

CASE NO. 759-S-13

SUPPLEMENTAL MEMORANDUM

August 29, 2013

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Petitioners: Charles Jesse

Request: Authorize the following as a Special Use in the B-1 Rural Trade Center Zoning District on the subject property below:

Part A. Authorize multiple principal uses and buildings on the same lot consisting of (1) a heating and cooling contractors facility with accessory outdoor storage that was originally authorized by Case 970-S-95 and (2) Self-Storage Warehouses, providing heat and utilities to individual units as a special use.

Part B. Authorize the construction and use of Self-Storage Warehouses, providing heat and utilities to individual units as a special use.

Location: An 11.28 acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road Champaign.

Site Area: 11.28 acres

Time Schedule for Development: Existing and As Soon As Approval Is Given

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

STATUS

This case is continued from the July 25, 2013, public hearing. A Draft Summary of Evidence, Finding of Fact, and Final Determination is attached. New special conditions are proposed and are included below.

PROPOSED SPECIAL CONDITIONS

- E. Regarding the timing of construction and establishment of the proposed Special Use:**
- (1) The Special Use Permit shall be void if the construction of the proposed Self-Storage Warehouses has not begun within 5 years of the date of authorization of Case 759-S-13.**
 - (2) The Zoning Administrator shall not authorize a Zoning Use Permit for construction of a Self-Storage Warehouse on the subject property after 9 years**

of the date of authorization of Case 759-S-13 and all construction must be completed within 10 years of the date of authorization of Case 759-S-13.

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

That the proposed Special Use is established and constructed in a timely manner in order to provide future surrounding land uses knowledge as to what will be constructed on the subject property.

F. Regarding security on the subject property:

- (1) The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner has submitted a security plan for the subject property indicating the number and locations of all security cameras and all other security features (lighting, fencing, etc).**
- (2) The Zoning Administrator shall not authorize a Zoning Use Permit until written documentation has been provided from the petitioner that the relevant fire protection district will have access through the security gate at all times.**

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

That the petitioner provides adequate security measures and provides access to appropriate public safety agencies.

G. No construction or planting of any tree and shrub screening shall occur within the Kaskaskia Drainage District easement that extends 30 feet from the top of the bank of the drainage ditch.

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

That no construction or vegetation impedes the access of the Drainage District.

H. The proposed self-storage buildings shall be no taller than 35 feet in height.

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

That the proposed construction is of a reasonable height in a zoning district with no maximum height requirements.

I. The only two principal uses authorized by Case 759-S-13 are a Contractors Facility with outdoor storage and/or outdoor operations and self-storage warehouses providing heat and utilities to individual units. Other uses that can be established by right in the B-1 District may be established if they are the only use on the subject property other than agriculture.

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

That the petitioner and future landowners understand the requirements of the Zoning Ordinance.

ATTACHMENTS

- A Technical Memorandum from the Champaign Urbana Urbanized Area Transportation Study received August 23, 2013
- B Letter from Jeff Tock, Attorney, Kaskaskia Special Drainage District, received August 27, 2013
- C Annotated site plan to show farm equipment access received August 28, 2013
- D Excerpt of site plan to show location of existing septic system and leach field received August 28, 2013
- E Aerial photos of self-storage developments near residential areas in Champaign and Savoy received August 29, 2013
- F Draft Summary of Evidence, Finding of Fact, and Final Determination (included separately)



CUUATS

CHAMPAIGN URBANA URBANIZED AREA
TRANSPORTATION STUDY

1776 East Washington Street
Urbana, IL 61802

Phone 217.328.3313

Fax 217.328.2426

www.ccrpc.org

August 23, 2013

John Hall

Planning and Zoning Administrator

Champaign County

1776 E Washington Street, Urbana, IL 61802

RE: Traffic Generation from Proposed Mini-Storage Development

Dear Mr. Hall,

The Champaign Urbana Urbanized Area Transportation Study (CUUATS) staff evaluated the proposed mini-storage facility at 3702 Old Church Road in Champaign for future traffic impacts. The proposed facility would be an addition to an already existing heating and cooling business which employs eight people.

The proposed mini-storage facility would have 392 individual storage units to which customers will have 24 hour access. The magnitude of traffic produced by the proposed facility will be estimated using the Trip Generation Manual (9th Edition) from the Institute of Transportation Engineers (ITE). Trip generation associated with the self-storage/mini-storage facility is based on trip generation rates for mini-warehouses (ITE Land Use Code 151).

The following table shows the estimated number of trips generated by the proposed facility.

Day	Number of Trips Per Day	Number of Peak Hour Trips
Weekday	100	10
Saturday	84	14
Sunday	22	N/A

As can be seen from the above table, the number of daily and peak hour of the generator trips from the proposed facility would be very low. According to the *Access Management Guidelines for the Urbanized Area* developed by the Champaign

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County Regional Planning Commission a Traffic Impact Analysis (TIA) needs to be completed if a newly proposed project generate more than 100 new peak hour vehicle trips on adjacent streets.

For this proposed development, estimated peak hour traffic would be much less than the threshold value set for conducting a TIA. No additional deceleration/turning lane would be needed for the access to the proposed facility.

Please feel free to contact us if you need any additional information.

