

CASES 881-S-17 and 887-V-17

SUPPLEMENTAL MEMORANDUM #1

October 26, 2017

Petitioner: Steve Gilbert, dba Shady Rest Materials LLC, dba Gilbert Transport LLC

Request: **Case 881-S-17**

Authorize an existing trucking, quarrying, and recycling of construction materials business as a “Mineral Extraction, Quarrying, topsoil removal and allied activities” Special Use in the AG-1 Agriculture Zoning District subject to the variance requested in related Case 887-V-17 and subject to the following waivers of standard conditions required by Section 6.1.3 of the Zoning Ordinance:

- Part A: Authorize a waiver for side and rear yards of 15 feet in lieu of the minimum required 100 feet.
- Part B: Authorize a waiver for a setback from street centerline of 25 feet in lieu of the minimum required 150 feet.
- Part C: Authorize a waiver for no wire mesh fence surrounding the Special Use, in lieu of the minimum required 6 feet tall wire mesh fence, on the subject property described below.

Case 887-V-17

Authorize the following Variance for an existing trucking, quarrying, and recycling of construction materials business in the AG-1 Agriculture Zoning District, subject to the request for Special Use Permit approval and waivers in related Case 881-S-17:

- Part A: Authorize a Variance from the Champaign County *Storm Water Management and Erosion Control Ordinance* for the requirement of a Storm Water Drainage Plan with detention.
- Part B: Authorize a variance from Section 7.6.2 of the Champaign County *Zoning Ordinance* for no screening in lieu of a Type D screen required for outdoor storage and operations within 1,000 feet of a major street.

Location: A 23.71 acre tract in the Northeast Quarter of the Northeast Quarter of Section 5 of Township 19 North, Range 8 East of the Third Principal Meridian in Champaign Township and commonly known as Gilbert Trucking, with an address of 4403 Cardinal Road, Champaign, Illinois.

Site Area: 23.71 acres

Time Schedule for Development: Already in use

Prepared by: Susan Burgstrom
Senior Planner

John Hall
Zoning Administrator

STATUS

Mr. Gilbert revised and signed the original Site Plan received July 6, 2017, to include the following statement: “It is my intent that all inoperable vehicles except one will either be removed from 4403 Cardinal Road or stored inside a fully enclosed building.”

Staff found a reference to the property when it was owned by John Kenny. The card stated that he needed to get a Special Use Permit for gravel extraction, and that the enforcement case was sent to the State’s Attorney’s Office on November 5, 1981. Mr. Kenny did not follow through with this requirement, so there are no zoning cases on record for the subject property.

PROPOSED SPECIAL CONDITIONS – UNCHANGED SINCE PRELIM MEMO

There are no proposed special conditions of approval for Variance Case 887-V-17. The following are proposed special conditions of approval for Special Use Permit Case 868-S-17:

- A. **Within 30 days of approval of Case 881-S-17, the petitioner must apply for a Zoning Use Permit for all existing structures and a Change of Use permit.**

The above special condition is required to ensure the following:

That all structures and the establishment of the proposed use are properly documented as required by the Zoning Ordinance.

- B. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

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

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

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

- D. **Within six months of approval of Case 881-S-17, the petitioner shall provide a copy of a written explanation of how he proposes to comply with Illinois PA 96-704. The explanation must include copies of correspondence with the Illinois Capital Development Board that will document that his proposed explanation will in fact result in compliance.**

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

That the proposed Special Use meets applicable state requirements for building codes for new commercial buildings.

- E. **The petitioner must plant and maintain evergreen screening along the south property line. The approved Site Plan must indicate the location of the evergreen screening. Per standard Department practice, a Norway Spruce vegetative screen must be four to six feet high at the time of planting and will be planted in staggered rows and must be planted within 6 months of approval of Case 881-S-17.**

The above special condition is required to ensure the following:

To promote public health, safety, and general welfare that is a purpose of the Zoning Ordinance.

- F. **The petitioner must add temporary seeding to permanent stockpiles per Sections 11.2: Minimize Soil Erosion and 11.5: Stockpiles, of the *Storm Water Management and Erosion Control Ordinance*.**

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

That erosion control measures are put in place for continuing operations.

- G. **The Zoning Administrator may require that the petitioner submit a Storm Water Drainage Plan if a complaint is received regarding erosion or sedimentation stemming from activities on the subject property. The Storm Water Drainage Plan shall undergo review by the P&Z Department and its independent storm water review engineer, which may require mitigation activities to be undertaken by the Petitioner.**

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

That the Special Use continues to consider public health, safety, and general welfare.

- H. **Within 12 months of approval of Case 881-S-17, the petitioner shall remove and/or properly store inside a fully enclosed building all but one (1) inoperable vehicle that meets all of the conditions listed in Section 3.3 B. of the Champaign County Public Nuisance Ordinance. Failure to complete this special condition shall void the approval of Case 881-S-17.**

The special condition stated above is to ensure the following:

That the Special Use is in compliance with the Zoning Ordinance and Public Nuisance Ordinance.

- I. **The Zoning Administrator may require that the petitioner control fugitive dust if a complaint is received stemming from activities on the subject property.**

The special condition stated above is to ensure the following:

That the Special Use takes the public health, safety and general welfare into consideration.

- J. **Landscape waste from other properties shall not be burned unless in a wood burning stove.**

The special condition stated above is to ensure the following:

That the Special Use is in compliance with the Public Nuisance Ordinance.

ATTACHMENTS

- A Revised Site Plan received October 19, 2017
- B P&Z Department file card for John Kenny on the subject property, c.1981

Gilbert Pit

Cases 881-S-17 and 877-V-17, ZBA 10/26/17,
Supp Memo #1, Attachment A Page 1 of 1

It is my intent that all inoperable vehicles except 1 well either
be removed from 4403 Cardinal Road or stored inside a
fully enclosed building.

Steel Pallet 10-19-17

State and County: IL, Champaign County, Illinois

Legal Description: NE 1/4 of Sec 5, T19N, R8E



REVISED

JUL 06 2017

CHAMPAIGN CO. P & Z DEPARTMENT

Legend

material areas

Gilbert Pit

fe_2007_17019_edges



Living Ideas
Champ 5
TPT# 03-20-05-200-005
Champ - Sec 5 -
Gravel - extraction
Get a Special Use.
TQ-SA-11-5-81