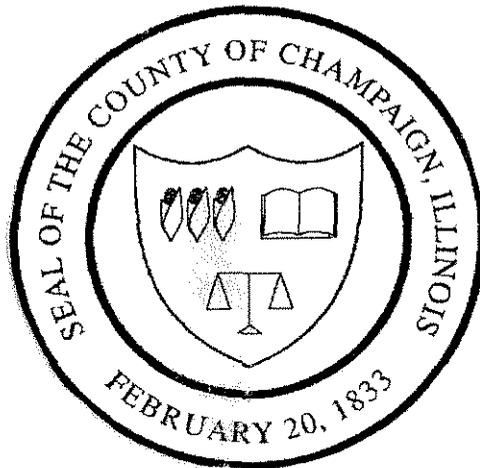


# *Environment & Land Use Committee Agenda*

*August 14, 2006*



*7:00 p.m.*

*Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 East Washington, Urbana, Il 61802  
(217) 384-3708*

# AGENDA

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## ***Champaign County Environment & Land Use Committee***

### ***Members:***

*Jan Anderson, Chris Doenitz, Tony Fabri, Nancy  
Greenwalt (VC), Kevin Hunt, Ralph Langenheim  
(C), Brendan McGinty, Steve Moser, Jon Schroeder*

***Date:*** *August 14, 2006*

***Time:*** *7:00 p.m.*

***Place:*** *Lyle Shields Meeting Room  
(Meeting Room 1)  
Brookens Administrative Center  
1776 E. Washington St.  
Urbana, Illinois*

***Phone:*** *(217) 384-3708*

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## AGENDA

*Old Business shown in Italics*

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1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (June 12, 2006) 1 – 12
4. Public Participation
5. Correspondence
6. County Board Chair's Report
7. Enterprise Zone Incentive Revision 13 – 17
8. Request for refund for Zoning Use Permit #96-06-01 and #96-06-02,  
Uncle Sam Enterprises of Illinois. 18 – 21
9. Zoning Case 538-AM-06 Petitioner: Roy Humphrey and Pat Cook d.b.a.  
Cook Construction 22 – 39  
Request: Amend the Zoning Map to change the zoning district designation  
from the AG-2 Zoning District to the R-1, Single Family Residential  
Zoning District.  
Location: The west 3.3 acres in the Northeast Quarter of Fractional Section 1  
of Mahomet Township that is commonly known as 3.3 acres of  
farmland on the west side of Crooked Creek Subdivision and  
fronting on CR 2400N on the south and Limb Drive on the north.
10. Subdivision Case 190-06: Pusey Second Subdivision 40 – 64  
Combined Area General Plan, Preliminary and Final Plat Approval for a  
two-lot subdivision of an existing 5.1 acre lot located in the CR Zoning  
District in Section 12 of Urbana Township.

11. **Zoning Administrator's Report on proposed amendment to the Zoning Ordinance to add "Private Indoor Recreational Development" as an authorized use in the CR Zoning District.**
  
12. *(DEFERRED FROM JUNE 12, 2006) Zoning Case 497-AM-05: Helen Willard and Steven and Shirley Willard*  
*Request: Amend the Zoning Map to change the zoning designation from CR- Conservation Recreation to AG-2, Agriculture.*  
*Location: A 29 acre tract in the Northwest ¼ of the Southeast ¼ of Section 36 of Newcomb Township and located east of CR 550E and north of CR 2425N at the corner of CR 550E and CR 2425N and commonly known as the home and property at 556 CR 2425N, Dewey.*
  
13. **Zoning Case 558-AT-06 Petitioner: Zoning Administrator** 65 – 78  
**Request:**
  1. **Amend paragraph 4.2.1C to allow "mortuary or funeral home" in the AG-2 District as a second principal use on a lot on which there is a cemetery when the lot is under common management.**
  2. **Amend Section 5.2 to change "mortuary" to be "mortuary or funeral home".**
  3. **Amend Section 5.2 to add "mortuary or funeral home" as a Special Use Permit in the AG-2 District with footnote specifying that a mortuary or funeral home is only allowed in the AG-2 district as a second principal use on the same lot as a cemetery and the lot must be under common management.**
  4. **Add standard conditions for "mortuary or funeral home" as a Special Use Permit in the AG-2 District.**
  