Sincerely,



M. Sharif Ullah

Senior Engineer

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CHAMPAIGN CO. P & Z DEPARTMENT

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THOMAS E. HARRINGTON (1931-2012)

OF COUNSEL
KIP RANDOLPH POPE
CHAPIN ROSE

August 26, 2013

Mr. John Hall
Champaign County Planning and Zoning
1776 E. Washington Street
Urbana, IL 61801

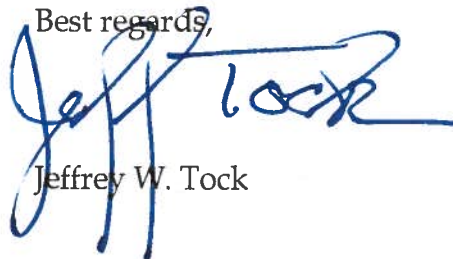
RE: Approval of Charles Jesse Project located at Old Church Road and I-57

Dear Mr. Hall:

I am the attorney for Kaskaskia Special Drainage District. We have been notified of the Charles Jesse proposed mini-warehouse project. The District suggested a setback of 30 feet from the top of the bank of ditch, which Mr. Jesse has done.

The commissioners have reviewed the proposed revised site plan and have no objections to the revised site plan.

Best regards,



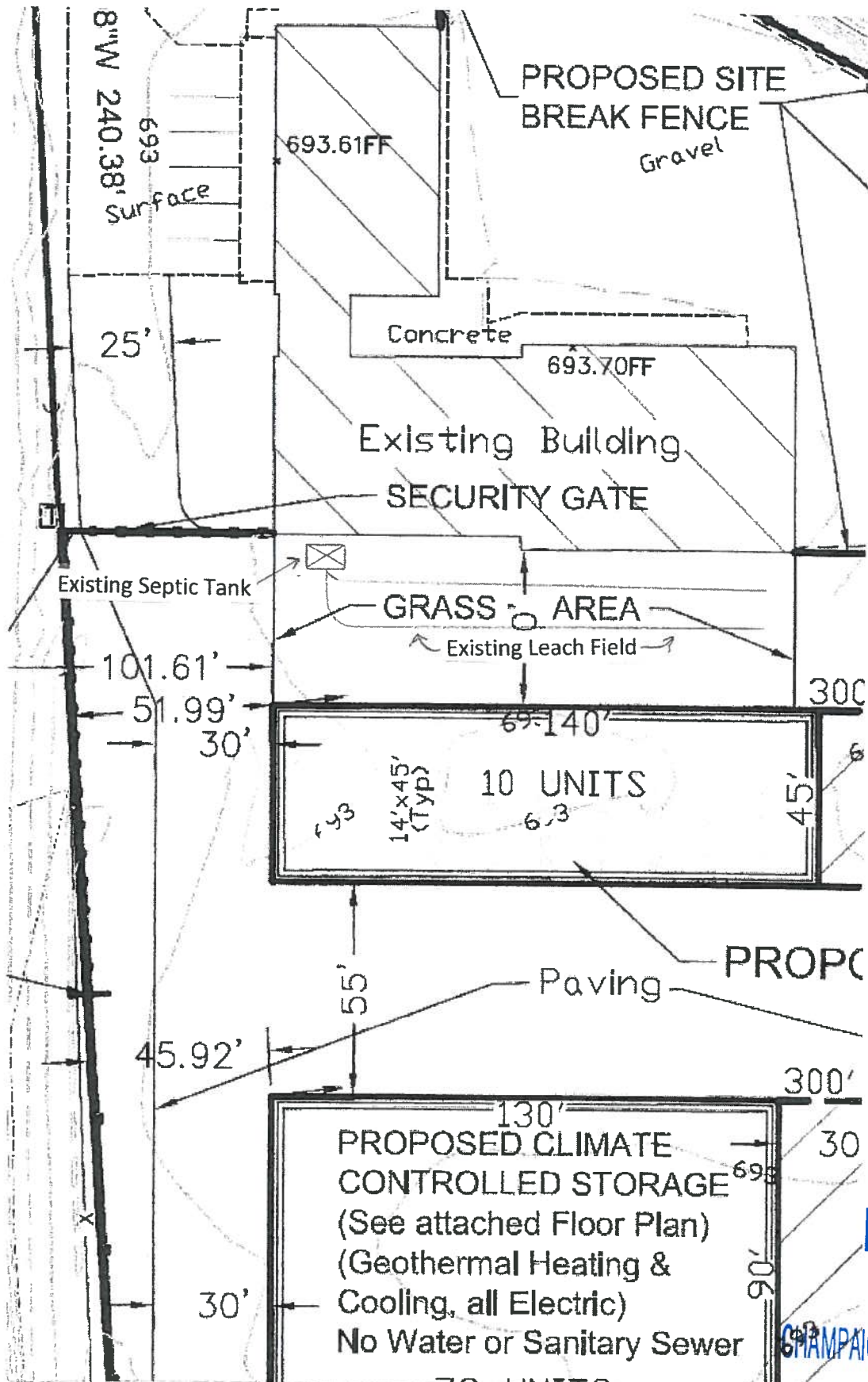
Jeffrey W. Tock

JWT/vlb
pc: Patrick Fitzgerald

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Curtis Road Self-Storage 101 E. Curtis Road Savoy



Navigation and utility elements including a compass, scale bar (200 ft / 100 m), and a toolbar with buttons for 'Map', 'Traffic', 'Internet', 'Google Maps', 'Google Earth', 'Shafers Menu', 'Inbox - Microsof...', and 'start'. A status bar at the bottom right shows 'Done', 'Document 1 - Mic...', and the time '10:51 AM'.

