

## **CASE NO. 884-AM-17**

*PRELIMINARY MEMORANDUM*

*October 5, 2017*

**Petitioner:** Kimberly Young d.b.a. Quick Leasing Inc.

**Request:** Amend the Zoning Map to change the zoning district designation from the I-1 Light Industry Zoning District to the B-4 General Business Zoning District to allow expansion of an existing diesel truck maintenance facility with truck sales on the subject property described below.

**Location:** A proposed parcel in the Northeast Quarter of the Northwest Quarter of Section 24, Township 20N Range 8E in Hensley Township and commonly known as the proposed expansion site for Rush Truck Center Champaign, 309 West Hensley Road, Champaign.

**Site Area:** 2.99 acres

**Time Schedule for Development:** As soon as possible

**Prepared by:** **Susan Burgstrom**  
Senior Planner

**John Hall**  
Zoning Administrator

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### **BACKGROUND**

Kimberly Young d.b.a. Quick Leasing Inc. requests to rezone property in order to sell the property to Rush Truck Center Champaign so that they can expand the parking area for their existing facility just west of the subject property. The sale of the property is contingent upon rezoning approval. The proposed parking expansion will require a Zoning Use Permit and a Storm Water Drainage Plan, both of which must be approved prior to construction.

There are no nearby residences and the P&Z Department has received no comments on the proposed rezoning.

Staff analysis indicates that the proposed Zoning Map amendment and use appear to be 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. There are no decision points (policies with no recommendation) in the Finding of Fact.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Vacant	I-1 Light Industry (proposed to be rezoned to B-4 General Business)
North	Agriculture	AG-1 Agriculture
East	Undeveloped	I-1 Light Industry
West	Rush Truck Center	B-4 General Business
South	RV Campground	AG-2 Agriculture

## PROPOSED SPECIAL CONDITIONS

- 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.**

The above special condition is necessary to ensure the following:

**Conformance with LRMP Policy 4.2.3.**

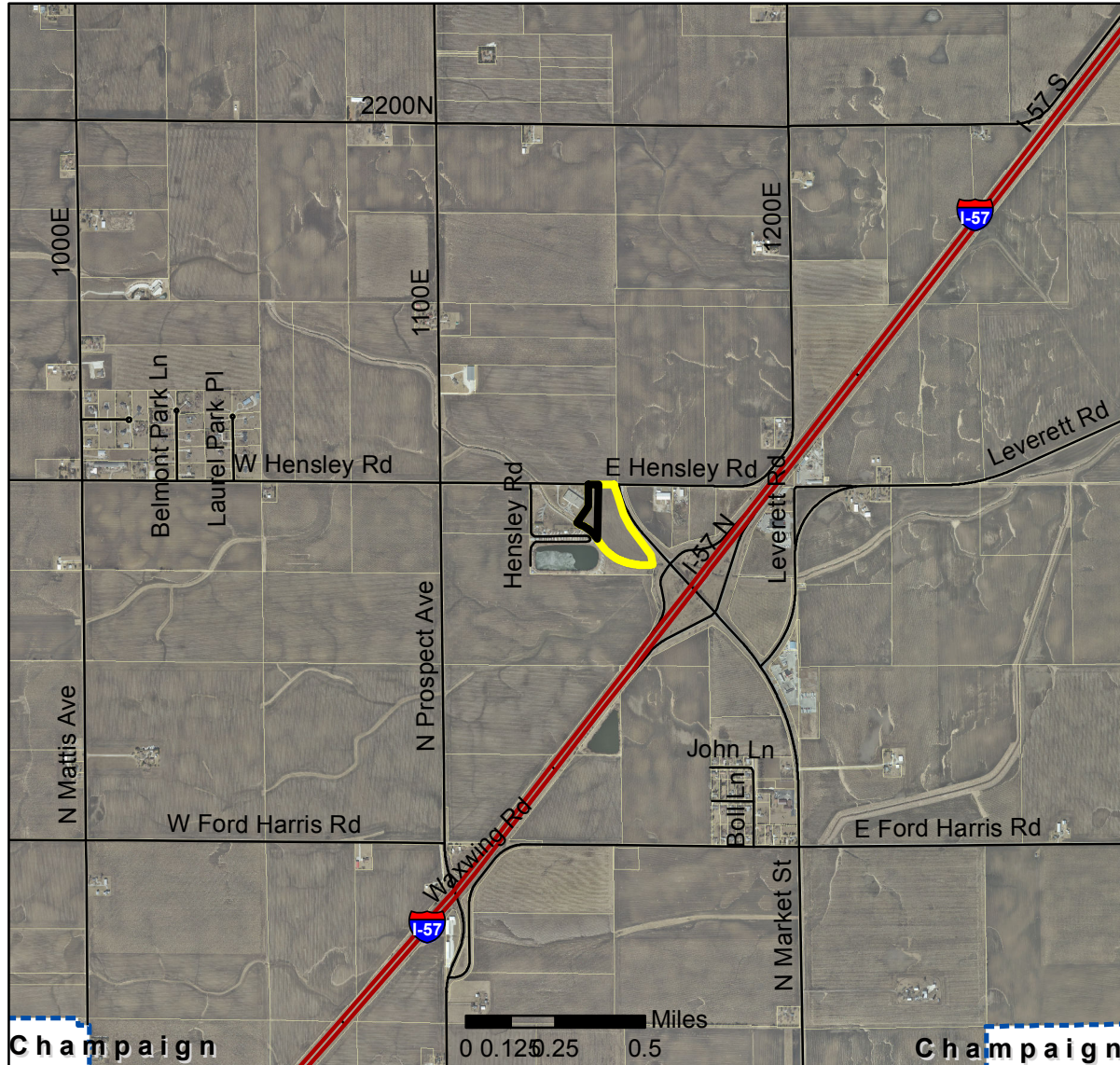
## ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received August 9, 2017:
  - Sheet Z-1 by Geis Companies dated August 8, 2017
  - Plat of Topographic Survey by Fehr Graham signed/sealed July 26, 2017
  - ALTA-NSPS Land Title Survey Plat dated July 26, 2017 (2 sheets)
- C LRMP Land Use Goals, Objectives, and Policies
- D LRMP Appendix of Defined Terms
- E Copy of Right to Farm Resolution 3425
- F Site Visit Photos taken September 26, 2017
- G Draft Finding of Fact and Final Determination dated October 12, 2017

