

CASE 206-AM-26

PRELIMINARY MEMORANDUM

May 21, 2026

Petitioner: Edward Burdette

Request: Amend the Zoning Map to change the zoning district designation of the east 1.3 acres of the subject property from the B-3 Highway Business Districts to the AG-1 Agriculture District.

Location: A 3.38-acre tract in the Southeast Quarter of the Northeast Quarter of Section 9, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township and commonly known as the property with an address of 285 CR 1675N, Seymour.

Site Area: 3.38 acres

Time Schedule for Development: As soon as possible

Prepared by: **Charlie Campo**, Zoning Officer
John Hall, Zoning Administrator
Trevor Partin, Associate Planner

BACKGROUND

The subject property is split zoned with the east 1.3 acres being zone B-3 Highway Business District and the west 2.08 acres being zoned AG-1 Agriculture. The property contains one single-family residence and two agricultural buildings on 3.38 acres. The petitioners seek to rezone the east 1.3 acres from B-3 to AG-1 in order to allow a future division of the property so a second single-family residence could be built. A single-family residence is not an allowed use in the B-3 zoning district.

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.

The subject property is located in Scott Township, which does not have a Plan Commission.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Residential	AG-1 Agriculture/B-3 Highway Business (Proposed rezoning to AG-1)
North	Agriculture	AG-1 Agriculture
East	B-3 Highway Business	Off premises advertising sign, SUP for self-storage warehouses
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

PUBLIC COMMENTS

Notices about the case were sent to surrounding landowners, Scott Township, City of Urbana, Eastern Scott Fire Protection District (Seymour Fire Department) and Camp Creek Drainage District and no comments have been received.

DECISION POINTS

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

Staff has recommended affirmative findings for all decision points for the LRMP Goals, Objectives, and Policies, LaSalle and Sinclair Factors, and Purpose of the Zoning Ordinance which are denoted by text in ***BOLD ITALICS***. The Board can revise any of these recommended findings.

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 Policy 4.2.3 of the Land Resource Management Plan.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Annotated Aerial Photo 2023
- C LRMP Land Use Goals, Objectives, and Policies (on ZBA meetings website)
- D LRMP Appendix of Defined Terms (on ZBA meetings website)
- E Site Plan received April 6, 2026
- F Site Photos taken May 20, 2026
- G Draft Finding of Fact, and Final Determination for Case 206-AM-26 dated May 21, 2026

