under Item 4 of this Summary of Evidence.
- H. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.
 - (1) The Site Plan received January 27, 2021 indicated accessible parking spaces, but other accessibility factors will need to be addressed in the Zoning Use Permit approval process. A special condition has been added to ensure compliance.

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:

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- A. Regarding the proposed Special Uses:
- (1) A contractor's facility with no outdoor storage and/or operations is allowed by right in the B-4 District; the proposed Special Use Permit is to allow multiple buildings.

- B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
- (1) Subsection 5.1.12 of the Ordinance states the general intent of the B-4 District and states as follows (capitalized words are defined in the Ordinance):

The B-4, General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.

- (2) The types of uses authorized in the B-4 District are in fact the types of uses that have been determined to be acceptable in the B-4 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

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

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

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

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

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

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

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

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

c. IDOT District 5 has been notified of this case, and no comments have been received.

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

The creation of additional impervious area due to the construction of the proposed buildings will trigger the need for storm water management. The Site Plan received January 27, 2021 shows a detention basin. A Storm Water Drainage Plan is required and must be reviewed by the P&Z Department's consulting engineer. A special condition has been added to ensure compliance with Champaign County ordinances.

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

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

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

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

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

PRELIMINARY DRAFT

and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

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

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

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

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

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

*b. In related Case 002-AM-21, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan, although the proposed Special Use Permit is not urban in use.

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

The subject property does not contain any natural features.

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

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

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the

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preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

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

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

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

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
 - A. The Petitioners did not provide a response on the application.
 - B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
 - A. **The Special Use is subject to the approval of Case 002-AM-21.**

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

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

- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed construction until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

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

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

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

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

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

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

- E. **A septic system shall be installed on the subject property in conjunction with construction, and:**
- (1) **A Zoning Use Permit shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.**
 - (2) **The location of the proposed septic system shall be marked and staked prior to any grading or construction activities, and no construction activities or traffic shall be allowed in the area of the proposed septic system except as required to install the septic systems.**
 - (3) **The septic leach field shall be kept free of vehicular traffic and cannot be paved over.**

The special conditions stated above are required to ensure the following:

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

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

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

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

- G. **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.

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DOCUMENTS OF RECORD

1. Application for Map Amendment received January 28, 2021
2. Application for Special Use Permit received January 28, 2021
3. Preliminary Site Plan received January 27, 2021
4. Natural Resources Report from Champaign County Soil and Water Conservation District dated January 12, 2018 and received January 26, 2018 as part of previous cases 927-AM-19 & 928-S-19
5. EcoCAT Natural Resource review and follow up letter from IDNR dated January 20, 2018 and received January 25, 2018 as part of previous cases 927-AM-19 & 928-S-19
6. Letter from Michael Flanagan, Champaign Urbana Public Health District, received January 24, 2018, regarding septic suitability for a previously proposed subdivision on the subject property
7. LESA Site Assessment worksheet completed by staff on February 22, 2019 as part of previous cases 927-AM-19 & 928-S-19
8. Preliminary Memorandum dated March 2, 2021 for Cases 002-AM-21 and 003-S-21, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received January 27, 2021
 - C LRMP Land Use Goals, Objectives, and Policies
 - D LRMP Appendix of Defined Terms
 - E LRMP Land Use Management Areas Map approved in 2015
 - F Copy of Right to Farm Resolution 3425
 - G Urbana Future Land Use Map from the Urbana Comprehensive Plan 2005
 - H Letter from Michael Flanagan, Champaign Urbana Public Health District, received January 24, 2018, regarding septic suitability for a previously proposed subdivision on the subject property
 - I Preliminary Plat for the Rolfe Subdivision that was previously proposed for the subject property, received April 9, 2018
 - J Contour Map of subject property on 2020 aerial
 - K Email from Ed Clancy of Berns, Clancy & Associates received February 15, 2018
 - L Part of Saline Branch Drainage District Plan Sheet dated November 30, 1977
 - M Natural Resources Report from Champaign County Soil and Water Conservation District dated January 12, 2018 and received January 26, 2018
 - N EcoCAT Natural Resource review and follow up letter from IDNR dated January 20, 2018 and received January 25, 2018
 - O Pictures of flooding from Mack Weckel received March 6, 2019
 - P Site photos taken by P&Z Staff on February 4, 2021
 - Q Summary of Evidence, Finding of Fact, and Final Determination for Case 002-AM-21
 - R Summary of Evidence, Finding of Fact, and Final Determination for Case 003-S-21