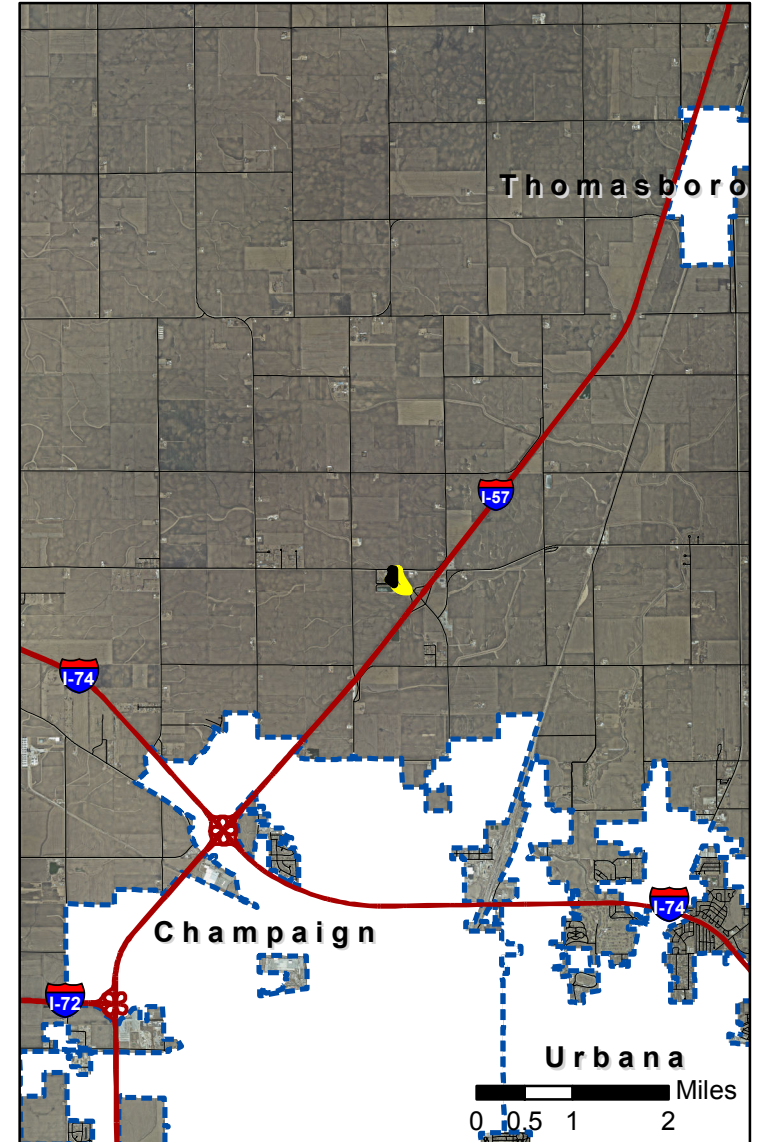
# Location Map

Case 884-AM-17  
October 12, 2017





Subject Property



Property location in Champaign County



## Legend

-  Municipal Boundary
-  Parent Tract
-  Subject Property
-  Parcels



Champaign County  
Department of  
PLANNING &  
ZONING

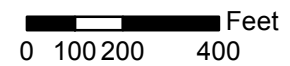
# Land Use Map

Case 884-AM-17  
October 12, 2017



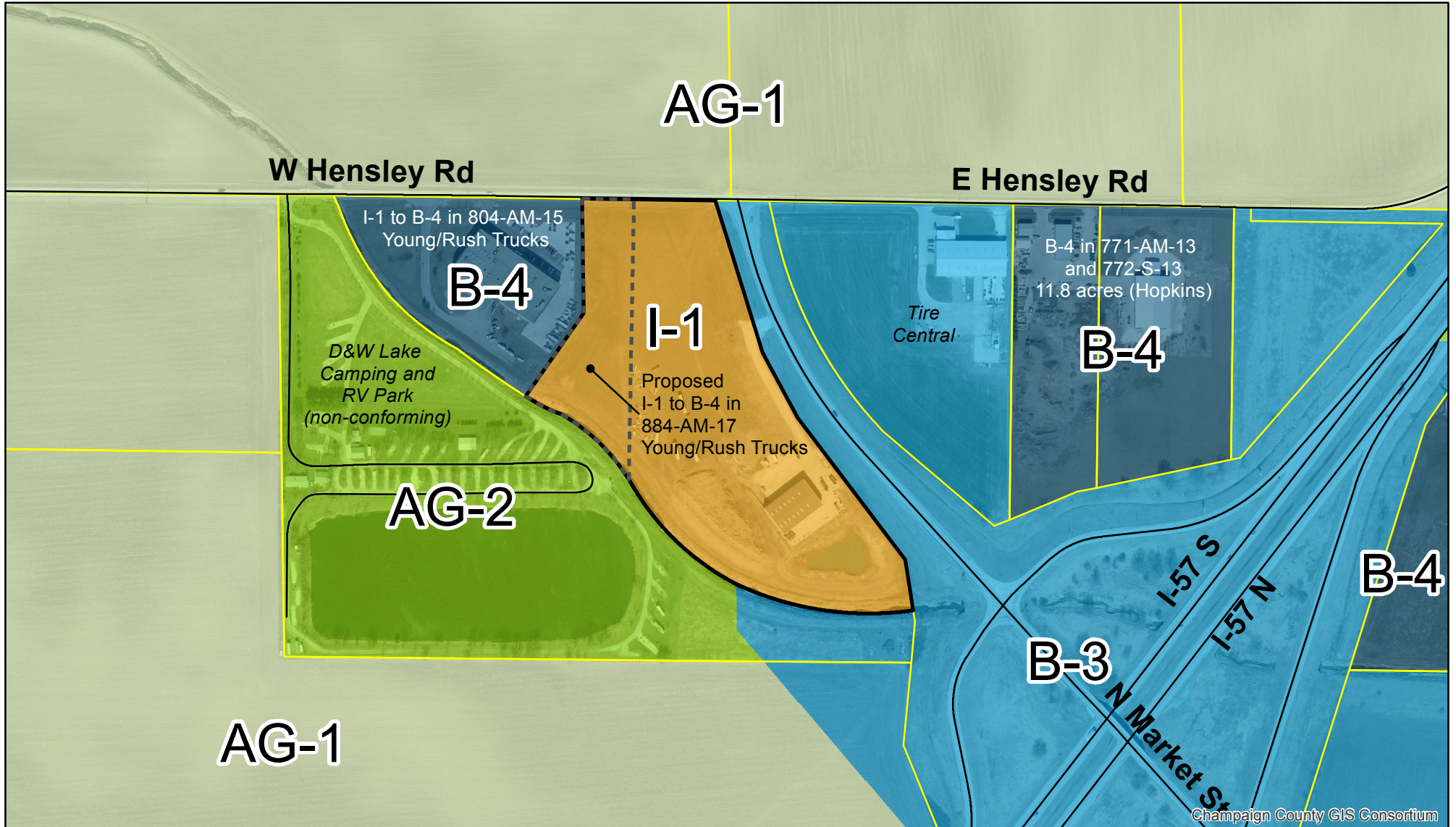
## Legend

- Subject Property
- Commercial
- Municipal Boundary
- Parent Tract
- Agriculture
- Streets



# Zoning Map

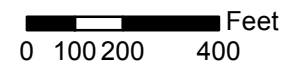
Case 884-AM-17  
 October 12, 2017



Champaign County GIS Consortium

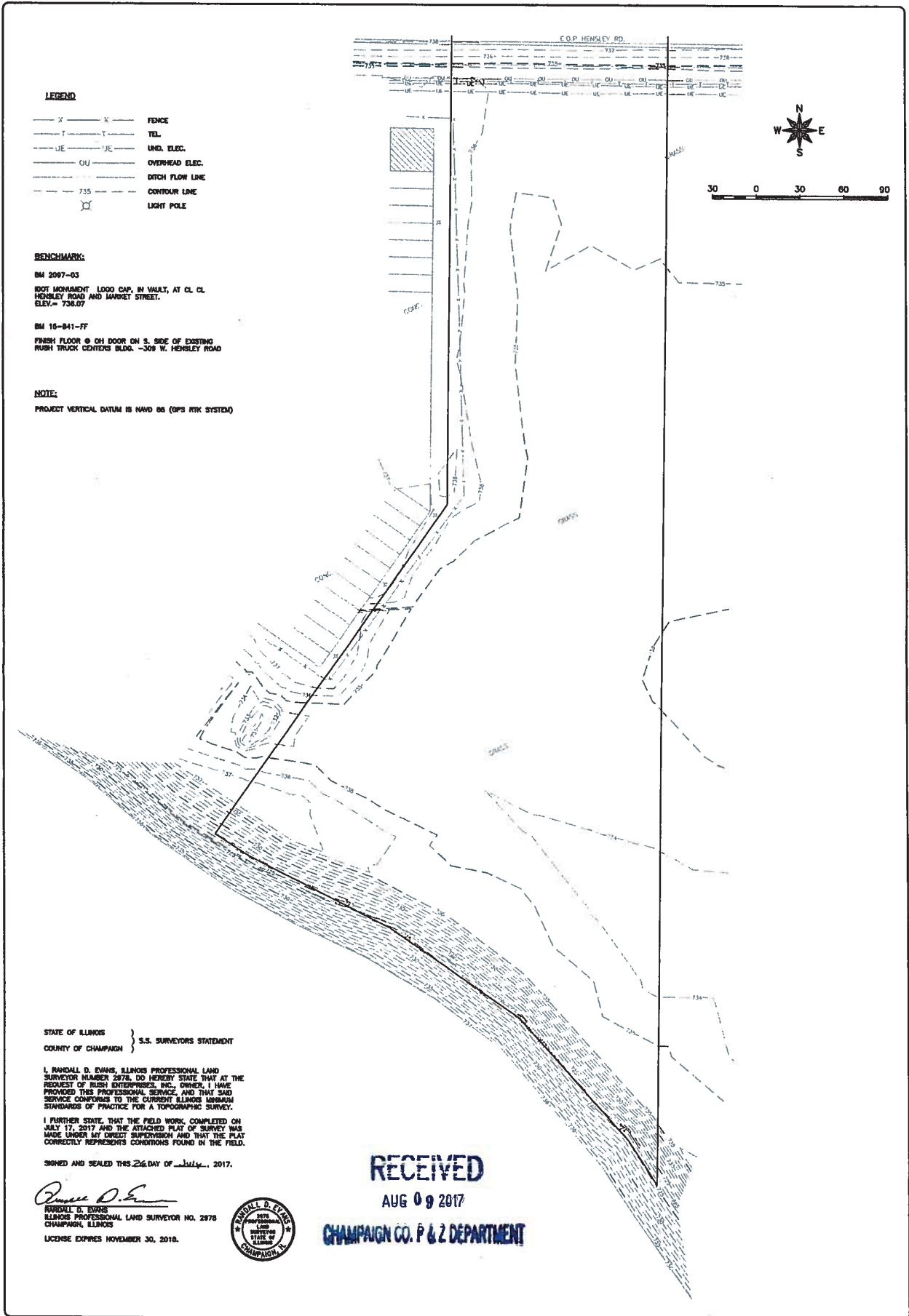
## Legend

- Subject Property
- Parent Tract
- Streets
- AG-1
- AG-2
- I-1
- B-4
- B-3
- Parcels