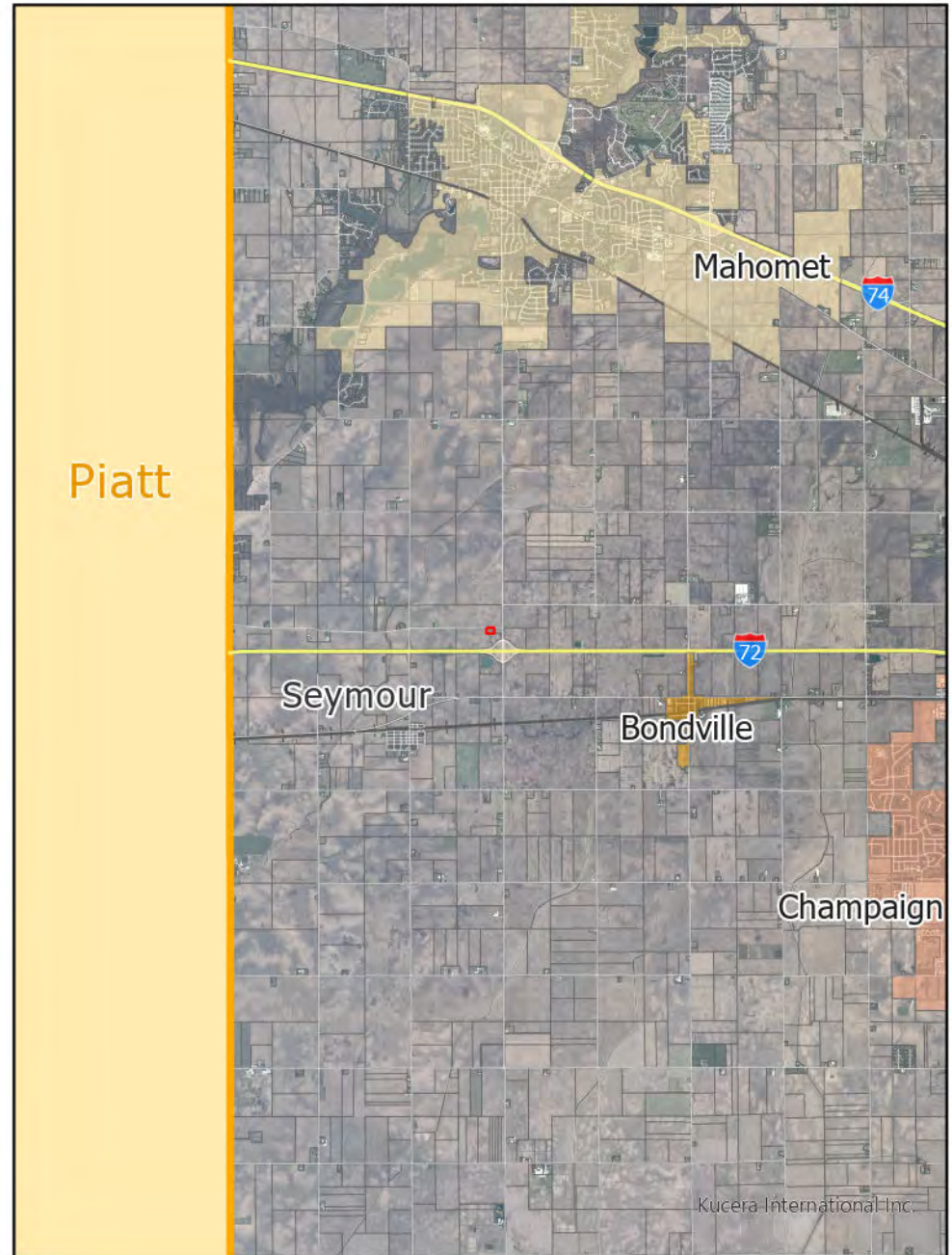
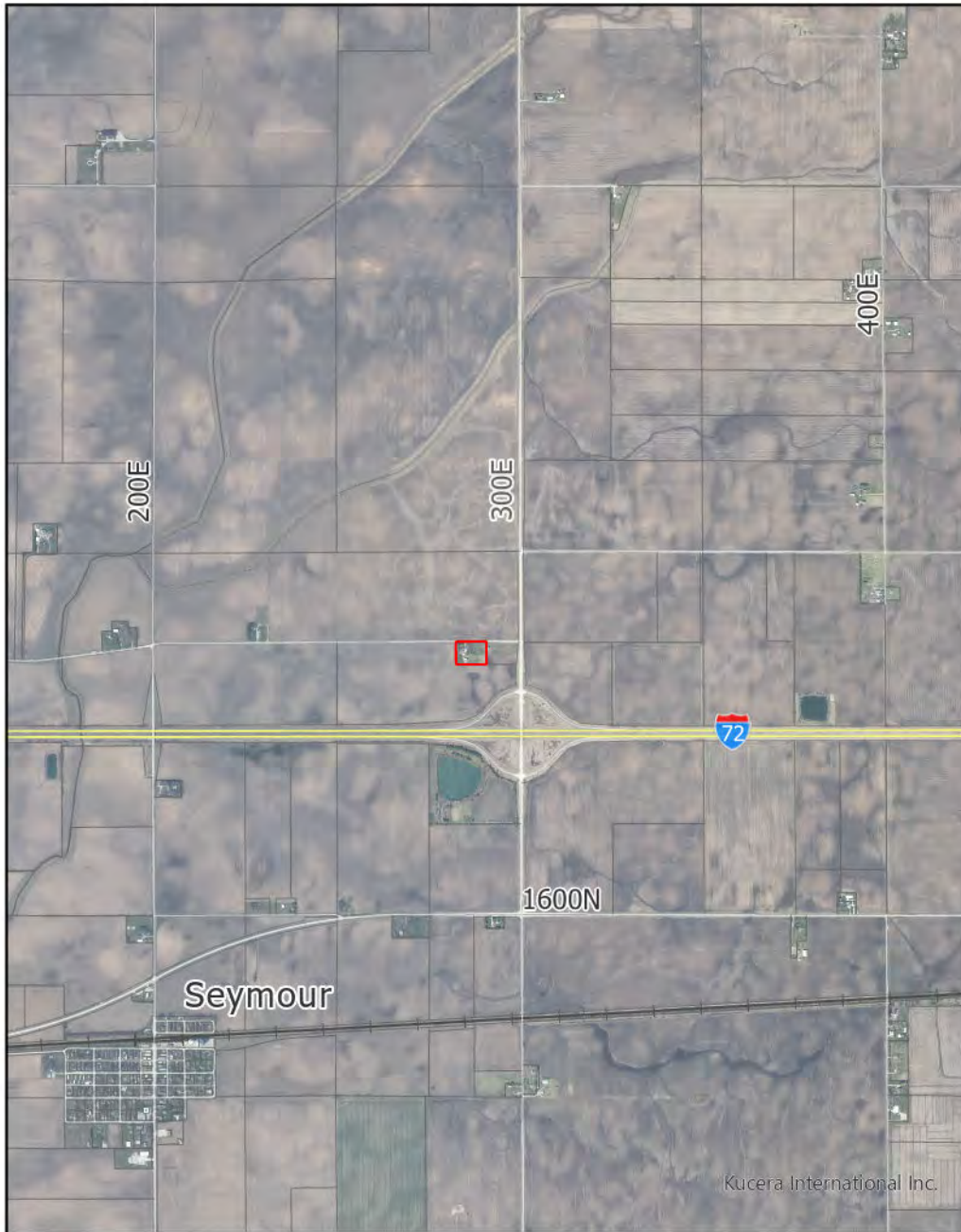
Location Map