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PRELIMINARY DRAFT**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **003-S-21** held on **March 11, 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 petitioners primarily have clients in Champaign, Urbana, Danville, and Bloomington.***
 - b. ***The subject property is adjacent to US45 North and is located about 1.3 miles north of the I-74 interchange at US 45 North (Cunningham Avenue).***
2. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN**, is so designed, located, and proposed to be operated so that it **{WILL / WILL NOT}** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has **{ADEQUATE / INADEQUATE}** traffic capacity and the entrance location has **{ADEQUATE / INADEQUATE}** visibility.
 - b. Emergency services availability is **{ADEQUATE / INADEQUATE} because*: the subject property is located approximately 2.5 road miles from the Carroll Fire Protection District station. Notice of these zoning cases was sent to the Carroll Fire Protection District, and no comments have been received.**
 - c. The Special Use **{WILL / WILL NOT}** be compatible with adjacent uses **because*: the North Cunningham Avenue/US45 North corridor has been a commercial area for many years and most zoning cases in the area have involved rezoning to B-3 or B-4 Districts and/or obtaining Special Use Permits for retail and service businesses.**
 - d. Surface and subsurface drainage will be **{ADEQUATE / INADEQUATE} because*: the petitioners are required to submit a Storm Water Drainage Plan and construct a detention basin on the subject property. An independent consulting engineer for the P&Z Department will complete a review of the proposed plan and basin prior to the P&Z Department approving a Zoning Use Permit for construction.**
 - e. Public safety will be **{ADEQUATE / INADEQUATE} {because*}: the Township Highway Commissioner, IDOT, and Carroll 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*: the proposed site plan appears to include more than enough area to accommodate all required off-street parking.**
 - g. The property **{IS/IS NOT}** WELL SUITED OVERALL for the proposed improvements **because*: the proposed development can be safely and soundly accommodated on the subject property using simple engineering and common, easily maintained construction**

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methods with no unacceptable negative effects on neighbors or the general public, and the site is reasonably well-suited in all respects and has no major defects.

- h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *because*:* *all services are in place for this property, and no new public services are needed for the proposed use.*
- i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *because*:* *adjacent roads have sufficient capacity to handle minimal increases in traffic volumes with no improvements necessary, and no new utilities are required for the proposed use.*

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

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

- 3a. The requested Special Use Permit, ***SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, {DOES / DOES NOT}*** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit, ***SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
- 4. The requested Special Use Permit, ***SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location.
 - c. The requested Special Use Permit, ***SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN***, is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit, ***SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.
- 5. The requested Special Use **IS NOT** an existing nonconforming use.
- 6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

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A. The Special Use is subject to the approval of Case 002-AM-21.

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

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

B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed construction until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.

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

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

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

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

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

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

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

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

E. A septic system shall be installed on the subject property in conjunction with construction, and:

(1) A Zoning Use Permit shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.

(2) The location of the proposed septic system shall be marked and staked prior to any grading or construction activities, and no construction activities or traffic shall be allowed in the area of the proposed septic system except as required to install the septic systems.

(3) The septic leach field shall be kept free of vehicular traffic and cannot be paved over.

The special conditions stated above are required to ensure the following:

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

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

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

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

- G. **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.

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FINAL DETERMINATION

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

The Special Use requested in Case **003-S-21** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Ryan and Amanda Donaldson, d.b.a. D5 Holdings Group LLC**, to authorize the following:

Authorize a Special Use consisting of multiple principal buildings on the same lot on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current AG-2 Agriculture Zoning District in related zoning case 002-AM-21.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. **The Special Use is subject to the approval of Case 002-AM-21.**
- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed construction until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- C. **The Zoning Administrator shall not authorize a Zoning 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.**
- D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the 2006 or later edition of the International Building Code and (B) the 2008 or later edition of the National Electrical Code NFPA 70.**
- E. **A septic system shall be installed on the subject property in conjunction with construction, and:**
 - (1) **A Zoning Use Permit shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.**
 - (2) **The location of the proposed septic system shall be marked and staked prior to any grading or construction activities, and no construction activities or traffic shall be allowed in the area of the proposed septic system except as required to install the septic systems.**
 - (3) **The septic leach field shall be kept free of vehicular traffic and cannot be paved over.**