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759-S-13

**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: **August 29, 2013**

Petitioners: **Charles Jesse**

Request: Authorize the following as a Special Use in the B-1 Rural Trade Center Zoning District:

- Part A. Authorize multiple principal uses and buildings on the same lot consisting of (1) a heating and cooling contractors facility with accessory outdoor storage that was originally authorized by Case 970-S-95 and (2) Self-Storage Warehouses, providing heat and utilities to individual units as a special use.
- Part B. Authorize the construction and use of Self-Storage Warehouses, providing heat and utilities to individual units as a special use.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 25, 2013, and August 29, 2013**, the Zoning Board of Appeals of Champaign County finds that:

- *1. The petitioner Charles Jesse, 4483 West Main Street, Decatur, owns the subject property.
- *2. The subject property is a 11.28 acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road Champaign.
- *3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning. The City of Champaign has been notified of this case.

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 11.28 acres in area and is zoned AG-1 Agriculture, but is proposed to be rezoned in related Case 758-AM-13. The subject property is used to operate an existing contractors facility pursuant to Cases 970-S-95 and 176-S-99. Approximately 90% of the subject property is also used for agricultural production.
 - B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:
 - (1) Land on the north zoned AG-1 Agriculture, and is in agricultural production.
 - (2) Land on the south is zoned AG-1 Agriculture, and is in agricultural production.
 - (3) Land west of the subject property is zoned AG-1 Agriculture, and is in agricultural production. The land along the western border of the subject property is the Kaskaskia Special Drainage Ditch.
 - (4) Land east of the subject property is zoned AG-2 Agriculture, and is in agricultural production. The land along the eastern border of the subject property is Interstate 57.

*Identical to evidence in related Case 758-AM-13.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

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

*A. The revised site plan received August 8, 2013, indicates the following existing and proposed improvements:

(1) Existing improvements are as follows:

(a) An existing building that houses Jesse Heating and Air Conditioning and the fireplace showroom. These buildings have been subject to Cases 970-S-95 and 176-S-99 and ZUPA No. 124-95-01 and 148-99-03.

(b) An outside storage area located in the rear of the existing building.

(c) A grassed area east of the existing buildings that contains the existing septic system.

(2) Proposed improvements are as follows:

(a) Proposed fencing in the rear of the existing building and around the perimeter of the property.

(b) Proposed tree and shrub screening along the west side of the property.

(c) An indication that the entrance to the subject property will be widened to 35 feet. The expansion of the entrance will be to the east approximately 5 feet.

(d) Proposed Phase I as follows:

i. A 45'× 140' RV storage building with 10 units that are 45'× 15'.

ii. A 90'× 130' climate controlled storage building with 79 units of varying sizes.

iii. A total of approximately 59,200 square feet of new impervious area including an outside storage area.

(e) Proposed Phase II as follows:

i. A 45'× 160' storage building with 11 units.

ii. A 90'× 170' storage building with 96 units of varying sizes.

iii. A total of approximately 26,600 square feet of new impervious area.

(f) Proposed Phase III as follows:

i. A 45'× 140' storage building with 11 units.

ii. A 90'× 130' storage building with 79 units of varying sizes.

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- iii. A total of approximately 37,200 square feet of new impervious area.
 - (g) Proposed Phase IV as follows:
 - i. A 45'× 160' storage building with 11 units.
 - ii. A 90'× 170' storage building with 96 units of varying sizes.
 - iii. A total of approximately 33,400 square feet of new impervious area.
 - (h) A proposed stormwater detention area on the north side of the property.
 - (i) The route farm equipment will take to access the farmland in production.
- *B. Generally regarding security measures at the proposed self-storage warehouses:
- (1) Fencing will be installed around the perimeter of the property, except on the west side where there is a drainage ditch.
 - (2) Customers will have 24 hour access to the storage units by means of a gate that customers will enter through that will be locked and a code will be required to unlock the gate.
 - (3) Security cameras will be installed.

*Identical to evidence in related Case 758-AM-13.

- C. The subject property consists entirely of Drummer Silty Clay Loam (152A) and has a Land Evaluation (LE) Score of 100. By definition the subject property is BEST PRIME FARMLAND.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

- 6. Regarding authorization for multiple principal uses on one lot and contractors facilities in the B-1 Rural Trade Center Zoning District in the *Zoning Ordinance*:
 - A. Section 4.2.1F.1 requires the following:
 - (1) It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT having more than one existing PRINCIPAL STRUCTURE or BUILDING constructed prior to the adoption of this Ordinance in the following zoning DISTRICTS except as provided in Section 4.2.1D unless a SPECIAL USE permit has been obtained from the BOARD:
 - 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 Industrial
I-2, Heavy Industrial

- B. Section 4.2.1F.2. requires the following:
- (1) Such SPECIAL USE permit shall be issued only if the following criteria have been 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 or BUILDINGS in accordance with the following standards:
 - i. For STRUCTURES in the Business or Industrial DISTRICTS the required minimum depth of OPEN SPACE shall be determined by doubling the required SIDE YARD in the DISTRICT in which the LOT or parcel of land 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.
 - iv. In the case of the B-1 Rural Trade Center Zoning District the required amount of open space is 20 feet.
- C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (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

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cutoff means that the lighting fixture emits no light above the horizontal plane.