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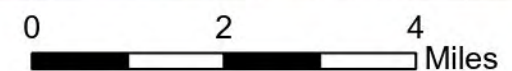
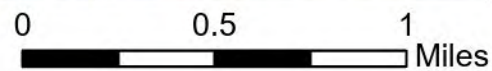
May 28, 2026

Subject Parcel

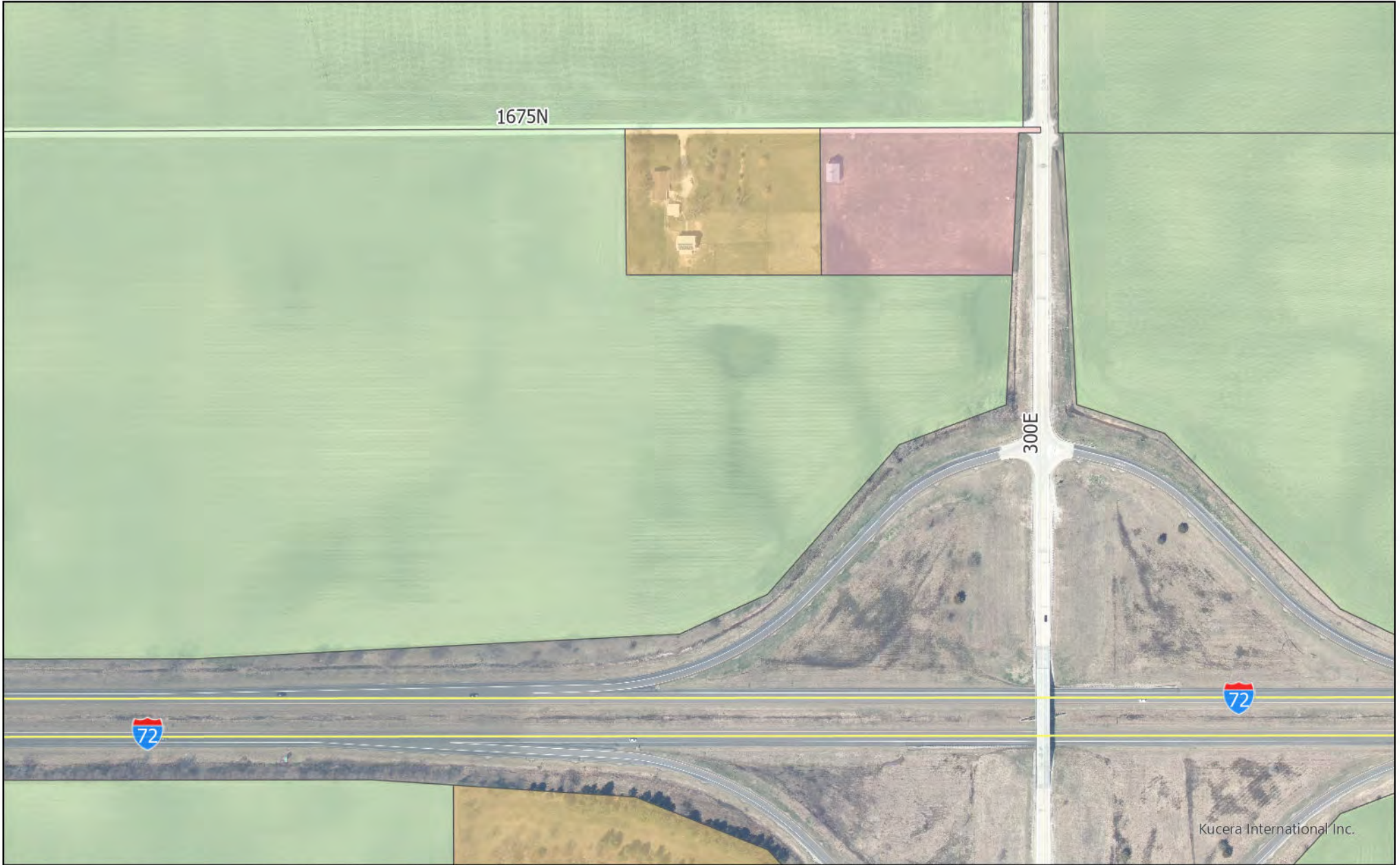
Property location in Champaign County



 Subject Parcel



Land Use Map
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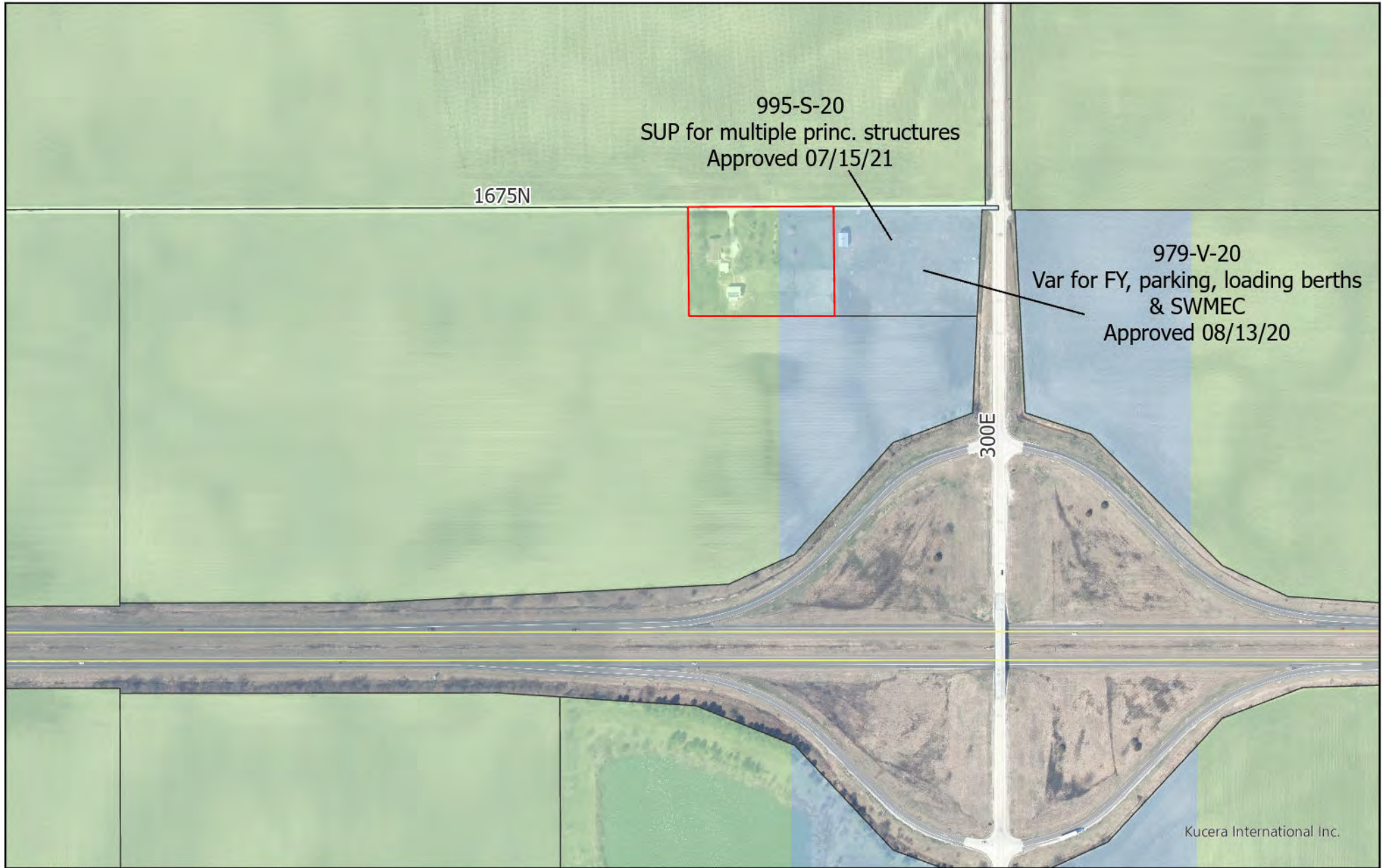


Subject Parcel Agricultural Residential Undeveloped

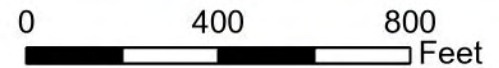
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Feet

PLANNING &
ZONING

Zoning Map
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 Subject Parcel  AG-1 Agriculture  B-3 Highway Business




Annotated 2023 Aerial

Case 206-AM-26


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Kucera International Inc.