Champaign County  
 Department of  
**PLANNING &  
 ZONING**





**LEGEND**

- X—X— FENCE
- T—T— TEL.
- UE—UE— UND. ELEC.
- OU— OVERHEAD ELEC.
- - - - - DITCH FLOW LINE
- - - - - 7.35 CONTOUR LINE
- ⊙ LIGHT POLE

**BENCHMARK:**

BM 2067-03  
 IRON MONUMENT 1000 CAP. IN VAULT, AT CL. CL. HENSLEY ROAD AND MARKET STREET. ELEV. = 738.07

BM 16-841-FF  
 FINISH FLOOR @ ON DOOR ON S. SIDE OF EXISTING RUSH TRUCK CENTERS BLDG. -308 W. HENSLEY ROAD

**NOTE:**

PROJECT VERTICAL DATUM IS NAVD 88 (GPS RTK SYSTEM)

STATE OF ILLINOIS }  
 COUNTY OF CHAMPAIGN } S.S. SURVEYORS STATEMENT

I, RANDALL D. EVANS, ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 2878, DO HEREBY STATE THAT AT THE REQUEST OF RUSH ENTERPRISES, INC., OWNER, I HAVE PROVIDED THIS PROFESSIONAL SERVICE, AND THAT SAID SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF PRACTICE FOR A TOPOGRAPHIC SURVEY.

I FURTHER STATE, THAT THE FIELD WORK, COMPLETED ON JULY 17, 2017 AND THE ATTACHED PLAT OF SURVEY WAS MADE UNDER MY CLOSEST SUPERVISION AND THAT THE PLAT CORRECTLY REPRESENTS CONDITIONS FOUND IN THE FIELD.

SIGNED AND SEALED THIS 26 DAY OF July, 2017.

*Randall D. Evans*  
 RANDALL D. EVANS  
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2878  
 CHAMPAIGN, ILLINOIS  
 LICENSE EXPIRES NOVEMBER 30, 2018.



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 AUG 09 2017

**CHAMPAIGN CO. P & Z DEPARTMENT**

**FEHR GRAHAM**  
 ENGINEERING & ENVIRONMENTAL

ILLINOIS  
 IOWA  
 WISCONSIN

OWNER/DEVELOPER:  
 RUSH TRUCK CENTERS OF ILLINOIS  
 308 WEST HENSLEY RD.  
 CHAMPAIGN, IL 61822

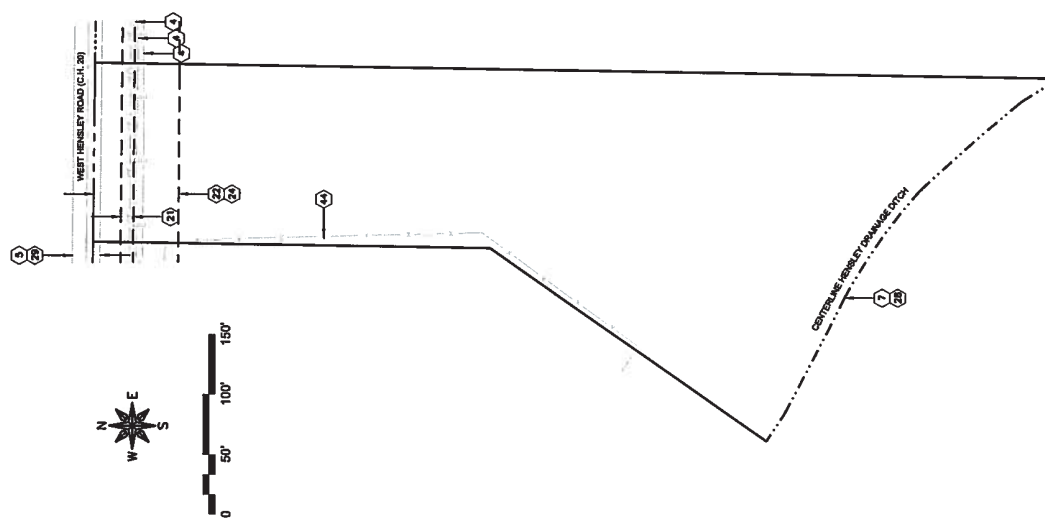
DRAWING:  
 PLAT OF TOPOGRAPHIC SURVEY

JOB NUMBER:  
 17-618

SHEET NUMBER:  
 1 of 1







- TABLE A - ITEM NOTES**
- 1 TABLE A - ITEM 1) ALL MONUMENTS WERE FOUND AS SHOWN.
  - 2 TABLE A - ITEM 2) THE PROPERTY ADJOINS 308 WEST HENSLEY RD. IN CHAMPAIGN, IL.
  - 3 TABLE A - ITEM 3) THE FIRM LAMP PANEL, NO. 1000, WAS FOUND AT THE PROPERTY CORNER. NO FLOOD DAMAGE DETERMINATION WAS MADE BY THE SURVEYOR.
  - 4 TABLE A - ITEM 4) THE CROSS AREA OF THE PROPERTY IS 2.299 ACRES, MORE OR LESS.
  - 5 TABLE A - ITEM 5) NO ZONING INFORMATION PROVIDED.
  - 6 TABLE A - ITEM 6) NO BUILDINGS ON THE PROPERTY.
  - 7 TABLE A - ITEM 7) NO BUILDINGS ON THE PROPERTY.
  - 8 TABLE A - ITEM 8) NO BUILDINGS ON THE PROPERTY.
  - 9 TABLE A - ITEM 9) NO BUILDINGS ON THE PROPERTY.
  - 10 TABLE A - ITEM 10) NO BUILDINGS ON THE PROPERTY.
  - 11 TABLE A - ITEM 11) THE SURVEYOR HAS OBSERVED THE SURFACE OF THE PROPERTY AND HAS OBSERVED SURFACE EVIDENCE.
  - 12 TABLE A - ITEM 12) AS SHOWN ON SURVEY.
  - 13 TABLE A - ITEM 13) NONE NOTED.
  - 14 TABLE A - ITEM 14) NONE NOTED.
  - 15 TABLE A - ITEM 15) NO WETLAND MARKERS OBSERVED.