- (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- (2) Subsection 6.1.3 establishes the following standard conditions for Contractors Facilities with or without Outdoor STORAGE and/or Outdoor OPERATIONS:
- (a) In all DISTRICTS other than the B-5 DISTRICT, outdoor STORAGE and/or outdoor OPERATIONS are allowed as an ACCESSORY USE subject to subsection 7.6.
 - (b) In the B-5 DISTRICT, Outdoor STORAGE and/or outdoor OPERATIONS are allowed as an ACCESSORY USE provided as follows:
 - i. No outdoor STORAGE and/or outdoor OPERATIONS shall be visible from any second floor DWELLING UNIT.
 - ii. Outdoor STORAGE and/or outdoor OPERATIONS may be located at the property line but shall be screened by a Type D SCREEN consistent with 4.3.3H.1.
- D. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (2) "BEST PRIME FARMLAND" is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:

- a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (3) “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.
 - (4) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
 - (5) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
 - (6) “OPEN SPACE” is the unoccupied space open to the sky on the same LOT with a STRUCTURE.
 - (7) “OPERATIONS” are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
 - (8) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
 - (9) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
 - (10) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
 - (11) “STORAGE” is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
 - (12) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
 - (13) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.

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- (14) "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.
- E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - (a) The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - (b) The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - (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.
- F. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - (a) that the waiver is in accordance with the general purpose and intent of the ordinance; and

- (b) that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
- (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - (a) Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - (b) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - (c) The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- G. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

- 7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner has testified on the application, **“Consumers that utilize self-storage like to keep their belongings close to home. They also want to store in a facility that is clean and safe. I know from this location we can take care of these needs residents have in my area.”**
 - B. The subject property is triangular in shape and is bordered on the east side by I-57, the south side by old Church Road, and the west side by a drainage ditch. Because of the surroundings the subject property is suitable for the proposed and existing uses because it is in effect buffered from other uses by its surroundings.
 - C. The subject property is located approximately one-half mile from the City of Champaign and is within one mile (two road miles) of the I-57 interchange at Curtis Road.
 - *D. Regarding whether the proposed use is better provided in a rural area:

- (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 B-1 District is intended to provide areas for rural business to offer products and services to rural residents.
- (c) The existing contractors facility has been in operation since the mid 1990s and is a USE that has been determined to be appropriate in the rural area.
- (d) The proposed Self-Storage Warehouses is a USE that has been deemed appropriate for the rural area provided that a Special Use Permit is authorized.
- (e) The subject property is located very near to the urbanized area and is located .60 mile from parts of the City of Champaign and one mile (two road miles) from the Curtis Road/I-57 interchange; and the UI-Willard Airport is one-quarter of a mile to the east.

*Identical to evidence in related Case 758-AM-13.

- E. Approximately 90% of the subject property is currently in agricultural production. Any remaining tillable land will remain in agricultural production.
- F. Cases 970-S-95 and 176-S-99 for a contractors facility and an expansion of a contractors facility were previously authorized on the subject property.
- G. The evidence in related Case 758-AM-13 established that the proposed Special Use *{IS / IS NOT}* a service better provided in a rural area than in an urban area.

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

- 8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
 - A. The Petitioner has testified on the application, **“We have operated our business in a professional manner from this location since 1995. During this time we have only received compliments from our neighbors and never any complaints.”**
 - B. A Natural Resource Report prepared by the Champaign County Soil and Water Conservation District was received on July 18, 2013, and is summarized as follows:
 - (1) The subject property consists entirely of Drummer Silty Clay Loam (152A) as is considered BEST PRIME FARMLAND for Champaign County with an LE of 98. Limitations include severe ponding in shallow excavations. Note, the new LESA system classifies Drummer Silty Clay Loam with an LE of 100.

- (2) The subject property will be susceptible to erosion both during and after construction. Erosion controls should be installed before construction. Care should be taken to protect the drainage ditch on the west side of the property.
 - (3) A complete erosion and sedimentation control plan should be developed and implemented on the site prior to and during major construction activity.
 - (4) The site sits on a hill and water drains through it to the drainage ditch to the west.
 - (5) If a water detention area is constructed that will hold water year round a dry hydrant should be constructed.
 - (6) If any agricultural tile is found care should be taken to maintain the tile.
 - (7) If adequate erosion and sedimentation control systems are in place water quality should not be significantly impacted.
 - (8) The Illinois Natural Heritage Database contains no record of State-listed threatened species.
- C. Regarding surface drainage, the subject property appears to drain to the north.
- D. The subject property is accessed from West Old Church Road (CR 1200N) on the south side of the property. Regarding the general traffic conditions on West Old Church Road (CR 1200N) at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- (1) The Annual Average Daily Traffic (AADT) for West Old Church Road (CR 1200N) in front of the subject property is 750 AADT.
 - (2) West Old Church Road (CR 1200N) is a Minor Street as indicated in the Champaign County Zoning Ordinance.
 - (3) Pavement width in front of the subject property is approximately 20 feet.
 - (4) The relevant road jurisdictions have been notified of this case.
 - (5) Regarding the proposed special use and the anticipated traffic impacts:
 - (a) Staff from the Champaign Urbana Urbanized Area Transportation Study (CUUATS) evaluated the proposed Special Use for traffic impacts and determined that a Traffic Impact Analysis is not necessary because the number of weekday and weekend peak hour trips generated will be minimal.