 Subject Parcel

0 100 200 Feet



PLANNING &
ZONING

County Rd 1675 N

County Rd 1675 N

County Rd 1675 N

County Rd 1675 N

N

444

B-3

332'

RECEIVED

APR 06 2026

CHAMPAIGN CO. P & Z DEPARTMENT

AG-1

3,38

200-007

285

X

233-299 County Rd 1675 N

206-AM-26 Site Images



From CR 1675N looking south toward subject property



From CR 1675N looking west along 1675N

206-AM-26 Site Images



From CR 1675N looking east along 1675N



From subject property looking north

PRELIMINARY DRAFT

206-AM-26

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

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

Date: ***{May 28, 2026}***

Petitioner: **Edward Burdette**

Request: **Amend the Zoning Map to change the zoning district designation of the east 1.3 acres of the subject property from the B-3 Highway Business Districts to the AG-1 Agriculture District.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 28, 2026**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner is the owner of the subject property.
2. The subject property is A 3.38-acre tract in the Southeast Quarter of the Northeast Quarter of Section 9, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township and commonly known as the property with an address of 285 CR 1675N, Seymour.
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 with zoning.
 - B. The subject property is located within Scott Township, which does not have a Planning Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: **“We request rezoning the B-3 portion to AG-1 to create consistent zoning across the entire parcel. The property will not be used for commercial purposes. This change aligns with the intended use and allows for a potential minor subdivision.”**
5. 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 did not provide a response.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently split zoned B-3 Highway Business and AG-1 Agriculture and is currently used for single-family residential.
 - (1) The east 1.3 acres of the subject property is zoned B-3 Highway Business. The west 2.08 acres is zoned AG-1 Agriculture.
 - B. Land to the north of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - C. Land to the south of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - D. Land to the east of the subject property is zoned B-3 Highway Business and has an approved special use permit for self-storage warehouses and an off-premises advertising sign. The sign has been constructed but the rest of the property is still undeveloped.
 - E. Land to the west of the subject property is zoned AG-1 Agriculture and is in agricultural production.

7. Previous zoning cases on the subject property and in the vicinity include the following:
 - A. There have been no previous zoning cases on the subject property.
 - B. Case 995-S-20 was a Special Use Permit approved on July 15, 2021, to authorize self-storage warehouses and an off-premises sign structure with two signs as two principal structures on the same lot in the B-3 district on the property immediately east of the subject property.
 - C. Case 996-V-20 was a Variance approved on July 15, 2021, to allow two off-premises freestanding advertising signs on one sign structure on one frontage in the B-3 district on the property immediately east of the subject property.
 - D. Case 977-S-20 was a Special Use Permit approved on August 15, 2020, to construct up to 290 self-storage warehouses on the property immediately east of the subject property.
 - E. Case 979-V-20 was a Variance approved on August 15, 2020, to not require loading berths for the self-storage units and allow for a front yard of 29 feet along IL Route 47.
8. Previous Zoning Use Permits issued for the property are as follows:
 - A. ZUPA 261-89-01 was approved September 18, 1989, to demolish an existing house and construct a single-family residence with attached garage.
 - B. ZUPA 347-19-02 was approved on December 18, 2019, to construct a sunroom addition to the existing residence.
9. Regarding the site plan and proposed operations of the subject property:
 - A. The petitioner is not proposing any changes to the existing buildings on the property.
 - B. The petitioner plans to divide the lot to allow for the construction of a second home on the property.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

10. 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 B-3 Highway Business DISTRICT is intended to provide areas for commercial establishments which primarily serve the needs of motorists and are intended for application only adjacent to major thoroughfares in the COUNTY.
 - (2) The AG-1 Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.

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- 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 14 types of uses authorized by right in the AG-1 District and there are 53 types of uses authorized by right in the B-3 District:
- a. The following eleven uses are authorized by right in both the AG-1 District and B-3 District:
- (a) Subdivisions totaling three lots or less;
 - (b) AGRICULTURE, including customary ACCESSORY USES;
 - (c) Roadside Stand Operated by Farm Operator,
 - (d) Minor RURAL SPECIALTY BUSINESS;
 - (e) Plant Nursery;
 - (f) Township Highway Maintenance Garage (must meet separations or SUP is required);
 - (g) ADULT USE CANNABIS CULTIVATION CENTER,
 - (h) ADULT USE CANNABIS CRAFT GROWER,
 - (i) Christmas Tree Sales Lot,
 - (j) Temporary Uses; and
 - (k) BATTERY ENERGY STORAGE SYSTEM TIER-1.
- b. The following 2 uses are authorized by right in the AG-1 District and are not authorized at all in the B-3 District:
- (a) SINGLE FAMILY DWELLING; and
 - (b) OFF-PREMISES SIGN within 660 feet of edge of the RIGHT-OF-WAY of an interstate highway.
- c. The following 32 uses are authorized by right in the B-3 District and not at all in the AG-1 District:
- (a) HOTEL – over 15 lodging units;
 - (b) TRAVEL TRAILER camp;
 - (c) Commercial Greenhouse;
 - (d) Greenhouse (not exceeding 1,000 sf);
 - (e) Garden shop;
 - (f) PARKING GARAGE or PARKING LOT;
 - (g) Telegraph Office;
 - (h) MOTOR BUS Station;
 - (i) Roadside Produce Sales Stand;
 - (j) Artist Studio;
 - (k) Restaurant (indoor service only);
 - (l) Supermarket or Grocery Store;
 - (m) Drive-in Restaurant;
 - (n) Tavern or Night Club;
 - (o) Bakery (less than 2,500 sf);
 - (p) Dairy Store;
 - (q) Delicatessen;
 - (r) Confectionery Store;
 - (s) Retail Liquor Store;
 - (t) Locker, Cold Storage for Individual Use;