PRELIMINARY DRAFT

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

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date

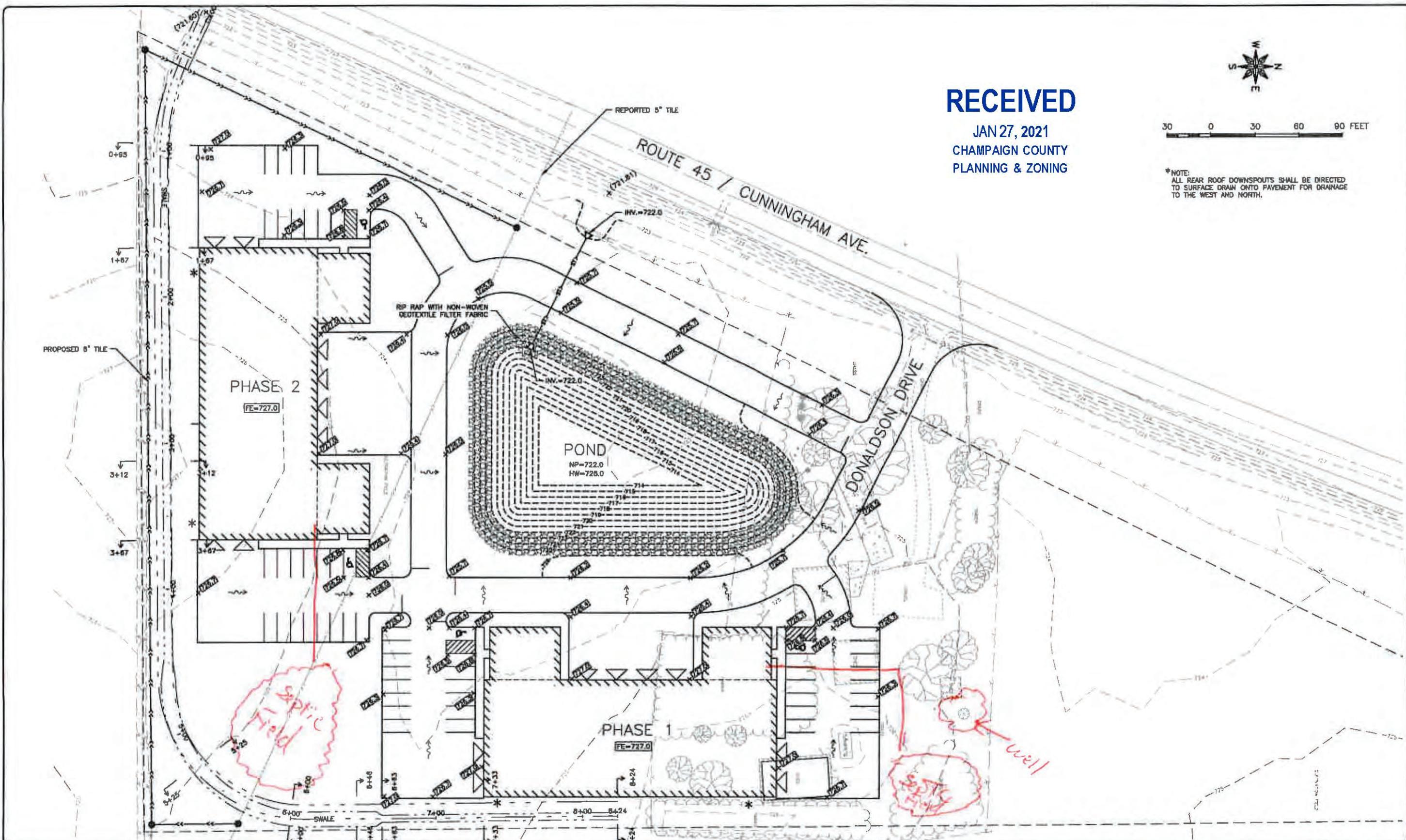
RECEIVED

JAN 27, 2021
CHAMPAIGN COUNTY
PLANNING & ZONING



30 0 30 60 90 FEET

*NOTE:
ALL REAR ROOF DOWNSPOUTS SHALL BE DIRECTED
TO SURFACE DRAIN ONTO PAVEMENT FOR DRAINAGE
TO THE WEST AND NORTH.



FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL
ILLINOIS DESIGN FIRM NO. 184-0635523
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ILLINOIS
IOWA
WISCONSIN