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- (b) On August 22, 2013, Andy Kass, Associate Planner, Champaign County, spoke with Bradley Clemmons, Tolono Township Road Commissioner regarding the proposed Special Use. Mr. Clemmons expressed no concerns about traffic resulting from the proposed use or any visibility issues in regards to the entrance of the subject property and the I-57 overpass to the east.

- (6) There is a vertical curve (hill) on West Old Church Road near the subject property. Regarding visibility concerns related to this vertical curve:
 - (a) The relevant geometric standards for traffic visibility are found in the *Manual of Administrative Policies of The Bureau of Local Roads and Streets* prepared by the Bureau of Local Roads and Streets of the Illinois Department of Transportation. The “minimum stopping sight distance” is determined by design speed and varies as follows:
 - A design speed of 30 miles per hour requires a minimum distance of 200 feet.
 - A design speed of 40 miles per hour requires a minimum sight distance of 275 feet.
 - A design speed of 50 miles per hour requires a minimum sight distance of 400 feet.
 - A design speed of 60 miles per hour requires a minimum sight distance of 525 feet.
 - A design speed of 70 miles per hour requires a minimum sight distance of 625 feet.

 - (b) The speed limit on Old Church Road (CR 1200N) is 55 miles per hour.

 - (c) The existing driveway entrance appears to be located such that a vehicle entering or exiting the driveway is visible at a distance of 700 - 750 feet from an automobile traveling west over the crest of the vertical curve (hill) and may have minimum stopping sight distance for a speed of 55 miles per hour.

- E. Regarding fire protection on the subject property, the subject property is within the protection area of the Savoy Fire Protection District and is located approximately 3.5 road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.

- F. No part of the subject property is located within the mapped floodplain.

- G. Regarding outdoor lighting on the subject property:

- (1) The site plan indicates that outside lighting provided will be full-cutoff fixtures and will not exceed 250 watts. The lighting will be LED fixtures mounted on the proposed buildings.
 - (2) On August 12, 2013, the petitioner submitted diagrams and lighting specifications of the proposed exterior lighting documenting that it will comply with Section 6.1.2.
- H. Regarding wastewater treatment and disposal on the subject property, none of the new construction will require wastewater treatment. There is an existing septic system that services the existing building that houses the contractors facility and none of the proposed development will disturb that system.
- I. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional 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.

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- (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
 - (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
- (a) The 2006 or later editions of the following codes developed by the International Code Council:
 - i.* International Building Code;
 - ii.* International Existing Building Code; and
 - iii.* International Property Maintenance Code
 - (b) The 2008 of later edition of the National Electrical Code NFPA 70.
 - (c) A special condition has been proposed to ensure compliance.
- J. Generally regarding security measures at the proposed self-storage warehouses:

- (1) Fencing will be installed around the perimeter of the property, except on the west side where there is a drainage ditch.
- (2) Customers will have 24 hour access to the storage units by a gate that customers will enter through that will be locked and a code will be required to unlock the gate.
- (3) Security cameras will be installed.

***K. Generally regarding interference with agricultural operations:**

- (1) The existing contractors facility has been in operation since the mid 1990s and is a USE that has been determined to be appropriate in the rural area.
- (2) The proposed self-storage warehouse is a USE that has been deemed appropriate for the rural area in the B-1 District provided that a Special Use Permit is authorized.
- (3) The B-1 District is intended to provide areas for rural business to offer products and services to rural residents.
- (4) The subject property is triangular and is bordered on the west by a drainage ditch, the east side is bordered by I-57, and the south is bordered by Old Church Road.
- (5) Trees and shrubs will be planted on the subject property to screen the uses of the property from the view of the neighboring properties to the west.
- (6) The traffic produced by the proposed use will be an increase in traffic, but its impact will be minimal according to the memorandum from the Champaign Urbana Urbanized Transportation Study received August 23, 2013.
- (7) The proposed self-storage warehouse will be sited on land that is currently in crop production. The remaining tillable land will stay in production.