- (u) Major AUTOMOBILE Repair (all indoors);
 - (v) Minor AUTOMOBILE Repair (all indoors);
 - (w) Gasoline Service Station;
 - (x) AUTOMOBILE Washing Facility;
 - (y) Automotive Accessories (new);
 - (z) Antique Sales and Service;
 - (aa) Lawnmower Sales and Service;
 - (bb) Bait Sales;
 - (cc) Outdoor commercial recreational enterprise (except amusement park);
 - (dd) Private Indoor Recreational Development;
 - (ee) Public CAMP or picnic area; and
 - (ff) OFF-PREMISES SIGN.
- d. The following 9 uses are authorized by right in the B-3 District but require a Special Use Permit in the AG-1 District:
- (a) HOTEL – no more than 15 lodging units;
 - (b) SUBDIVISION(S) totaling more than 3 LOTS or with new STREETS or PRIVATE ACCESSWAYS (County Board Special Use Permit);
 - (c) Major RURAL SPECIALTY BUSINESS;
 - (d) Municipal or GOVERNMENT BUILDING;
 - (e) Township Highway Maintenance Garage (see Footnote 17);
 - (f) Police Station or Fire Station;
 - (g) Public park or recreational facility;
 - (h) Telephone Exchange; and
 - (i) Commercial Fishing Lake.
- e. There are no uses that are authorized by right in the AG-1 District that require a Special Use Permit in the B-3 District.
- (2) There are 12 types of uses authorized by Special Use Permit (SUP) in the B-3 District and 44 types of uses authorized by SUP in the AG-1 District:
- a. The following 8 uses may be authorized by SUP in both the B-3 District and AG-1 District:
 - (a) Township Highway Maintenance Garage (see Footnote 17);
 - (b) 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;
 - (c) Private or commercial transmission and receiving towers (including antennas) over 100' in height;
 - (d) Radio or Television Station;
 - (e) Electrical Substation;
 - (f) HELIPORT-RESTRICTED LANDING AREAS; and
 - (g) Veterinary Hospital
 - b. The following 5 uses may be authorized by Special Use Permit in the B-3 District and not at all in the AG-1 District:

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- (a) Warehouse
 - (b) Self-Storage Warehouses, providing heat and utilities to individual units.
 - (c) Self-Storage Warehouses, not providing heat and utilities to individual units.
 - (d) Gasoline and Volatile Oils Storage up to and Including 80,000 gallon capacity in the Aggregate (see Footnote 6); and
 - (e) Liquefied Petroleum Gases Storage (see Footnote 6)
- c. The following 29 uses may be authorized by SUP in the AG-1 District and not at all in the B-3 District:
- (a) Residential PLANNED UNIT DEVELOPMENT;
 - (b) Artificial lake of 1 or more acres;
 - (c) Mineral extraction, Quarrying, topsoil removal, and allied activities;
 - (d) Elementary SCHOOL, Junior High SCHOOL, or High SCHOOL;
 - (e) Church, Temple, or church related TEMPORARY USES on church PROPERTY;
 - (f) Penal or correctional institution;
 - (g) Library, museum, or gallery;
 - (h) Sewage disposal plant or lagoon;
 - (i) RESIDENTIAL AIRPORTS;
 - (j) RESTRICTED LANDING AREAS (see Footnote 2);
 - (k) Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
 - (l) Livestock Sales Facility and Stockyards;
 - (m) Slaughter Houses;
 - (n) Grain Storage Elevator and Bins;
 - (o) Riding Stable;
 - (p) Cemetery or Crematory;
 - (q) Pet Cemetery;
 - (r) KENNEL;
 - (s) OFF-PREMISES SIGN beyond 660' of the edge of the RIGHT-OF-WAY of an interstate highway;
 - (t) Contractors Facilities (with No Outdoor STORAGE Nor Outdoor OPERATIONS);
 - (u) Contractors Facilities (with Outdoor STORAGE and/or Outdoor OPERATIONS);
 - (v) AGRICULTURAL DRAINAGE CONTRACTOR Facility with no Outdoor STORAGE and/or Outdoor OPERATIONS (see Footnote 20);
 - (w) AGRICULTURAL DRAINAGE CONTRACTOR Facility with Outdoor STORAGE and/or Outdoor OPERATIONS(see Footnote 20);
 - (x) SMALL SCALE METAL FABRICATING SHOP (see Footnote 13);
 - (y) Gas Turbine Peaker;
 - (z) BIG WIND TURBINE TOWER (1-3 turbines);
 - (aa) WIND FARM.
 - (bb) PV SOLAR FARM,