- 16 EASEMENT IN FAVOR OF CENTRAL ILLINOIS FIELD SERVICE COMPANY (RTI) AND RECORDED AUGUST 24, 1984 AS DOCUMENT NO. 2018188 (FOR MORE PARTICULARS SEE RECORDED DOCUMENT).
- 17 EASEMENT IN FAVOR OF CENTRAL ILLINOIS FIELD SERVICE COMPANY (RTI) AND RECORDED AUGUST 24, 1984 AS DOCUMENT NO. 2018188 (FOR MORE PARTICULARS SEE RECORDED DOCUMENT).
- 18 RIGHT OF WAY GRANT IN FAVOR OF CENTRAL ILLINOIS PUBLIC SERVICE COMPANY, ITS SUCCESSORS AND OR ASSIGNS FOR ELECTRIC SERVICE TO BE LOCATED UNDER THE ROADWAY (FOR MORE PARTICULARS SEE RECORDED DOCUMENT).
- 19 SURVEYORS NOTE: NOTED ON SURVEY, DOCUMENT DESCRIBES THE SAME EASEMENT AS ITEM 12.
- 20 EASEMENT IN FAVOR OF ILLINOIS POWER COMPANY FOR ELECTRIC SERVICE TO BE LOCATED UNDER THE ROADWAY (FOR MORE PARTICULARS SEE RECORDED DOCUMENT).
- 21 SURVEYORS NOTE: THIS DOCUMENT GRANTS AN EASEMENT ON THE PROPERTY TO THE ILLINOIS POWER COMPANY FOR ELECTRIC SERVICE TO BE LOCATED UNDER THE ROADWAY (FOR MORE PARTICULARS SEE RECORDED DOCUMENT).
- 22 NOT A MATTER OF SURVEY.
- 23 NOT A MATTER OF SURVEY.
- 24 RIGHTS OF THE PUBLIC, THE STATE OF ILLINOIS AND THE MUNICIPALITY IN AND TO THAT PART OF THE LAND, IF ANY, TAKEN ON FOR ROAD PURPOSES.
- 25 SURVEYORS NOTE: NOTED ON SURVEY, NO RIGHT OF WAY DEDICATION FOR THE ROADWAY WAS OBSERVED.
- 26 NOT A MATTER OF SURVEY.
- 27 PLAT OF SURVEY.
- 28 FENCE ENCROACHMENT ALONG THE WEST SIDE OF THE PROPERTY.
- 29 SURVEYORS NOTE: NOTED ON SURVEY.
- 30 EASEMENT FOR UNDERGROUND ELECTRIC SERVICES IN FAVOR OF ILLINOIS POWER COMPANY FOR ELECTRIC SERVICE TO BE LOCATED UNDER THE ROADWAY (FOR MORE PARTICULARS SEE RECORDED DOCUMENT).
- 31 SURVEYORS NOTE: THE EASEMENT GRANTED BY THIS DOCUMENT IS NOT ON THE PROPERTY PER ON THE DOCUMENT IS INCORRECT. DOCUMENT IS NOT PLATTABLE ON THIS DRAWING.
- 32 NOT A MATTER OF SURVEY.

**SCHEDULE B - EXCEPTIONS FROM JOBSHEET**  
 NOTE: TITLE COMMITMENT NUMBER TAKEN FROM FIRST COMMUNITY TITLE SERVICES, WITH AN IRSE FOR THE SURVEY AND A SURVEYOR'S REPORT FOR THE CHAMPAIGN LAND TITLE SURVEY.

- 1 EASEMENT IN FAVOR OF ILLINOIS POWER COMPANY FOR ELECTRIC SERVICE TO BE LOCATED UNDER THE ROADWAY (FOR MORE PARTICULARS SEE RECORDED DOCUMENT).
- 2 NOT A MATTER OF SURVEY.
- 3 ANY ENCROACHMENTS, ENCUMBRANCE, VIOLATION, VARIATION OR DISCREPANCY BETWEEN THE SURVEY AND THE RECORDS OF THE LAND, DISCLOSED BY AN ACCURATE AND COMPLETE SURVEY OF THE LAND, NO OTHERS NOTED.
- 4 RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE SURVEY.
- 5 EASEMENT IN FAVOR OF ILLINOIS POWER COMPANY FOR ELECTRIC SERVICE TO BE LOCATED UNDER THE ROADWAY (FOR MORE PARTICULARS SEE RECORDED DOCUMENT).
- 6 SURVEYORS NOTE: FENCE ALONG WEST LINE AS SHOWN ON SURVEY, NO OTHERS NOTED.
- 7 RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE SURVEY.
- 8 ANY ENCROACHMENTS, ENCUMBRANCE, VIOLATION, VARIATION OR DISCREPANCY BETWEEN THE SURVEY AND THE RECORDS OF THE LAND, DISCLOSED BY AN ACCURATE AND COMPLETE SURVEY OF THE LAND, NO OTHERS NOTED.
- 9 SURVEYORS NOTE: FENCE ALONG WEST LINE AS SHOWN ON SURVEY, NO OTHERS NOTED.
- 10 RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE SURVEY.
- 11 EASEMENT IN FAVOR OF ILLINOIS POWER COMPANY FOR ELECTRIC SERVICE TO BE LOCATED UNDER THE ROADWAY (FOR MORE PARTICULARS SEE RECORDED DOCUMENT).
- 12 SURVEYORS NOTE: FENCE ALONG WEST LINE AS SHOWN ON SURVEY, NO OTHERS NOTED.
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- 15 SURVEYORS NOTE: NOTED ON SURVEY, NO RIGHT OF WAY DEDICATION FOR THE ROADWAY WAS OBSERVED.
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- 22 NOT A MATTER OF SURVEY.

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 AUG 09 2017  
 CHAMPAIGN CO. F & L DEPARTMENT

**JOB NUMBER**  
 17-018

**SHEET NUMBER**  
 2 of 2

DATE: 11/15/17  
 TIME: 10:31 AM

REV. NO.	DATE	DESCRIPTION
1	11/15/17	REVISED
2	11/15/17	REVISED
3	11/15/17	REVISED
4	11/15/17	REVISED

**DRAWN BY:** LRE  
**APPROVED BY:** RDE  
**DATE:** 07/26/2017  
**SCALE:** AS SHOWN

**PROJECT AND LOCATION:**  
 309 W. HENSLEY RD.  
 CHAMPAIGN, IL 61822

**OWNER/CLIENT:**  
 RUSH ENTERPRISES, INC.  
 555 IH-35 SOUTH  
 SUITE 500  
 NEW BRAUNFELS, TX 78130

ILLINOIS  
 IOWA  
 WISCONSIN

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 ENGINEERING & ENVIRONMENTAL  
 LICENSE NUMBER: 104-000005  
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## 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.

### 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.

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



### **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.

### **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.

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



### **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.

## **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.

continued

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

**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.

**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**

a. 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.

b. 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:

- 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,

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*.

**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.



**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.

**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.

### 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.

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

**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 *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.

## **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.

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



## 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.

**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.

##### **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.

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



## 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.

#### **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.

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



## 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.

**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.

#### **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.

**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.

## **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.

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

**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.

**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.

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

## APPENDIX

### 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.

#### **best prime farmland**

'Best prime farmland' consists of soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

#### **by right development**

'By right development' is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County's Planning and Zoning Department. At the present time, 'by right' development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for 'over-the-counter' at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

#### **contiguous urban growth area**

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 development**

A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by 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

**discretionary review** (continued)

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.

**public services**

'Public services' typically refers to public services in rural areas of the County, such as police protection services provided 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.

**suited overall**

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

**well-suited overall**

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

- 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 affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

**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.

**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.**




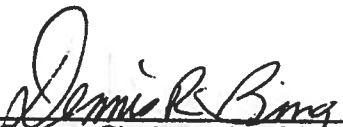
RESOLUTION NO. 3425

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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 24<sup>th</sup> day of  
May, A.D., 1994.

  
\_\_\_\_\_  
Chairman, County Board of the  
County of Champaign, Illinois

ATTEST:   
\_\_\_\_\_  
County Clerk and Ex-Officio  
Clerk of the County Board

# 884-AM-17 Young/Quick Leasing



**From Hensley Road facing subject property (2017)**



**From Hensley Road facing existing Rush Truck Center (2015)**

### 884-AM-17 Young/Quick Leasing



**Northeast end of north parking lot facing east (2015)**



**Northeast end of north parking lot facing northeast (2015)**

### 884-AM-17 Young/Quick Leasing



**Existing parking lot facing southwest toward building entrance (2015)**



**Existing parking lot facing northwest toward existing property access (2015)**

**PRELIMINARY DRAFT**

**884-AM-17**

**FINDING OF FACT  
AND FINAL DETERMINATION**

**of**

**Champaign County Zoning Board of Appeals**

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

Date: ***{October 12, 2017}***

Petitioner: **Kimberly Young, d.b.a. Quick Leasing Inc.**

Request: **Amend the Zoning Map to change the zoning district designation from the I-1 Light Industry Zoning District to the B-4 General Business Zoning District to allow expansion of an existing diesel truck maintenance facility with truck sales.**