***Identical to evidence in related Case 758-AM-13**

- L. The Kaskaskia Special Drainage District has a 30 feet easement on the subject property next to the drainage ditch. In a letter dated August 26, 2013, from Jeff Tock, Attorney, Kaskaskia Special Drainage District, indicates that the Drainage District has reviewed the proposed site plan and have no objections to the proposed use.
- M. The Special Use **{WILL / WILL NOT}** be compatible with adjacent uses because the evidence in related Case 758-AM-13 established that the proposed Special Use **{WILL / WILL NOT}** interfere with agricultural operations and the subject site **{IS / IS NOT}** suitable for the proposed Special Use.
- N. 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: **“It will conform with all regulations and standards with the granting of the Special Use Permit.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.
 - (2) Self-storage Warehouses, providing heat and utilities to individual units are authorized as a Special Use in the B-1, B-3, and B-5 Zoning DISTRICTS.
 - (3) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-1, B-4, I-1, and I-2 Zoning DISTRICTS.
 - (4) Regarding compliance with Subsection 4.2.1F.2.:
 - (a) The minimum required depth of the OPEN SPACE between the various uses on the subject property is 20 feet, and there is a minimum of 20 feet between the various uses. The nearest the proposed uses will be to each other is 40 feet as shown of the site plan received August 8, 2013.
 - (5) All existing and proposed structures meet setback and front, side and rear yard requirements.
 - (6) Regarding parking on the subject property:
 - (a) Paragraph 7.4.1 C.1.e. requires ESTABLISHMENTS other than specified above: one such PARKING SPACE for every 200 square feet of floor area or portion thereof.
 - (b) Paragraph 7.4.1D.1. requires for industrial uses that one space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.

- (c) 132 parking spaces are required for the proposed self-storage warehouses when all four phases are completed. There is adequate area for parking in the proposed area. If parking were to ever need to be expanded there is adequate area to add an overflow parking area to the north of the proposed development.
 - (d) The existing contractors facility and showroom has adequate parking. The site plan from ZUPA No. 148-99-03 indicates a total of 33 parking spots located in front and behind of the showroom.
- (7) Regarding loading berths on the subject property:
- (a) Paragraph 7.4.2 C.5. requires three 10' × 70' loading berths for industrial establishments establishing 40,000 – 99,999 square feet of floor area. There is adequate area to accommodate these loading berths as the site is developed.
 - (b) Paragraph 7.4.2 C.5. two 10' × 40' loading berths for commercial establishments establishing 10,000 – 24,999 square feet of floor area. There is more than adequate area behind the showroom to accommodate the loading berth requirements for the existing contractors facility.
- (8) Regarding screening of outdoor storage for Contractors Facilities:
- (a) OUTDOOR STORAGE as an ACCESSORY USE is allowed by right when all OUTDOOR STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN meeting the provisions of Section 7.6.3.
 - (b) A Type D SCREEN is a landscaped berm, or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of eight feet as measured from the highest adjacent grade.
 - (c) A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for OUTDOOR STORAGE and/or OUTDOOR OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
 - i. Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or

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ii. Any designated urban arterial street or MAJOR STREET.

(d) The revised site plan received August 8, 2013, indicates a proposed OUTDOOR STORAGE area behind the existing contractors facility. The site plan also indicates a screen planting of trees and shrubs along the western property line. It is unclear if these trees and shrubs will meet the requirements of a Type D SCREEN.

C. Regarding compliance with the *Stormwater Management Policy*:

- (1) The petitioner must comply with the *Stormwater Management Policy* because the amount of impervious area proposed for the self-storage warehouses is greater than 16% of the total area of the lot. If all phases of the project are built as proposed on the site plan received August 8, 2013, approximately 3.5 acres of impervious surface will be added to the subject property (not including the area of the proposed detention basin). Stormwater management will need to be provided during Phase I.
- (2) All of the existing construction on the subject property was constructed prior to the adoption of the current Stormwater Management Policy and was not been included in the calculation of impervious area.
- (3) Before a Zoning Use Permit Application can be approved the petitioner must submit a stormwater management plan that is in compliance with the *Stormwater Management Policy*. A special condition has been proposed to ensure compliance.

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 Champaign subdivision jurisdiction and no subdivision is proposed or required.

F. Regarding the requirement that the Special Use preserve the essential character of the B-1 Light Industry Zoning District:

- (1) More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.
- (2) Self-storage Warehouses, providing heat and utilities to individual units are authorized as a Special Use in the B-1, B-3, and B-5 Zoning DISTRICTS.
- (3) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-1, B-4, I-1, and I-2 Zoning DISTRICTS.
- (4) The proposed use will not hinder agricultural production on adjacent properties and agricultural production will still occur onsite.

- (5) The visual character of the subject property will not be changed much because agricultural production will still occur onsite in the same general area that has been under production.
 - (6) There will be no significant traffic impacts because Staff from the Champaign Urbana Urbanized Area Transportation Study (CUUATS) evaluated the proposed Special Use for traffic impacts and determined that a Traffic Impact Analysis is not necessary because the number of weekday and weekend peak hour trips generated will be minimal.
 - (7) There will be no significant drainage impacts because the proposed Special Use will comply with the *Stormwater Management Policy*.
 - (8) There will be no significant impact on public health and safety because the proposed buildings will comply with the International Building Code as required by Public Act 96-704.
- G. Currently, the subject property is zoned AG-1 Agriculture and the Petitioner has requested to rezone the subject to B-1 Rural Trade Center Zoning District in related Case 758-AM-13. Regarding whether or not the proposed Special Use will preserve the essential Character of the surrounding AG-1 District:
- (1) As reviewed in Case 758-AM-13 the types of uses authorized by right in the AG-1 District are different from the by right uses in the B-1 District. Any proposed Special Use in the subject property should be evaluated for compatibility with the adjacent AG-1 uses.
 - (2) Compatibility of the proposed Special Use with surrounding agriculture was evaluated in related Case 758-AM-13 under review of Land Resource Management Plan Objective 4.2 regarding interference with agricultural operations and the Zoning Board of Appeals found the proposed Special Use *{WILL / WILL NOT}* interfere with agricultural operations.
 - (3) The proposed Special Use will have no significant impact on traffic, drainage, public health or safety, or visual character of the surrounding AG-1 District.
 - (4) The subject property is located on Old Church Road and immediately adjacent to I-57. Land use and zoning in the immediate neighborhood area of the subject property are as follows:
 - (a) Land on the north zoned AG-1 Agriculture, and is in agricultural production.
 - (b) Land on the south is zoned AG-1 Agriculture, and is in agricultural production.