- (cc) BATTERY ENERGY STORAGE SYSTEM, TIER-2,
- (dd) Sawmills, Planing Mills, and related activities; and
- (ee) Pre-Existing Industrial Uses (existing prior to October 10, 1973).

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

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

REGARDING RELEVANT LRMP GOALS & POLICIES

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

12. 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.

13. 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.

14. 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 **NOT IMPEDE** the achievement of Goal.

15. Goal 4 has 9 objectives and 22 policies. Objectives 4.1, 4.4, 4.5, 4.6, 4.7, 4.8, and 4.9 and their policies do not appear to be relevant to the proposed rezoning. The proposed amendment will **HELP ACHIEVE** Goal 4 for the following reasons:

A. Objective 4.2 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) Objective 4.2 includes four subsidiary policies. Policy 4.2.1 does not appear to be relevant to the proposed rezoning.
- (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 effect 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 residential use of the subject property is neither affected by agricultural activities nor does it hinder agricultural activities.
 - b. Agricultural drainage should not be affected.
 - c. The proposed rezoning should not have any impact on traffic.
- (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.

- b. A special condition has been proposed to ensure that any subsequent owner recognizes the rights of agricultural activities.

- (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 reasons:

- a. The subject property is used for residential purposes which is an allowed use in the AG-1 zoning district.

- B. 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) Objective 4.3 includes five subsidiary policies. Policies 4.3.1 and 4.3.5 do not appear to be relevant to the proposed rezoning.

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

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

- a. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam and 154A Flanagan silt loam, and has an average LE of 100.
- b. The Site Assessment (SA) portion of the LESA analysis scored 163 out of 200 points.
- c. The total LESA Score of 263 receives the highest protection rating in LESA which is “very high rating for protection.”
- d. Agricultural drainage should not be affected.
- e. The subject property is not served by sanitary sewer and is not a large generator of wastewater.
- g. The AG-1 Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.

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h. The petitioners seek to change the zoning on the east 1.3-acres of the property from B-3 Highway Business to AG-1 Agriculture.

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

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.3 because the subject property is located approximately 2.4 miles from the Scott Fire Protection District Station in Seymour. The District was notified of the case and no comments were received.

- (4) **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 because existing public infrastructure can support the existing development and no new development is proposed at this time.

16. 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 *NOT IMPEDE* the achievement of Goal 5 because the existing use is not an urban development.

17. 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.

18. 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 *NOT IMPEDE* the achievement of Goal 7.

19. 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.

Goal 8 has 9 objectives and 36 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 8.

20. 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.

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

21. 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.

Goal 10 has one objective and one policy. The proposed amendment will **NOT IMPEDE** the achievement of Goal 10.

GENERALLY REGARDING THE LASALLE FACTORS

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

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

Table 1. Land Use and Zoning Summary		
Direction	Land Use	Zoning
Onsite	Residential	AG-1 Agriculture/B-3 Highway Business (Proposed rezoning to AG-1)
North	Agriculture	AG-1 Agriculture
East	B-3 Highway Business	Off premises advertising sign, SUP for self-storage warehouses
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

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- B. ***LaSalle* factor: The extent to which property values are diminished by the particular zoning restrictions.** Regarding this factor:
- (1) It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
 - (2) This area is primarily agricultural, and the petitioner does not expect to use the B-3 zoned portion of the property for any uses that are allowed in the B-3 district.
- C. ***LaSalle* factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.** Regarding this factor:
- There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, morals and welfare.
- D. ***LaSalle* factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) The gain to the public of the proposed rezoning is positive because it will provide the property owner the possibility to divide the property with no loss to the public.
- E. ***LaSalle* factor: The suitability of the subject property for the zoned purposes.** Regarding this factor:
- (1) The existing residential use is an allowed use in the proposed AG-1 Agriculture District.
- F. ***LaSalle* factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
- (1) The subject property has been zoned B-3 since the adoption of the Champaign County Zoning Ordinance on October 10, 1973. The subject property is currently in use.
- G. ***Sinclair* factor: The need and demand for the use.** Regarding this factor:
- The petitioner believes that the location and size of the subject site is suited to AG-1 uses.
- H. ***Sinclair* factor: The extent to which the use conforms to the municipality's (Champaign County's) comprehensive planning.**
- (1) The proposed rezoning and proposed use should not have a detrimental effect on the adjacent properties.
 - (2) The ZBA has recommended that the proposed rezoning will ***NOT IMPEDE*** the Champaign County Land Resource Management Plan.