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**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 12, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Kimberly Young, d.b.a. Quick Leasing Inc., 2 County Road 1800 North, Seymour, Illinois owns the 14.99 acre parent tract. Neighbor Rush Truck Center Champaign seeks to purchase a 2.99 acre part of the parent tract from Kimberly Young.
2. The subject property is a proposed 2.99 acre parcel in part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 20N Range 8E in Hensley Township and commonly known as the proposed expansion site for Rush Truck Center Champaign, 309 West Hensley Road, Champaign.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - (A) The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality.
  - (B) The subject property is located within Hensley Township, which has a Planning Commission. Townships with Planning 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 the following: **“The current I-1 zoning does not permit truck sales. Changing to B-4 zoning would allow expansion of the existing facility onto adjacent land.”**
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following: **“Petitioner wishes to sell the property. Buyer wishes to use the property for large diesel truck maintenance and truck sales. Current I-1 zoning does not permit truck sales. Sale is contingent on zoning amendment.”**

**GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY**

6. Land use and zoning on the subject property and in the vicinity are as follows:
  - A. The subject property is a proposed 2.99 acre tract and is currently zoned I-1 Light Industry and is vacant.
  - B. Land to the north of the subject property is zoned AG-1 Agriculture and is in agricultural production.
  - C. Land to the west is zoned B-4 General Business and is the existing Rush Truck Center Champaign facility which seeks to expand onto the subject property.
  - D. Land to the south is zoned AG-2 Agriculture and is in use as a RV campground.
  - E. Land to the east is part of the parent tract; it is zoned I-1 Light Industry and is undeveloped.

7. Previous zoning cases in the vicinity have been the following:
- A. Case 804-AM-15, approved by the County Board on July 23, 2015, rezoned the property to the west from I-1 to B-4 in order to allow Rush Truck Centers to establish their large diesel truck maintenance and sales facility.
  - B. About one-quarter mile to the east of the subject property, Cases 771-AM-13 and 772-S-13, approved by the County Board on September 18, 2014, rezoned 11.8 acres from B-1 to B-4 and authorized a two-part Special Use Permit consisting of multiple principal buildings on the same lot consisting of Self-Storage Warehouses providing heat and utilities to individual units, as a special use that was previously authorized in Case 576-S-07 and a Landscaping and Maintenance Contractor's Facility with outdoor storage that was the second part of the Special Use Permit.
  - C. Case 576-S-07, approved by the County Board on May 17, 2007, authorized a plant nursery and self-storage warehouse with heat and utilities on property located about a quarter mile to the east which was later the site of Cases 771-AM-13 and 772-S-13 (see above).
  - D. About one-third of a mile to the east of the subject property, Case 555-AM-06 proposed rezoning from the B-3 District to the B-4 District. The ZBA recommendation was "Recommend Approval" and ELUC upheld that recommendation, but the County Board failed to override a protest from Hensley Township and the map amendment was denied by the County Board on August 23, 2007.
  - E. Case 504-AM-05, approved by the County Board on August 18, 2005, established the current B-4 District (from the previous B-3 District) on the east side of the Interstate 57 interchange on property that fronts CH20 (Leverett Road).
  - F. Case 294-AM-01, approved by the County Board on July 10, 2001, established the I-1 District (from the previous B-3 District) on the subject property and the property to the west.
  - G. The original zoning at the nearby interchange was AG-2 Agriculture and was changed to the B-3 District in Cases 688-AM-89 (approved January 16, 1990); 636-AM-88 (approved April 19, 1988); 360-AM-79 (approved February 19, 1980); and 151-AM-76 (approved April 1, 1976).
8. Regarding site plan and operations of the subject property:
- A. The site plan received August 9, 2017, indicates the following existing and proposed features:
    - (1) Sheet Z-1 by Geis Companies shows the existing Rush Truck building and the proposed expansion area. The existing facility includes 71 parking spaces, including 2 handicapped accessible parking spaces.
    - (2) Sheet Z-1 by Geis Companies shows the proposed 2.99 acre parcel and how it will be used to expand the Rush Truck Center located to the west.
      - a. The majority of the 2.99 acres will be covered either in gravel or concrete.

***PRELIMINARY DRAFT***

- b. A U-shaped accessway through both properties will be for service and delivery; one access will be on the property to the west, and one access will be on the subject property.
  - c. The expansion area shows 61 proposed parking spaces.
  - d. A retention pond will be constructed on the southern end of the subject property; there are no details about its size on the Site Plan.
  - e. The proposed parking expansion will require a Zoning Use Permit and a Storm Water Drainage Plan, both of which must be approved prior to construction.
- (2) The Plat of Topographic Survey by Fehr Graham includes elevation contour, utility lines, and ditch flow lines.
- a. The top of the ditch on the south end of the property is 735 feet above mean sea level datum, as is the ditch along Hensley Road on the north side of the property.
  - b. Land slopes gently toward the south-southwest.
- (3) The ALTA-NSPS Land Title Survey Plat page 1 of 2 dated July 26, 2017 shows the surveyed property lines, and the approximate centerline of the Hensley Drainage Ditch on the south end.
- (4) The ALTA-NSPS Land Title Survey Plat page 2 of 2 dated July 26, 2017, lists the Schedule of Exceptions from coverage.

***GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS***

9. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
    - (1) The I-1 Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
    - (2) The 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 86 types of uses authorized by right in the I-1 District and there are 117 types of uses authorized by right in the B-4 District:
      - a. The following 29 uses are authorized by right in the I-1 District and are not authorized at all in the B-4 District:
        - (a) Grain storage elevator and bins;



**PRELIMINARY DRAFT**

- (b) Wholesale produce terminal;
  - (c) Country club or golf course;
  - (d) Country club clubhouse;
  - (e) Riding stable;
  - (f) Seasonal hunting or fishing lodge;
  - (g) Theatre, outdoor;
  - (h) Aviation sales, service or storage;
  - (i) Pet cemetery;
  - (j) Dairy products manufacturing, processing and packaging;
  - (k) Wool, cotton, silk and man-made fiber manufacturing;
  - (l) Manufacturing and processing wearing apparel and related finished products manufacturing;
  - (m) Miscellaneous finished products manufacturing including home products, canvas products, decorative textiles, luggage, umbrellas, and similar products;
  - (n) Electrical and electronic machinery, equipment and supplies manufacturing;
  - (o) Engineering, laboratory, scientific and research instruments, manufacturing;
  - (p) Mechanical measuring and controlling instruments manufacturing;
  - (q) Optical instruments and lenses manufacturing;
  - (r) Surgical, medical, dental and mortuary instruments and supplies manufacturing;
  - (s) Photographic equipment and supplies manufacturing;
  - (t) Watches, clocks and clockwork operated devices manufacturing;
  - (u) Household and office furniture manufacturing;
  - (v) Building paper, paper containers, and similar products manufacturing;
  - (w) Theoretical and applied research development and prototype light manufacturing of the following: drugs, chemicals, food products, rubber and petroleum products, light weight fabricated metal products, electronic and electrical products, physical and aerospace sciences, wood and wood products, non-electrical machinery, textiles, glass and ceramic products;
  - (x) Non-profit or governmental educational and research agencies;
  - (y) Jewelry, costume jewelry, novelties; silverware and plated ware manufacturing and processing;
  - (z) Musical instruments and allied products manufacturing;
  - (aa) Office and artists materials manufacturing (except paints, inks, dyes and similar products);
  - (bb) Signs and advertising display manufacturing; and
  - (cc) Pre-existing industrial uses (existing prior to October 10, 1973).
- b. The following 49 uses are authorized by right in both the I-1 District and B-4 District:
- (a) Subdivisions of three lots or less;
  - (b) Subdivisions totaling more than three lots or with new streets or private accessways;
  - (c) Agriculture; including customary accessory uses;