14. *Comprehensive Zoning Review Update*
  
15. **Monthly Report for June and July, 2006**  
**(Information to be distributed at the meeting)**
  
16. **Other Business**
  
17. **Determination of Items to be placed on the County Board Consent Agenda**
  
18. **Adjournment**

1 **MINUTES OF REGULAR MEETING**

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3 **Champaign County Environment**                    **DATE:**        **June 12, 2006**  
4 **& Land Use Committee**                            **TIME:**        **7:00 p.m.**  
5 **Champaign County Brookens**                    **PLACE:**       **Lyle Shields Meeting Room**  
6 **Administrative Center**                            **Brookens Administrative Center**  
7 **Urbana, IL 61802**                                 **1776 E. Washington Street**  
8    **Urbana, IL 61802**

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11  
12 **MEMBERS PRESENT:**    Jan Anderson, Patricia Busboom, Chris Doenitz, Tony Fabri, Ralph  
13    Langenheim (C), Brendan McGinty, Steve Moser, Jon Schroeder

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15  
16 **MEMBERS ABSENT:**       Nancy Greenwalt (VC)

17  
18 **STAFF PRESENT:**            Connie Berry, John Hall, JR Knight, Leroy Holliday

19  
20 **OTHERS PRESENT:**        Cathe Capel, Martha Kersey, Hal Barnhart, Steve Willard

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24  
25 **1.        Call to Order, Roll Call**

26  
27 The meeting was called to order at 7:00 p.m. The roll was called and a quorum declared present.

28  
29 **2.        Approval of Agenda**

30  
31 **Mr. Schroeder moved, seconded by Ms. Anderson to approve the agenda as submitted. The motion**  
32 **carried by voice vote.**

33  
34 **3.        Minutes of Previous Meeting (December 13, 2004 and May 08, 2006)**

35  
36 **Mr. Doenitz moved, seconded by Mr. Schroeder to approve the December 13, 2004 and May 08, 2006,**  
37 **minutes as submitted. The motion carried by voice vote.**

38  
39 **4.        Public Participation**

1 None

2

3 **5. Correspondence**

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5 None

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7 **6. County Board Chair's Report**

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9 None

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11 **7. Recreation and Entertainment License: Champaign County Fair Association, 902 North Coler**  
12 **Av, Urbana, IL, for the County Fair and Carnival. July 21 thru July 29, 2006.**

13

14 **Mr. Moser moved, seconded by Mr. Doenitz to approve the Recreation and Entertainment License for**  
15 **the Champaign County Fair Association, 902 North Coler Av, Urbana, IL, for the County Fair and**  
16 **Carnival. July 21 thru July 29, 2006. The motion carried by voice vote.**

17

18 **8. Community Development Assistance Program (CDAP) Loan Request from The Spreader, Inc.**  
19 **(Armin Hesterberg).**

20

21 **Mr. Moser moved, seconded by Mr. Doenitz to recommend approval of the Community Development**  
22 **Assistance Program (CDAP) Loan Request from the Spreader, Inc. (Armin Hesterberg).**

23

24 Ms. Anderson requested additional information regarding Mr. Hesterberg's business.

25

26 Mr. Moser stated that Mr. Hesterberg's business manufactures orbit motor spreaders which are placed on the  
27 back of a combine to spread the trash which comes out of the combine. He noted that the business is very  
28 successful.

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**9. Subdivision Case 189-06: East Bend Subdivision. Subdivision Plat Approval for a two-lot minor subdivision in the CR, Zoning District in Section 18 of East Bend Township.**

**Mr. Doenitz moved, seconded by Mr. McGinty to recommend approval of Subdivision Case 189-06: East Bend Subdivision. The motion carried by voice vote.**

**10. Zoning Case 497-AM-05: Helen Willard and Steven and Shirley Willard. Request: Amend the zoning designation from CR-Conservation Recreation to AG-2, Agriculture. Location: A 29 acre tract in the Northwest ¼ of the Southeast ¼ of Section 36 of Newcomb Township and located east of CR 550E and north of CR 2425N at the corner of CR 550E and CR 2425N and commonly known as the home and property at 556 CR 2425N.**