OWNER/DEVELOPER:
ILLINI FIRE SERVICE
1212 E. UNIVERSITY
URBANA, IL 61802

PROJECT AND LOCATION
3804 N. CUNNINGHAM A.
URBANA, IL

DRAWN BY RLT
APPROVED BY CNI
DATE 8/30/01
SCALE AS SHOWN

REVISIONS		
REV. NO.	DESCRIPTION	DATE

DRAWING:
SCHEMATIC SITE PLAN

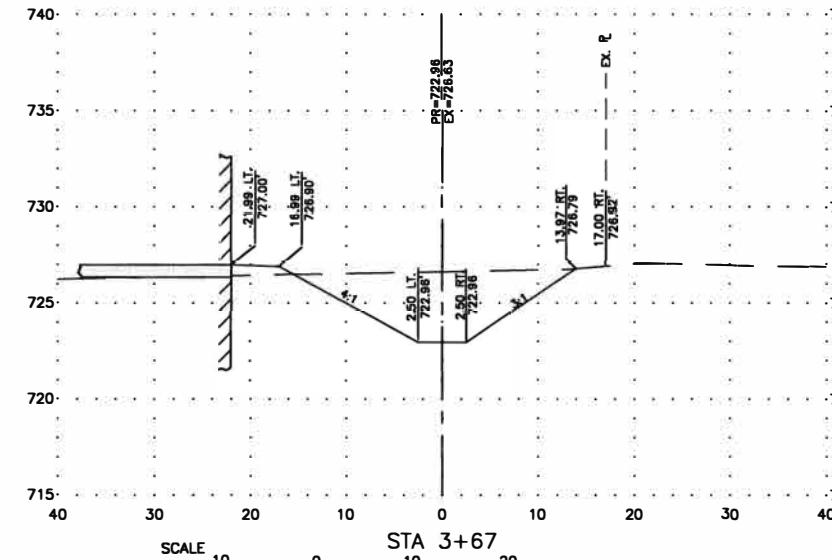