- (c) Land west of the subject property is zoned AG-1 Agriculture, and is in agricultural production.
 - (d) Land east of the subject property is zoned AG-2 Agriculture, and is in agricultural production.
- 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.

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 is in harmony with the general intent and purpose of the Ordinance:
- A. More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.
 - B. Self-storage Warehouses, providing heat and utilities to individual units are authorized as a Special Use in the B-1, B-3, and B-5 Zoning DISTRICTS.
 - C. Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-1, B-4, I-1, and I-2 Zoning DISTRICTS.
 - D. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.14 of the Ordinance states the general intent of the B-1 District and states as follows (capitalized words are defined in the Ordinance):

The B-1, Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.
 - (2) The types of uses authorized in the B-1 District are in fact the types of uses that have been determined to be acceptable in the B-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - E. 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 Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

- (a) 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 Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:
 - (a) The requested Special Use Permit should not decrease the value of nearby properties.
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS:
 - (a) Staff from the Champaign Urbana Urbanized Area Transportation Study (CUUATS) evaluated the proposed Special Use for traffic impacts and determined that a Traffic Impact Analysis is not necessary because the number of weekday and weekend peak hour trips generated will be minimal.
- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
 - (a) The proposed construction on the subject property will trigger the need for stormwater management. The petitioner will need to submit a complete stormwater management plan that is in compliance with the *Stormwater Management Policy* before a Zoning Use Permit can be issued from the proposed construction.
 - (b) The site plan received August 8, 2013, indicates that the stormwater detention area will be designed in accordance with the *Stormwater Management Policy*.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
 - (a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - (b) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and

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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.

- (a) These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.
- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.
- (a) 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 nonconforming conditions.
- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing 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.

The proposed Special Use will not be remodeling or altering existing structures.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.
- (a) The proposed use will take approximately 4.5 acres of agricultural land out of production (including the proposed stormwater detention basin). The subject property is triangular in shape and not conducive to row crop production and has been used as a business for more than 38 years.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting 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 Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

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

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

- (a) The proposed use will take approximately 4.5 acres of agricultural land out of production (including the proposed stormwater detention basin). The subject property is triangular in shape and not conducive to row crop production and has been used as a business for more than 38 years.

- (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 use will not require the development of renewable energy sources.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: **“With proper zoning and the issuance of the Special Use Permit, we will build a self-storage facility with fencing, and land landscaping that will compliment the area.”**
 - B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:

- A. A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application for Phase I 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 Stormwater Management Policy.

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

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

That the proposed structure is safe and in conformance with Public Act 96-704.

- C. The Zoning Administrator shall not authorize a Zoning Use Permit 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 conditions stated above are required to ensure the following:

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

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

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

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

E. Regarding the timing of construction and establishment of the proposed Special Use:

- (1) The Special Use Permit shall be void if the construction of the proposed Self-Storage Warehouses has not begun within 5 years of the date of authorization of Case 759-S-13.**
- (2) The Zoning Administrator shall not authorize a Zoning Use Permit for construction of a Self-Storage Warehouse on the subject property after 9 years of the date of authorization of Case 759-S-13 and all construction must be completed within 10 years of the date of authorization of Case 759-S-13.**

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

That the proposed Special Use is established and constructed in a timely manner in order to provide future surrounding land uses knowledge as to what will be constructed on the subject property.

F. Regarding security on the subject property:

- (1) The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner has submitted a security plan for the subject property indicating the number and locations of all security cameras and all other security features (lighting, fencing, etc).**
- (2) The Zoning Administrator shall not authorize a Zoning Use Permit until written documentation has been provided from the petitioner that the relevant fire protection district will have access through the security gate at all times.**

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

That the petitioner provides adequate security measures and provides access to appropriate public safety agencies.

G. No construction or planting of any tree and shrub screening shall occur within the Kaskaskia Drainage District easement that extends 30 feet from the top of the bank of the drainage ditch.

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

That no construction or vegetation impedes the access of the Drainage District.

H. The proposed self-storage buildings shall be no taller than 35 feet in height.

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

That the proposed construction is of a reasonable height in a zoning district with no maximum height requirements.

- I. **The only two principal uses authorized by Case 759-S-13 are a Contractors Facility with outdoor storage and/or outdoor operations and self-storage warehouses providing heat and utilities to individual units. Other uses that can be established by right in the B-1 District may be established if they are the only use on the subject property other than agriculture.**

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

That the petitioner and future landowners understand the requirements of the Zoning Ordinance.