**Mr. Moser moved, seconded by Mr. McGinty to overturn the ZBA’s recommendation for denial and recommend approval of Zoning Case 497-AM-05: Helen Willard and Steven and Shirley Willard.**

Mr. McGinty stated that it is his understanding that the current CR, Conservation Recreation district does not allow the requested use therefore the Petitioner submitted a request to rezone to AG-2. He said that the ZBA denied the request based upon the guidelines that they must use in determining approval or denial. He said that personally he understands the benefit of the proposed use and the value that a facility such as this has to the community’s youth and he is inclined from a zoning stand point to recommend denial but wonders why the CR zoning district cannot be expanded to include such a use. He requested that the Zoning Administrator investigate the possible expansion of authorized uses in the CR district to allow the requested use as a Special Use.

Mr. Moser stated that he is going to support Mr. Willard’s request whether it is right or wrong. He said that the newspaper continuously has articles regarding the community’s youth either drinking alcohol or selling drugs. He said that he can remember when the Tiger’s Den was in downtown Urbana and everyone in the

1 high school went there to meet their friends. He said that they did not smoke or drink at the Tiger's Den and  
2 only went there so that they didn't have to corral around the streets. He said that it is a great thing that Mr.  
3 Willard is trying to do at his property for the youth of the community.

4  
5 Mr. Fabri stated that he agrees with Mr. McGinty and Mr. Moser. He said that this type of facility is a great  
6 thing to have for the youth. He said that he does realize the zoning problem and does not believe that  
7 switching the zoning to AG-2 will resolve the problem. He said that the district that Mr. Willard's property  
8 is located in is CR, Conservation-Recreation and as far as he can tell this is a recreational use therefore he  
9 would be comfortable in allowing such a use as a Special Use in the CR district. He said that he would like  
10 to see the case deferred until the Zoning Administrator has sufficient time to investigate the possibly of  
11 expanding the CR district to allow this use.

12  
13 Ms. McGrath stated that it appears that Mr. Moser, the maker of the original motion and Mr. McGinty the  
14 seconder of the motion have separate ideas of what the motion actually means. She said that Mr. Moser  
15 appears to be indicating that he would like to overturn the ZBA's recommendation for denial and  
16 recommend approval of Zoning Case 497-AM-05 while Mr. McGinty appears to be indicating that he  
17 supports the recommendation for denial of Case 497-AM-05. She asked Mr. Moser if his motion was  
18 actually to overturn the ruling of the ZBA and approve the requested map amendment.

19  
20 Mr. Moser stated yes.

21  
22 Mr. McGinty stated that the request was to amend the zoning map.

23  
24 Ms. McGrath stated that the motion is to deny the recommendation made by the ZBA and to uphold the map  
25 amendment. She said that the once the motion is on the floor the Committee can either amend the motion or  
26 recommend a substitute motion.

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28 Mr. Fabri stated that he has no disagreement with any of the procedural issues.

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Mr. Fabri moved, seconded by Mr. McGinty to defer Agenda Item #10, until the Zoning Administrator can investigate the expansion of authorized uses in the CR district to allow the requested use as a Special Use.

Mr. Schroeder asked Mr. Hall if this case is deferred will it be remanded back to the ZBA.

Mr. Hall stated that the motion which Mr. Fabri made does not change any of the facts regarding this case. He said that Mr. Fabri would like to review some report or assessment of the feasibility of a text amendment to the Ordinance which would allow the requested use as a Special Use in the CR, district. He said that such a text amendment could take several months before it would be before the Committee for action.

Mr. McGinty stated that it makes more sense if this use is under the CR district designation as a Special Use rather than requesting a map amendment for AG-2.

Mr. Hall stated that he would like the opportunity to come back to the Committee with a proposal so that when it is before the ZBA they know that ELUC is comfortable with the beginning perimeters.

Mr. McGinty stated that the Committee understands the importance of this use and the concern is how it could be allowed from a zoning stand point.

Ms. Anderson stated that she would like to ‘The Shed’ to be able to continue operation.

Mr. Schroeder stated that Mr. Moser’s motion was to accept the requested map amendment therefore wouldn’t ELUC be charged with completing a different Finding of Fact.