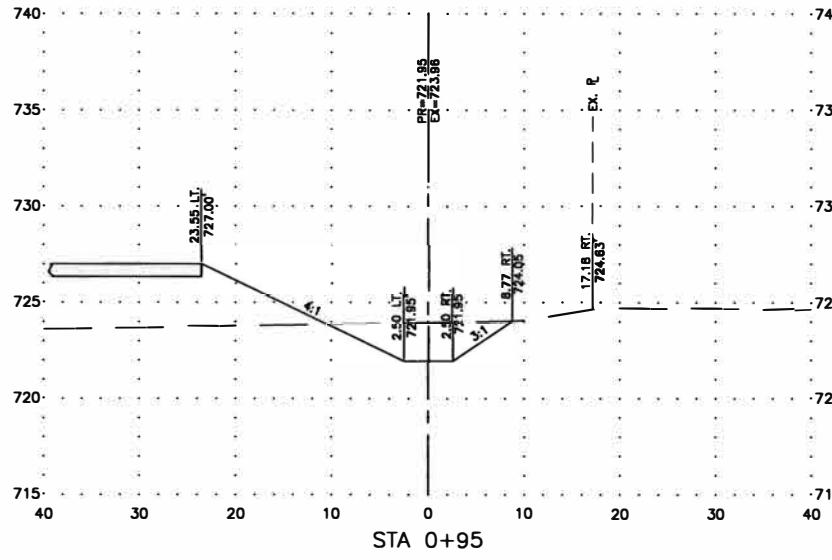
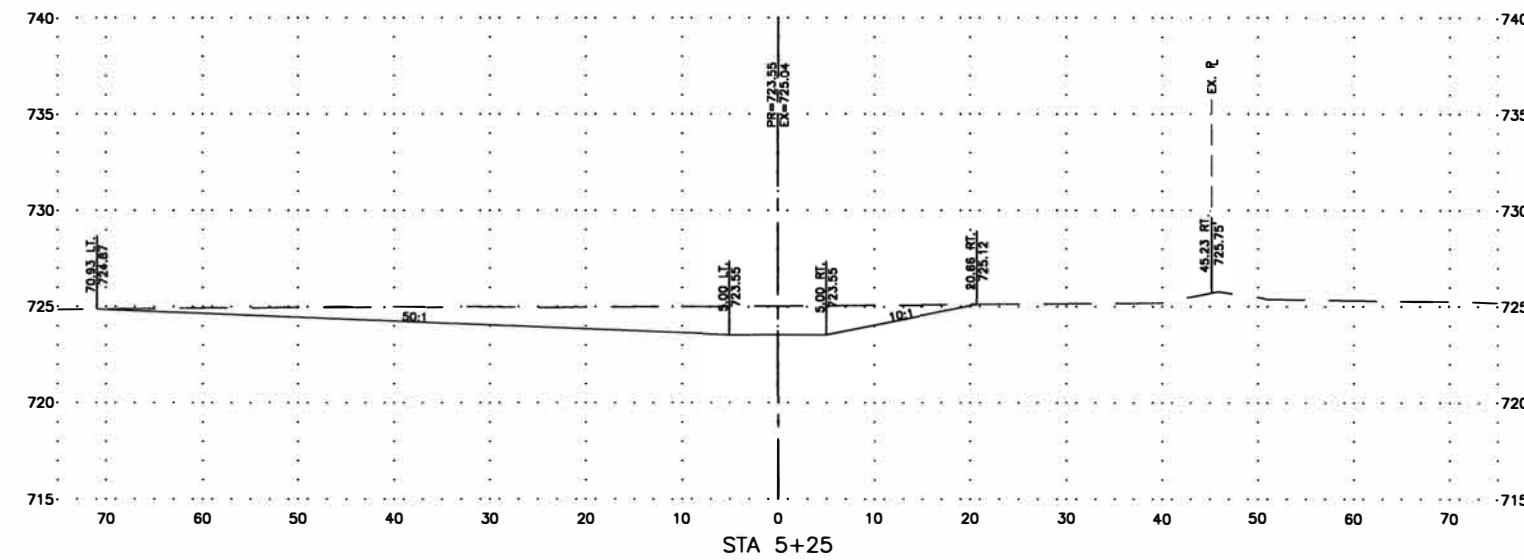
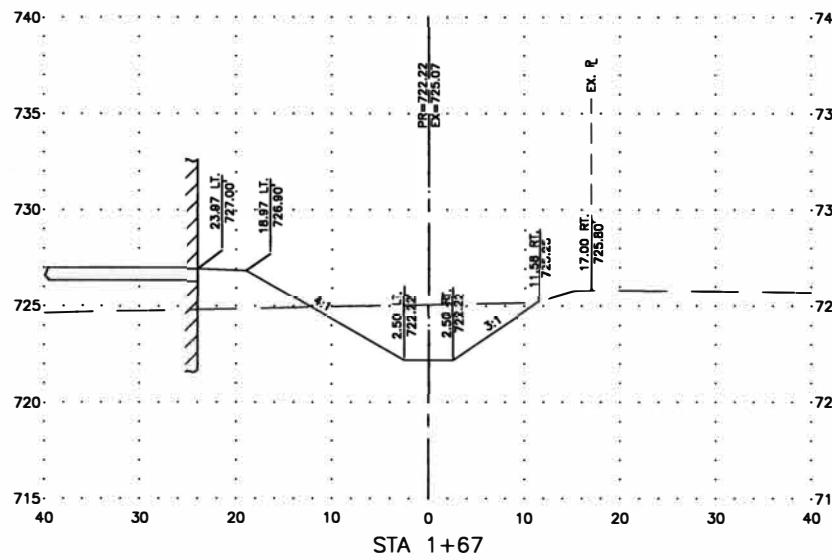
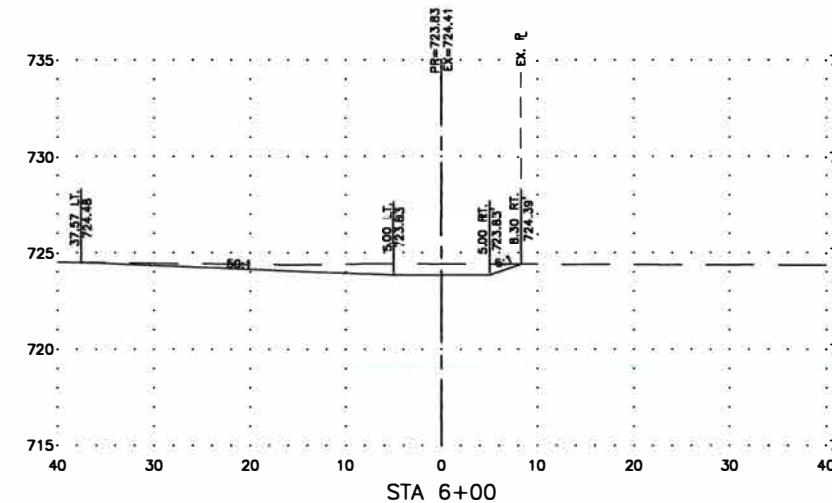
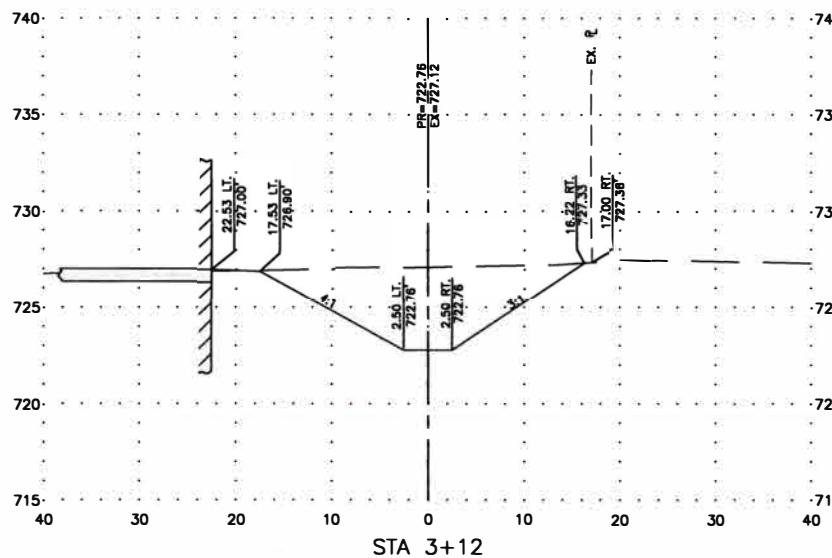
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JOB NUMBER
20-453
SHEET NUMBER
1 of 4