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

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

23. 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.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance. The existing buildings conform to the requirements of the Zoning Ordinance.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
 - (1) It is not clear whether the proposed rezoning will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
 - (2) The proposed rezoning and existing development should not have a detrimental effect on the adjacent properties.
 - (3) The requested map amendment will help ensure the value of the subject property by allowing continued use of the property.
- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed rezoning is not likely to significantly increase traffic, but no Traffic Impact Assessment has been done.

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

The petitioner is not proposing any changes to the site.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
 - (1) Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

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- (2) Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

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

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance. The existing buildings conform to the requirements of the Zoning Ordinance.

- 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.

- (1) Changing the zoning on this property from AG-1 Agriculture and B-3 Highway Business to AG-1 Agriculture will make the zoning on the property conform with the established use on the property.
- (2) 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 existing development has been zoned AG-1 Agriculture and B-3 Highway Business since the adoption of the Champaign County Zoning Ordinance on October 10, 1973.
 - (2) The property has been used for residential and agricultural purposes since prior to the adoption of the Champaign County Zoning Ordinance.
 - (3) The subject property does not meet the definition of an urban use as defined in the Champaign County Land Resource Management Plan.
 - (4) 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 been zoned AG-1 Agriculture and B-3 Highway Business since the adoption of the Champaign County Zoning Ordinance on October 10, 1973.
 - (2) The subject property is not near an existing urban area.
 - (3) The proposed rezoning and 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 will not hinder the development of renewable energy sources.

REGARDING SPECIAL CONDITIONS OF APPROVAL

24. 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 special condition stated above is required to ensure the following:

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment received April 6, 2026, with attachments:
 - A Site Plan

2. Preliminary Memorandum dated May 7, 2026, for Case 204-AM-26 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Annotated Aerial Photo 2023
 - C LRMP Land Use Goals, Objectives, and Policies (on ZBA meetings website)
 - D LRMP Appendix of Defined Terms (on ZBA meetings website)
 - E Site Plan received April 6, 2026
 - F Site Photos taken May 20, 2026
 - G Draft Finding of Fact, and Final Determination for Case 206-AM-26 dated May 21, 2026

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 28, 2026**, 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 4 Agriculture:
 - (1) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because it will **HELP ACHIEVE** the following:
 - a. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 15.B.(2)).
 - b. 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 15.B.(3)).
 - c. 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 15.B.(4)).
 - (2) 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 15.A.(2)).
 - 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 15.A.(3)).
 - 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 15.A.(4)).
 - (3) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
 - B. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
 - Goal 1 Planning and Public Involvement
 - Goal 2 Governmental Coordination
 - Goal 3 Prosperity
 - Goal 5 Urban Land Use
 - Goal 6 Public Health and Public Safety
 - Goal 7 Transportation
 - Goal 8 Natural Resources
 - Goal 9 Energy Conservation
 - Goal 10 Cultural Amenities

- C. 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 site with the existing improvements is well-suited overall for the proposed residential use.
 - B. No business development has been proposed for the site.
 - C. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. The rezoning would achieve Purpose 2.0 (a), (e), (f), (g) and (h) to secure adequate light, air, and safety from fire and other dangers as well as limiting height, setback bulk of buildings and intensity of use because the existing building meets the requirements of the Zoning Ordinance.
 - B. The rezoning would achieve Purpose 2.0 (b), by conserving the value of the subject property by allowing continued use of the property. (See Item 23. B).
 - C. The rezoning would achieve Purpose 2.0 (c) to lessen and avoid congestion in the public streets because the proposed rezoning is not likely to significantly increase traffic (see Item 23. C).
 - D. 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 petitioner is not proposing any changes to the site (see Item 23. D).
 - E. The rezoning would achieve Purpose 2.0 (i) of the Ordinance. Establishing the AG-1 District at this location will help classify, regulate, and restrict the location of the uses authorized in the AG-1 District (see Item 23.G.).
 - F. The rezoning would achieve Purpose 2.0 (n) of the Ordinance. Establishing the AG-1 District at this location will not introduce haphazard urban land uses (see Item 23. I.).
 - G. The rezoning would achieve Purpose 2.0 (q) of the Ordinance. Establishing the AG-1 District at this location will not take any land out of production (see Item 23.L.).

FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 206-AM-26** *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

SUBJECT TO THE FOLLOWING 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 Policy 4.2.3 of the Land Resource Management Plan.

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

SIGNED:

ATTEST:

Cynthia Cunningham, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date