Ms. McGrath stated that Mr. Schroeder was correct.

1 Mr. Fabri stated that 'The Shed' was able to continue operation because the Petitioner was going through the  
2 correct process for zoning. He asked if the Committee recommends approval of the ZBA's recommendation  
3 for denial would 'The Shed' be forced to close immediately.

4  
5 Mr. Hall stated that technically 'The Shed' could remain open until the County Board upholds the  
6 recommendation by the ZBA. He said that if the Committee chooses to defer this case he would feel more  
7 comfortable having some direction from the Committee.

8  
9 Mr. Langenheim stated that at a previous meeting the Committee authorized the continued operation of 'The  
10 Shed' during the hearing process of this case.

11  
12 **Mr. McGinty made a friendly amendment to the motion to include that the Committee recommends**  
13 **that the Petitioner can continue in operation until a final decision is determined at the County Board.**

14  
15 Ms. McGrath stated the deferral does not have to be to a date certain but noted that ELUC could request that  
16 the ZBA expedite the text amendment case prior to the County Board elections. She said that the ZBA  
17 docket appears to be very full and it is unlikely that the text amendment case would be finalized prior to the  
18 County Board elections.

19  
20 Mr. McGinty stated that he is more interested in doing this right and is not concerned with a political,  
21 arbitrary time period therefore not setting a specific date for deferral and allowing the Petitioner to continue  
22 his operation until the process is completed.

23  
24 The final motion was as follows:

25  
26 **Mr. Fabri moved, seconded by Mr. McGinty to defer Agenda Item #10, until the Zoning**  
27 **Administrator can investigate the expansion of authorized uses in the CR district to allow the**  
28 **requested use as a Special Use. The Petitioner can continue in operation until a final decision is**

1 **determined at the County Board. The motion carried by voice vote.**

2  
3 Mr. Hall stated that he will have a report for the Committee's consideration at the August, 2006, meeting.

4  
5 **11. Illinois Residential Building Code Act**

6  
7 Mr. Schroeder stated that Ms. Greenwalt originally brought this issue before the Board. He said that this is  
8 an issue which he is very concerned about and the statutory legislation that is filtered from Springfield every  
9 year is brought upon the unexpected once circumstances hit them through enforcement or litigation. He said  
10 that the Illinois Legislature decided to put a blanket building code throughout the state and since the County  
11 does not have building codes it is important that individuals who are trying to build in the County become  
12 aware of this legislation. He said that he spoke with Mr. Joel Fletcher, Senior Assistant State's Attorney and  
13 Mr. Hall about this issue and suggested to them that at the very least the County should acknowledge that  
14 this blanket building code exists. He said that Mr. Fletcher was very concerned and unwilling to allow the  
15 statute to be distributed because the County may be liable if the law or statute is changed in any way and the  
16 County did not keep current with that change. Mr. Schroeder stated that perhaps a generic statement could  
17 be distributed to the public during the Zoning Use Permit Application process indicating that the blanket  
18 building code exists for the State of Illinois. He said that he would like to see the Statute distributed to the  
19 public by the Zoning Department.

20  
21 Ms. McGrath stated that it is the County's obligation to let people know about the Statute. She said that it  
22 does make sense to create a handout which explains what the blanket building code actually states and to  
23 distribute this handout when someone desires to build outside of a municipality. She said that in Mr. Hall's  
24 memorandum dated June 7, 2006, he indicates two alternatives for notifying the public about the Illinois  
25 Residential Building Code Act. She said that the County will not enforce the Illinois Residential Building  
26 Code Act. She said that it is important that people are aware that the County does not have a building code  
27 but there is a statute which is in effect for areas that do not have an adopted building code. She said that it is  
28 always advisable for people to consult legal advice from an attorney when they have any concerns. She said

1 that Alternative A would meet Mr. Fletcher’s and Mr. Schroeder’s concerns.

2

3 Mr. Hall stated that the public should be given more than just the statutory language and go on record  
4 indicating that the County does not have a building code but the State of Illinois does have these laws in  
5 place and those laws are subject to change therefore they should seek legal advice.