***PRELIMINARY DRAFT***

- (d) Commercial greenhouse;
- (e) Greenhouse (not exceeding 1,000 sf);
- (f) Plant Nursery;
- (g) Municipal or government building;
- (h) Police station or fire station;
- (i) Public park or recreational facility;
- (j) Parking garage or lot;
- (k) Telephone exchange;
- (l) Telegraph office;
- (m) Railway station;
- (n) Motor bus station;
- (o) Truck terminal;
- (p) Drycleaning establishment;
- (q) Laundry and/or drycleaning pick-up;
- (r) Millinery shop;
- (s) Diaper service establishment;
- (t) Clothing repair and storage;
- (u) Farm equipment sales and service;
- (v) Feed and grain (sales only);
- (w) Artist studio;
- (x) Business office (footnote 4 lists applicability in I-1);
- (y) Vocational, trade or business school;
- (z) Major automobile repair (all indoors);
- (aa) Minor automobile repair (all indoors);
- (bb) Gasoline service station;
- (cc) Automobile washing facility;
- (dd) Building material sales (excluding concrete or asphalt mixing);
- (ee) Fuel oil, ice, coal, wood (sales only);
- (ff) Monument sales (excludes stone cutting);
- (gg) Heating, ventilating, air conditioning sales and service;
- (hh) Bait sales;
- (ii) Outdoor commercial recreational enterprise (except amusement park);
- (jj) Commercial fishing lake;
- (kk) Veterinary hospital (footnote 12 limits applicability in B-4);
- (ll) Wholesale business;
- (mm) Warehouse;
- (nn) Self-storage warehouses, providing heat and utilities to individual units;
- (oo) Self-storage warehouses, not providing heat and utilities to individual units;
- (pp) Christmas tree sales lot;
- (qq) Off-premises sign;
- (rr) Temporary uses;
- (ss) Contractors facilities (with no outdoor storage nor outdoor operations)
- (tt) Contractors facilities (with outdoor storage nor outdoor operations)
- (uu) Agricultural drainage contractor facility with no outdoor storage and/or outdoor operations;
- (vv) Agricultural drainage contractor facility with outdoor storage and/or outdoor operations; and

- (ww) Small scale metal manufacturing shop.
- c. The following 68 uses are authorized by right in the B-4 District and not at all in the I-1 District:
- (a) Hotel – no more than 15 lodging units;
  - (b) Hotel – over 15 lodging units;
  - (c) Rural specialty business, minor;
  - (d) Rural specialty business, major;
  - (e) Institution of an educational philanthropic or eleemosynary nature;
  - (f) Church, temple, or church related temporary uses on church property;
  - (g) Township highway maintenance garage;
  - (h) Library, museum or gallery;
  - (i) Barber shop;
  - (j) Beauty shop;
  - (k) Reducing salon;
  - (l) Dressmaking shop;
  - (m) Self-service laundry;
  - (n) Shoe repair shop;
  - (o) Tailor and pressing shop;
  - (p) Mortuary or funeral home;
  - (q) Medical and dental clinic;
  - (r) Roadside produce sales stand;
  - (s) Banks, savings and loan associations;
  - (t) Insurance and real estate offices;
  - (u) Professional office;
  - (v) Private kindergarten or day care facility;
  - (w) Meat and fish market;
  - (x) Restaurant (indoor service only);
  - (y) Supermarket or grocery store;
  - (z) Drive-in restaurant;
  - (aa) Tavern or night club;
  - (bb) Bakery (less than 2,500 sf);
  - (cc) Dairy store;
  - (dd) Delicatessen;
  - (ee) Confectionery store;
  - (ff) Retail liquor store;
  - (gg) Locker, cold storage for individual use;
  - (hh) Automobile, truck trailer and boat sales room (all indoors);
  - (ii) **Automobile or trailer sales area (open lot);**
  - (jj) Automotive accessories (new);
  - (kk) Hardware store;
  - (ll) Electrical or gas appliance sales and service;
  - (mm) Department store;
  - (nn) Apparel shop;
  - (oo) Shoe store;
  - (pp) Jewelry store;
  - (qq) Stationary-gift shop-art supplies;

***PRELIMINARY DRAFT***

- (rr) Florist;
  - (ss) Newsstand-bookstore;
  - (tt) Tobacconist;
  - (uu) Variety-drygoods store;
  - (vv) Music store;
  - (ww) Drugstore;
  - (xx) Photographic studio and equipment sales and service;
  - (yy) Furniture store – office equipment sales;
  - (zz) Antique sales and service;
  - (aaa) Used furniture sales and service;
  - (bbb) Pet store;
  - (ccc) Bicycle sales and service;
  - (ddd) Pawn shop;
  - (eee) Sporting good sales and service;
  - (fff) Lawnmower sales and service;
  - (ggg) Billiard room;
  - (hhh) Bowling alley;
  - (iii) Dancing academy or hall;
  - (jjj) Lodge or private club;
  - (kkk) Private indoor recreational development;
  - (lll) Theatre, indoor;
  - (mmm) Commercial fishing lake;
  - (nnn) Auction house (non-animal); and
  - (ooo) Sexually oriented businesses.
- d. The following use is authorized by right in the B-4 District but requires a Special Use Permit in the I-1 District:
- (a) Radio or television station;
- (2) There are 19 types of uses authorized by Special Use Permit (SUP) in the I-1 District (including the 1 use authorized by right in the B-4 District, see above) and 12 types of uses authorized by SUP in the B-4 District:
- a. The following 5 uses may be authorized by SUP in the both the I-1 District and B-4 District:
    - (a) Adaptive reuse of government buildings for any use permitted by right in B-1, B-2, B-3, B-4, B-5 and I-1;
    - (b) Private or commercial transmission and receiving towers (including antennas) over 100 feet in height;
    - (c) Electrical substation;
    - (d) Heliport-restricted landing areas;
    - (e) Amusement park;
  - b. The following 13 uses may be authorized by Special Use Permit in the I-1 District and not at all in the B-4 District:
    - (a) Artificial lake of 1 or more acres;
    - (b) Water treatment plant;
    - (c) Public fairgrounds;
    - (d) Airport;

- (e) Restricted landing areas;
  - (f) Heliport/helistops;
  - (g) Slaughter houses;
  - (h) Stadium or coliseum;
  - (i) Gas turbine peaker;
  - (j) Big wind turbine tower (1-3 big wind turbine towers);
  - (k) Gasoline and volatile oils storage up to and including 80,000 gallon capacity in the aggregate;
  - (l) Gasoline and volatile oils storage up to and including 80,000 gallons but no more than 175,000 gallon capacity in the aggregate; and
  - (m) Liquefied petroleum gas storage.
- c. The following use may be authorized by SUP in the B-4 District and not at all in the I-1 District:
- (a) Hospital.
- d. The following 6 uses may be authorized by SUP in the B-4 District and by right in the I-1 District:
- (a) Bakery (more than 2,500 sf);
  - (b) Kennel;
  - (c) Recycling of non-hazardous materials (all storage and processing indoors);
  - (d) Contractors facilities with outdoor storage and/or outdoor operations;
  - (e) Agricultural drainage contractor facility with outdoor storage and/or outdoor operations; and
  - (f) Light assembly.

**GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES**

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

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows...”
  - B. The LRMP defines Goals, Objectives, and Policies as follows:
    - (1) Goal: an ideal future condition to which the community aspires
    - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
    - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

**REGARDING RELEVANT LRMP GOALS & POLICIES**

11. 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 because the rezoning process provides several avenues for gathering and considering public input.

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

12. 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 because the proposed rezoning falls outside the 1.5 mile ETJ.

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

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

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

- A. The three objectives are:
- (1) Objective 3.1 is entitled “Business Climate” and states: Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.
  - (2) Objective 3.2 is entitled “Efficient County Administration” and states: “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”
  - (3) Objective 3.3 is entitled “County Economic Development Policy” and states: “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.”

- B. Although the proposed rezoning is ***NOT DIRECTLY RELEVANT*** to any of these objectives, the proposed rezoning will allow the Petitioner to expand their truck maintenance and sales facility under proper zoning and therefore the proposed rezoning can be said to ***HELP ACHIEVE*** Goal 3.

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

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

Goal 4 has 9 objectives and 22 policies. The proposed amendment will ***HELP ACHIEVE*** Goal 4 for the following reasons:

- A. 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.”

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 land is best prime farmland and consists of Drummer silty clay loam (LE 100).
- b. The subject property has not been in row crop production for over a decade.
- c. The subject property was rezoned from B-3 Highway Business to I-1 Industrial in Case 294-AM-01, approved by the County Board on July 10, 2001.
  - (a) The rezoning to I-1 was to allow the re-establishment of an existing “electrical and electronic machinery, equipment and supplies manufacturing” business. To date, nothing has been built on the site.
  - (b) The Summary of Evidence for Case 294-AM-01 stated: “The general areas around Interstate 57 and Leverett Road were specifically reviewed by the Zoning Commission and the Planning and Zoning Committee prior to the County’s adoption of zoning in 1973. On August 9, 1971, there was a public hearing in Hensley Township to discuss the proposed County zoning map. Mr. Harry Schwartz, acting as an agent, had an option on the subject property and at the time of the public hearings in the Township, Mr. Schwartz requested B-3 zoning for this tract. According to Zoning Commission/Planning and Zoning Committee minutes of November 3, 1971, B-3 zoning was applied to the subject property and other properties surrounding Interstate 57 and Leverett Road intersection when County Zoning was adopted in 1973.”