RECEIVED

JAN 27, 2021

CHAMPAIGN COUNTY
PLANNING & ZONING



DRAWN BY: RLT
APPROVED BY: CMO
DATE: 6/30/20
SCALE: AS SHOWN

REVISIONS		
REV. NO.	DESCRIPTION	DATE

DRAWING:
**PROPOSED DRAINAGE SWALE CROSS
SECTIONS**

SET TYPE: PRELIMINARY

JOB NUMBER:
20-453

2 of 4

FEHR GRAHAM

ENGINEERING & ENVIRONMENTAL

ILLINOIS DESIGN FIRM NO. 184-003525

ILLINOIS
IOWA
WISCONSIN

OWNER/DEVELOPER:
ILLINI FIRE SERVICE
1212 E. UNIVERSITY AVE
URBANA, IL 61802

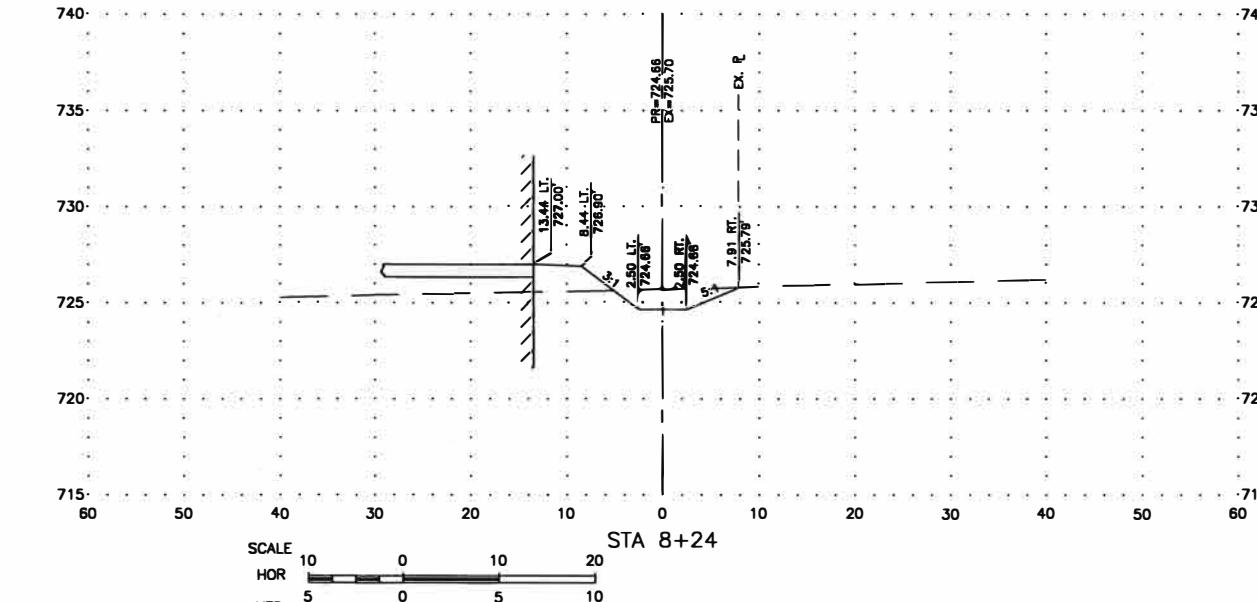
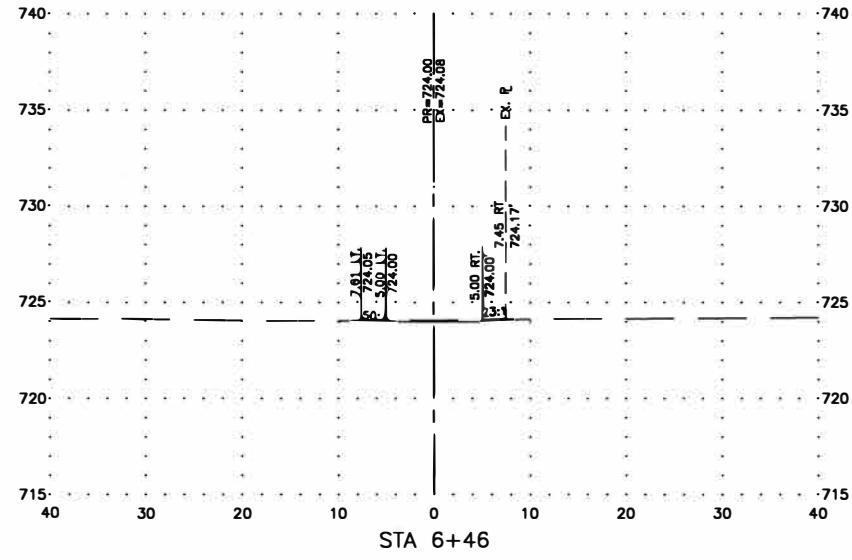
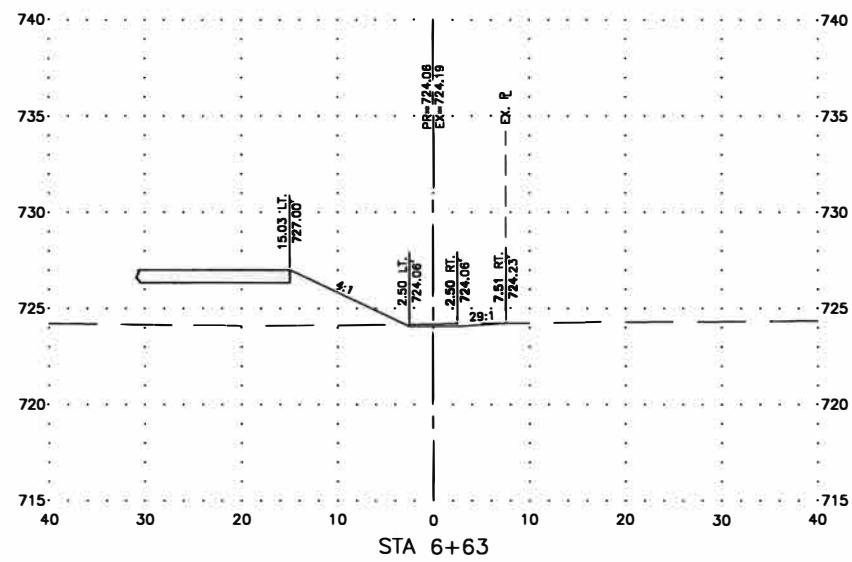
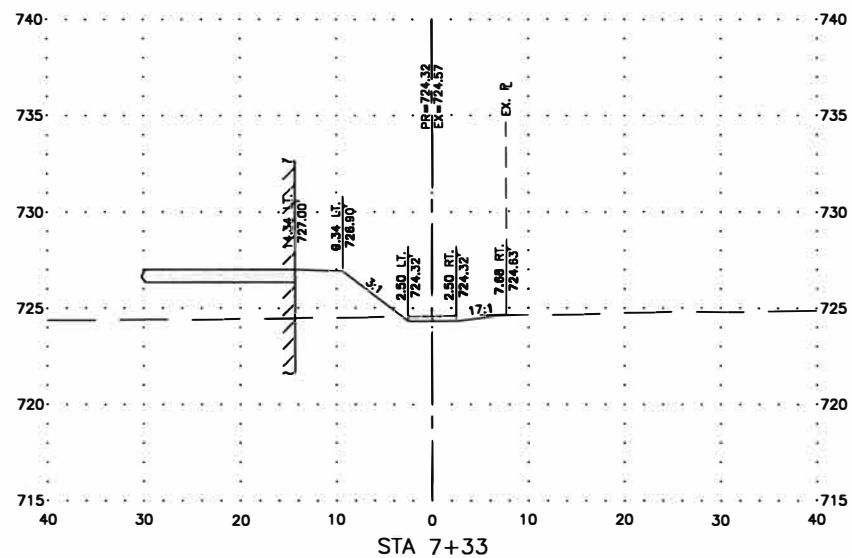
PRINT DATE: 1/8/2024