DOCUMENTS OF RECORD

1. Application for Map Amendment received May 24, 2013, with attachments:
 - A Site Plan
 - B Land Use Map
2. Special Use Permit application received May 24, 2013, with attachments:
 - A Site Plan
 - B Land Use Map
 - C Zoning Map
3. Zoning Case 970-S-95 case file
4. ZUPA No. 124-95-01 file
5. Zoning Case 176-S-99 case file
6. ZUPA No. 148-99-03 case file
7. Revised Site Plan received May 30, 2013
8. Legal Description received June 19, 2013
9. Warranty Deed received June 25, 2013
10. Revised Site Plane received July 16, 2013
11. Phase I Building Floor Plans received July 16, 2013
12. Revised Site Plan received July 17, 2013
13. Preliminary Memorandum for Case 758-AM-13 dated July 19, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Letter from Jeff Marino, Planner II, City of Champaign, dated August 14, 2012
 - C Natural Resource Report received July 18, 2013
 - D City of Champaign Future Land Use Map
 - E LRMP Land Use Management Areas Map
 - F Site Visit Photos
 - G LRMP Land Use Goals, Objectives, and Policies & Appendix
14. Preliminary Memorandum for Case 759-S-13 dated July 19, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received July 17, 2013

- C Phase I Building Floor Plans received July 16, 2013
 - D Excerpt of Approved Minuets from 3/16/1995 ZBA meeting
 - E Excerpt of Approved Minutes from 4/1/1999 ZBA meeting
 - F Site Visit Photos
15. AADT Information from Keith Padgett. Champaign Township Road Commissioner, received July 28, 2013
 16. Revised Site Plan received August 8, 2013
 17. Exterior Lighting Layout received August 12, 2013
 18. Email from Rita Black, Planning and Community Development Director, CCRPC, dated August 14, 2013
 19. Email from Jeff Marino, Planner II, City of Champaign, to Andy Kass, Associate Planner, Champaign County, dated August 21, 2013
 20. Supplemental Memorandum for Case 758-AM-13 dated August 23, 2013, with attachments:
 - A Email from Jeff Marino, Planner II, City of Champaign, to Andy Kass, Associate Planner, Champaign County, dated August 21, 2013
 - B Draft Finding of Fact and Final Determination
 21. Supplemental Memorandum for Case 759-S-13 dated August 23, 2013, with attachments:
 - A Revised Site Plan received August 8, 2013
 - B Exterior Lighting Layout received August 14, 2013
 - C AADT Information from Keith Padgett, Champaign Township Road Commissioner, received July 28, 2013
 - D Email from Rita Black, Planning and Community Development Director, CCRPC, dated August 14, 2013
 - E Email from Jeff Marino, Planner II, City of Champaign, dated August 14, 2013
 22. Technical Memorandum from the Champaign Urbana Urbanized Area Transportation Study received August 23, 2013
 23. Letter from Don Gerard, Mayor, City of Champaign, received August 26, 2013
 24. Letter from Jeff Tock, Attorney, Kaskaskia Special Drainage District, received August 27, 2013
 25. Council Bill 2013-138 and Council Bill Explanation Report received August 27, 2013
 26. Annotated site plan to show farm equipment access received August 28, 2013

27. Excerpt of site plan to show location of existing septic system and leach field received August 28, 2013
28. Aerial photos of self-storage developments near residential areas in Champaign and Savoy received August 29, 2013
29. Supplemental Memorandum for Case 758-AM-13 dated August 29, 2013, with attachments:
 - A Letter from Don Gerard, Mayor, City of Champaign, received August 26, 2013
 - B Council Bill 2013-138 and Council Bill Explanation Report received August 27, 2013
 - C Draft Finding of Fact and Final Determination
31. Supplemental Memorandum for Case 759-S-13 sated August 29, 2013, with attachments:
 - A Technical Memorandum from the Champaign Urbana Urbanized Area Transportation Study received August 23, 2013
 - B Letter from Jeff Tock, Attorney, Kaskaskia Special Drainage District, received August 27, 2013
 - C Annotated site plan to show farm equipment access received August 28, 2013
 - D Excerpt of site plan to show location of existing septic system and leach field received August 28, 2013
 - E Aerial photos of self-storage developments near residential areas in Champaign and Savoy received August 29, 2013
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 759-S-13 held on **July 25, 2013, and August 29, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:

2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*:

 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:

 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}*:

 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:

 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*:

 - g. The property is BEST PRIME FARMLAND and the property with the proposed improvements *{IS/IS NOT}* WELL SUITED OVERALL.
 - h. The existing public services *{ARE/ARE NOT}* available to support the proposed special use effectively and safely without undue public expense.

- i. The only existing public infrastructure together with proposed improvements *{ARE/ARE NOT}* adequate to support the proposed development effectively and safely without undue public expense.

(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/ IS NOT}* an existing nonconforming use and the requested Special Use Permit *{WILL/ WILL NOT}* make the existing use more compatible with its surroundings *{because: *}*
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}*

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

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 **759-S-13** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED }* to the applicant to **Charles Jesse** to **authorize the following in the B-1 District:**

Part A. Authorize multiple principal uses and buildings on the same lot consisting of (1) a heating and cooling contractors facility with accessory outdoor storage that was originally authorized by Case 970-S-95 and (2) Self-Storage Warehouses, providing heat and utilities to individual units as a special use.

Part B. Authorize the construction and use of Self-Storage Warehouses, providing heat and utilities to individual units as a special use.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date