**PRELIMINARY DRAFT**

d. The proposed development is a parking expansion to the adjacent Rush Truck Center, which was determined to help achieve Policy 4.3.2 in Case 804-AM-15.

- (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 7.8 miles from the Thomasboro Fire Protection District Station. The District was notified of the case and no comments were received.
- b. The proposed development is a parking expansion to the adjacent Rush Truck Center, which was determined to help achieve Policy 4.3.3 in Case 804-AM-15.

- (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 reason:

- a. Traffic would not be expected to increase because no new buildings or services are being proposed at the rezoning site; it is only going to be used for expanding parking for the existing Rush Truck Center.

- (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.”**

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

- a. The proposed use is appropriate to the surrounding area because other similar businesses are located there and it has nearby access to the interstate.
- b. The subject property is located 0.3 mile from the Market Street I-57 interchange and the B-4 District is at least as appropriate as the I-1 District at this location.



- c. The proposed development is a parking expansion to the adjacent Rush Truck Center, which was determined to help achieve Policy 4.3.5 in Case 804-AM-15.
- 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 proposed use is similar to other nearby uses which impact both urban and rural transportation users by providing diesel truck repair and sales.
  - b. 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.
  - c. The subject property is located 0.3 mile from the Market Street I-57 interchange and the B-4 District is at least as appropriate as the I-1 District at this location.
  - d. In Case 804-AM-15, the ZBA determined that the Rush Truck Center was an appropriate use in a rural area that is located directly west of the subject property.
- (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**
  - 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 proposed parking expansion will be sited on land that is not in row crop production and will not interfere with agricultural activities, nor is it likely to be negatively affected by agricultural activities.

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- b. Traffic would not be expected to increase, because no new buildings or services are being proposed at the rezoning site; it is only going to be used for expanding parking for the existing Rush Truck Center.
- (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 reasons:

- a. The Petitioner understands that this is a rural area where agricultural activities take place and does not seek to inhibit agricultural activities.
- b. A copy of Champaign County Right to Farm Resolution No. 3425 is attached to this map amendment to document the current and future owners’ recognition of the Right to Farm.
- (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.”**

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

- a. The proposed use on the subject property will **NOT** create nuisance conditions or inhibit adjacent agricultural activities. A buffer between the use and nearby agriculture is not warranted.
- C. 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.”

The proposed rezoning will **HELP ACHIEVE** Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.5, 4.1.8, and 4.1.9 do not appear to be relevant to the proposed rezoning.
- (2) 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 **NOT IMPEDE** Policy 4.1.1 because the subject property has not been in row crop production for over a decade.

- (3) Policy 4.1.4 states: “**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.**

The proposed rezoning will *HELP ACHIEVE* Policy 4.1.4 for the following reasons:

- a. The proposed lot meets County zoning requirements.
  - b. Traffic would not be expected to increase, because no new buildings or services are being proposed at the rezoning site; it is only going to be used for expanding parking for the existing Rush Truck Center.
- (4) 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**
    - 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 Drummer silty clay loam, and has an LE of approximately 100.
  - b. The subject property has not been in row crop production for over a decade.
  - c. The proposed rezoning will remove additional best prime farmland from production opportunities, but it is not being farmed currently.
  - d. Achievement of Policy 4.1.6 items i, ii, and iii requires achievement of related Objectives 4.2 and 4.3.
- (5) Policy 4.1.7 states: **“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.”**

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The proposed rezoning will **NOT IMPEDE** Policy 4.1.7, because best prime farmland maximum lot area requirements only apply in the CR, AG-1, and AG-2 Zoning Districts. Nonetheless, the proposed lot is less than the 3 acre maximum for lots created on best prime farmland in those districts.

15. 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.**

Goal 5 has 3 objectives and 15 policies. The proposed amendment will **HELP ACHIEVE** the achievement of Goal 5 for the following reasons:

- A. The proposed amendment will **NOT IMPEDE** the achievement of Objective 5.2 and Policies 5.1.1, 5.1.2, 5.1.7, 5.1.8, 5.1.9, 5.2.1, 5.2.2, 5.2.3, and 5.3.3.
- B. Objective 5.3 states, **“Champaign County will oppose proposed new urban development unless adequate utilities, infrastructure, and public services are provided.”**

The proposed rezoning will **HELP ACHIEVE** Objective 5.3 because of the following:

- (1) Policy 5.3.1 states, **“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.”**

The proposed rezoning will **HELP ACHIEVE** Policy 5.3.1 the same as for Policy 4.3.3.

- (2) Policy 5.3.2 states, **“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.”**

The proposed rezoning will **HELP ACHIEVE** Policy 5.3.2 the same as for Policy 4.3.4.

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

The proposed rezoning will **HELP ACHIEVE** Objective 5.1 because of the following:

- (1) Policy 5.1.3 states, **“The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.”**

The proposed rezoning will **NOT IMPEDE** Policy 5.1.3 for the following reason:

- a. The subject property is in the I-1 Light Industry Zoning DISTRICT and has been proposed to be rezoned to the B-4 General Business Zoning DISTRICT in order to accommodate an expansion to parking for an existing diesel truck sales and maintenance facility.
  - b. On the LRMP map Future Land Use – 2030, the subject property is just beyond the extra-territorial jurisdiction area for the City of Champaign and located about a half-mile away from the nearest contiguous urban growth area.
- (2) Policy 5.1.4 states, **“The County may approve discretionary development outside contiguous urban growth areas, but within municipal extra-territorial jurisdictions 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 objective and policies.”**

The proposed rezoning will **NOT IMPEDE** Policy 5.1.4 for the following reasons:

- a. The subject property is in the I-1 Light Industry Zoning DISTRICT and has been proposed to be rezoned to the B-4 General Business Zoning DISTRICT in order to accommodate an expansion to an existing diesel truck sales and maintenance facility.
  - b. On the LRMP Future Land Use – 2030 map, the subject property is just beyond the extra-territorial jurisdiction area for the City of Champaign and located about a half-mile away from the nearest contiguous urban growth area.
  - c. The land is best prime farmland and consists of Drummer silty clay loam, with a LE score of 100.
  - d. Regarding site suitability, see the evidence under Policy 4.3.2.
- (3) Policy 5.1.5 states **“The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed rezoning will **HELP ACHIEVE** Policy 5.1.5 because a copy of Champaign County Right to Farm Resolution # 3425 has been attached to this map

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amendment to document the current and future owner's recognition of the Right to Farm.

- (4) Policy 5.1.6 states **“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.”**

The proposed rezoning will **HELP ACHIEVE** Policy 5.1.6 the same as for Policy 4.2.4.

16. 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.**

Goal 6 has 4 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 6 because the proposed expansion will not include any new buildings that would reduce adequate light, pure air, and safety from fire and other dangers, and it should conserve property values.

17. 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.**

Goal 7 has 2 objectives and 7 policies. The proposed amendment will **HELP ACHIEVE** Goal 7 for the following reasons:

- A. Objective 7.1 states, **“Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.”**

The proposed rezoning will **HELP ACHIEVE** Objective 7.1 because of the following:

- (1) Policy 7.1.1 states, **“The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.”**

The proposed rezoning will **HELP ACHIEVE** Policy 7.1.1 because traffic would not be expected to increase because no new buildings or services are being proposed at the rezoning site; it is only going to be used for expanding parking for the existing Rush Truck Center.

- B. The proposed amendment will **NOT IMPEDE** the achievement of Objective 7.2 and Policies 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, and 7.2.6.

18. 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 because the subject property does not contain any natural features.

19. 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 because no buildings are proposed on the subject property that would provide an opportunity for energy conservation, efficiency, and the use of renewable energy sources.

20. 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 because there are no known cultural amenities on the subject property.

**GENERALLY REGARDING THE LASALLE FACTORS**

21. 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 below summarizes the land uses and zoning of the subject property and properties nearby.