ILLINOIS DESIGN FIRM NO. 184-003525

ENGINEERING & ENVIRONMENTAL DESIGN, INC. 2000

RECEIVED

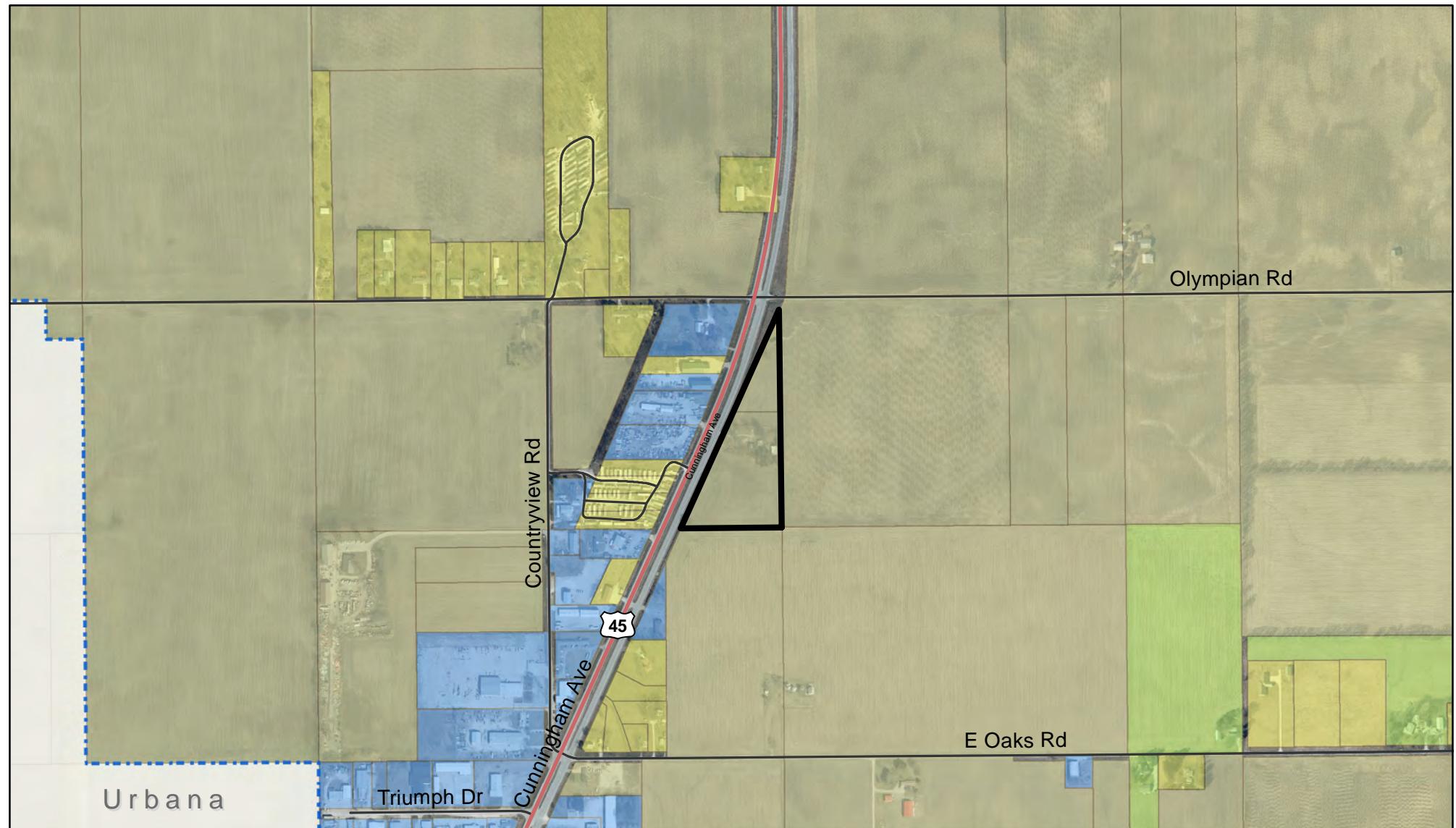
JAN 27, 2021
 CHAMPAIGN COUNTY
 PLANNING & ZONING



Land Use Map

Cases 002-AM-21 & 003-S-21

March 11, 2021



Legend

	Subject Property		Agriculture		Residential