**Table 1. Land Use and Zoning Summary**

Direction	Land Use	Zoning
Onsite	Vacant	I-1 Light Industry (proposed to be rezoned to B-4 General Business)
North	Agriculture	AG-1 Agriculture
East	Undeveloped	I-1 Light Industry
West	Rush Truck Center	B-4 General Business
South	RV Campground	AG-2 Agriculture

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- B. ***LaSalle* factor: The extent to which property values are diminished by the particular zoning restrictions.**
- (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) There are no nearby residential properties.
  - (3) This area was zoned B-3 from the adoption of the Zoning Ordinance on October 10, 1973 until its rezoning to I-1 in 2001 in Case 294-AM-01. Nothing was built on the property after the rezoning.

- 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.**

There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, and welfare.

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

The gain to the public of the proposed rezoning is positive because the proposed amendment would allow for the expansion of an existing facility that will continue to benefit both urban and rural residents and businesses as well as interstate travelers.

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

The subject property is suitable for the proposed zoned purposes; nothing developed on the property under the current I-1 zoning, which has been in place since 2001. This rezoning is for the expansion of an existing business, which has been deemed suitable for its rezoning to B-4 in Case 804-AM-15.

- 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.**

The subject property was rezoned from B-3 to I-1 in Case 294-AM-01, but has not been developed. The petitioner has an immediate offer for purchase from Rush Truck Center, if the rezoning is approved.

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

The existing diesel truck maintenance and repair facility needs more parking area, and has made an offer to purchase the property contingent upon its rezoning to B-4 General Business.

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

The proposed use generally conforms to the goals and policies of the Champaign County Land Resource Management Plan.



**REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

22. 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.

The petitioners propose to expand their parking area on this site; no new buildings are planned.

- 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.

The requested Map Amendment should not decrease the value of nearby properties.

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

Traffic would not be expected to increase, because no new buildings or services are being proposed at the rezoning site; it is only going to be used for expanding parking for the existing Rush Truck Center.

- 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 flood waters.

The petitioners propose a retention basin on the site to offset the increase in impervious area created by the proposed parking area. No specifics have been received regarding the retention basin.

- 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) 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.

(2) 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.

- 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

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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.

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

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

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

- I. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- (1) The subject property has had industrial zoning since 2001 and business zoning prior to that.
  - (2) The proposed rezoning and proposed use will not take any land out of production.

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

The subject property does not contain any natural features.

- K. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development

of urban areas to minimize the cost of development of public utilities and public transportation facilities.

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

- L. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.
- (1) The subject property has had industrial zoning since 2001 and business zoning prior to that.
  - (2) The proposed use will not take any land out of production.
- 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 Conditions 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.**

The above special condition is necessary to ensure the following:

**Conformance with LRMP Policy 4.2.3.**

**DOCUMENTS OF RECORD**

1. Petition for Zoning Map Amendment received on August 9, 2017, with attachments:
  - A Sheet Z-1 by Geis Companies dated August 8, 2017
  - B Plat of Topographic Survey by Fehr Graham signed/sealed July 26, 2017
  - C ALTA-NSPS Land Title Survey Plat dated July 26, 2017 (2 sheets)
  - D Legal description
2. Champaign County Land Resource Management Plan (LRMP) Goals, Objectives, and Policies
3. Champaign County Land Resource Management Plan (LRMP) Appendix of Defined Terms
4. Copy of Right to Farm Resolution 3425
5. Preliminary Memorandum for Case 884-AM-17 dated October 5, 2017, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received August 9, 2017:
    - Sheet Z-1 by Geis Companies dated August 8, 2017
    - Plat of Topographic Survey by Fehr Graham signed/sealed July 26, 2017
    - ALTA-NSPS Land Title Survey Plat dated July 26, 2017 (2 sheets)
  - C LRMP Land Use Goals, Objectives, and Policies
  - D LRMP Appendix of Defined Terms
  - E Copy of Right to Farm Resolution 3425
  - F Site Visit Photos taken September 26, 2017
  - G Draft Finding of Fact and Final Determination dated October 12, 2017

**SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 12, 2017**, 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) The proposed rezoning will allow the Petitioner to sell the property and permit the new owners to conduct their business under proper zoning and therefore the proposed rezoning can be said to **HELP ACHIEVE** Goal 3.
    - (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 it will **HELP ACHIEVE** 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 14.C.(2)).
      - b. Policy 4.1.4, guaranteeing landowners of a lawfully created lot, 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 (see Item 14.C.(3)).
      - c. 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 14.C.(4)).
      - d. Policy 4.1.7 requiring a maximum lot size limit on new lots established as by right development on best prime farmland (see Item 14.C.(5)).
    - (2) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because it will **HELP ACHIEVE** 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 14.B.(1)).
      - b. Policy 4.2.2 requiring discretionary development in a rural area to not negatively affect or be negatively affected by agricultural activities, and not

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- interfere or negatively affect the operation of ag-related infrastructure (see Item 14.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 14.B.(3)).
  - 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 14.B.(4)).
- (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because it will **HELP ACHIEVE** the following:
- a. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 14.A.(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 14.A.(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 14.A.(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 14.A.(4)).
- (4) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
- C. Regarding Goal 5:
- (1) It will **HELP ACHIEVE** Objective 5.1 regarding contiguous urban growth areas because it will **HELP ACHIEVE** the following:
    - a. Policy 5.1.3 requiring conformance with municipal comprehensive plans for developments propped with a municipality's 1.5 mile extraterritorial jurisdiction (see Item 15.C.(1)).
    - b. Policy 5.1.4 requiring additional considerations for discretionary development proposed within municipal extra-territorial jurisdictions (see Item 15.C.(2)).
    - c. Policy 5.1.5 requiring the County to encourage urban development to explicitly recognize and provide for the right of agricultural activities on adjacent land (see Item 15.C.(3)).
    - d. Policy 5.1.6 requiring operations and the proposed urban development (see Item 15.C.(4)).

- (2) It will **HELP ACHIEVE** Objective 5.3 regarding sufficient infrastructure and services for proposed new urban development because it will **HELP ACHIEVE** the following:
- a. Policy 5.3.1 requiring sufficiently available public services for new urban development (see Item 15.B.(1)).
  - b. Policy 5.3.2 requiring proposed new urban development, with proposed improvements, to be adequately served by public infrastructure (see Item 15.B.(2)).
- (3) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 5 Urban Land Use.

D. Regarding Goal 7:

- (1) Objective 7.1 consider traffic impact in land use decisions because it will **HELP ACHIEVE** the following:
- a. Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation (see Item 17.A.(1)).
- (2) Based on achievement of the above Objectives and Policies 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 7 Transportation.

E. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):

- Goal 1 Planning and Public Involvement
- Goal 2 Governmental Coordination
- Goal 6 Public Health and Public Safety
- Goal 8 Natural Resources
- Goal 9 Energy Conservation
- Goal 10 Cultural Amenities

F. 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. The gain to the public of the proposed rezoning is positive because the proposed amendment would allow for the expansion of an existing facility that will continue to benefit both urban and rural residents and businesses as well as interstate travelers.
  - B. The subject property is suitable for the proposed zoned purposes; nothing developed on the property under the current I-1 zoning, which has been in place since 2001. This rezoning is for the expansion of an existing business, which has been deemed suitable for its rezoning to B-4 in Case 804-AM-15.
  - C. The existing diesel truck maintenance and repair facility needs more parking area, and has made an offer to purchase the property contingent upon its rezoning to B-4 General Business.

- D. The proposed use generally conforms to the goals and policies of the Champaign County Land Resource Management Plan.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because of the following:
- A. The rezoning would achieve Purpose 2.0 (a) to secure adequate light, pure air, and safety from fire and other dangers because they only propose to expand their parking area on this site; no new buildings are planned.
  - B. The rezoning would achieve Purpose 2.0 (c) to lessen and avoid congestion in the public streets because traffic would not be expected to increase because no new buildings or services are being proposed at the rezoning site; it is only going to be used for expanding parking for the existing Rush Truck Center.
  - C. The rezoning would achieve Purpose 2.0 (d) of the Ordinance to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters because the petitioners propose a retention basin on the site to offset the increase in impervious area created by the proposed parking area.
  - D. The rezoning would achieve Purpose 2.0 (n) of the Ordinance to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses because the subject property has had industrial zoning since 2001 and business zoning prior to that, and the proposed use will not take any land out of production.



**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 determines that:

The Zoning Ordinance Amendment requested in **Case 884-AM-17** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date