	Municipal Boundary		Ag/Residential		Commercial

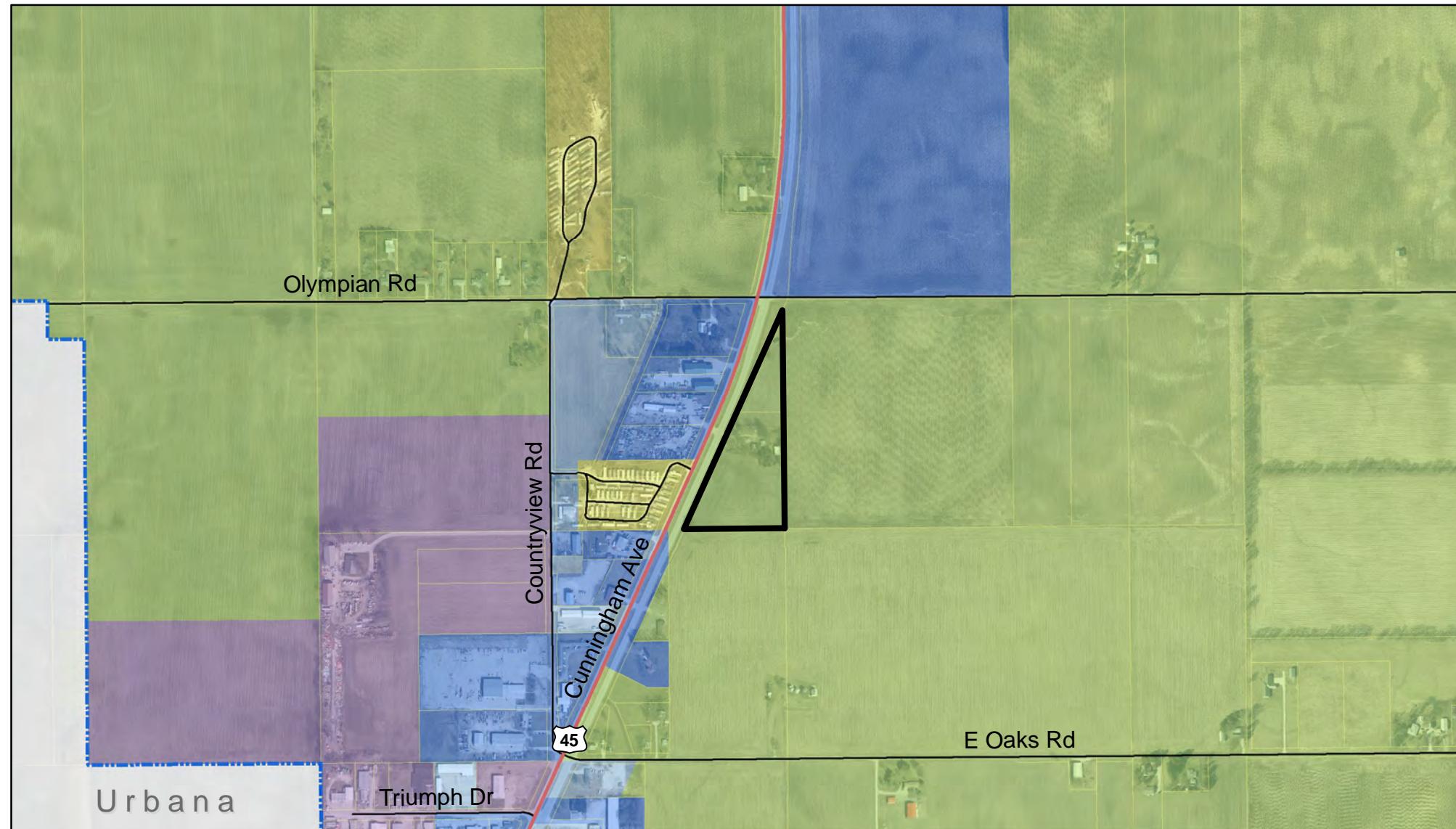
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Zoning Map

Cases 002-AM-21 & 003-S-21

March 11, 2021



Legend

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

0 200 400 800 Feet