6

7 Mr. Fabri asked Mr. Hall what are the advantages to the County in not adopting a building code.

8

9 Mr. Hall stated that there are no advantages.

10

11

12 **Mr. Fabri moved, seconded by Mr. Schroeder to support Alternative A, directing staff to prepare a**  
13 **public information handout to be distributed with all relevant Zoning Use Permit Applications. The**  
14 **motion carried by the following vote: 5-yea 1-neh**

15

16

17 **12. Comprehensive Zoning Review**

18

19 Mr. Hall stated that there are two special ZBA meetings scheduled for the Comprehensive Zoning Review  
20 and those dates are August 03, 2006 and August 10, 2006. He said that there are four parts left out of the 13  
21 and two of those parts, possibly a third could be cleared up on August 03, 2006. He said that everyone  
22 involved believes that there is a 99% probability that ELUC will see the CZR amendments at their August,  
23 2006 meeting. He said that the ZBA’s findings will be included in the ELUC packet and those packets will  
24 be hand delivered on Friday, August 11<sup>th</sup>.

25

26

27 **13. Monthly Report for May, 2006**

28

1 Mr. Hall distributed the Monthly Report for May, 2006 to the Committee for review.

2  
3 **Mr. Moser moved, seconded by Ms. Anderson to place the Monthly Report for May, 2006 on file. The**  
4 **motion carried by voice vote.**

5  
6 **14. Other Business**

7  
8 Mr. Langenheim stated that he attended the second ethanol meeting convened by the RPC. He said that this  
9 meeting consisted of presentations from representatives from the State Geological Survey, State Water  
10 Survey, the Illinois American Water Company and The Corn Grower's Association. He said that the main  
11 substance that came out of the presentation by the State Geological Survey and the State Water Survey  
12 indicated that although they were unable to clearly state that there would or would not be a problem using  
13 water from the Mahomet Aquifer and it was their general opinion that The Anderson's Ethanol Plant would  
14 not hinder the water supply. He said that there was considerable concern about the fact that there is no  
15 ongoing monitoring of how much water is produced. He said that Illinois American Water Company  
16 indicates how much water they are producing although industrial users and irrigation users do not report the  
17 amount of water that they are producing and their water usage is substantial. He said that there should be  
18 some sort of state monitoring of large scale users of the aquifer. He said that personally he does not feel that  
19 it is necessary for every farmer who has a well to report how much water they are using if they are using it  
20 for domestic purposes although if he is running center post irrigation system then he should report his usage.  
21 He said that there is no requirement on the wells themselves other than a permit required for drilling and  
22 abandonment. He said that there is no requirement to provide detailed information about what is in the well  
23 in the way of rocks or water. He said that a driller's log is not standardized therefore an information gap  
24 exists and regulation should be encouraged. He said that the Mahomet Aquifer is artesian which means that  
25 the water in the Mahomet Aquifer rises in the bore to well above the level of the Glasford Aquifer and even  
26 in the zone of depression that level is still well above the Glasford Aquifer. He said that if the level goes  
27 below the Glasford Aquifer it will start depleting the Glasford Aquifer. He said that there is a lot more  
28 known about the aquifers currently that what was known ten years ago. He said that there are two aquifers

1 which exist in area the Glasford Aquifer and Mahomet Aquifer. The Mahomet Aquifer is deeper and thicker  
2 and has more water in it and is the one which is west of Champaign and the Glasford Aquifer is related to the  
3 moraine which goes through Gifford and Rantoul and is at a higher level. He said that the Urbana well pulls  
4 water from the Glasford Aquifer. He said that it has been discovered that the Mahomet Aquifer does in fact  
5 recharge and gives up water naturally and does it by an indirect means. He said that the Glasford Aquifer  
6 does communicate with the Sangamon River and other surface waters and it recharges when water levels are  
7 high but when water levels are low the Glasford supplies the water which comes down the stream. He said  
8 that the Glasford Aquifer rests on an ancient erosion surface and in several identified places the Glasford  
9 intersects the top of the Mahomet Aquifer therefore when water pressure goes down in the Glasford Aquifer  
10 the Mahomet Aquifer moves water in to the Glasford Aquifer but when water pressure goes up in the  
11 Glasford Aquifer the Glasford Aquifer moves water into the Mahomet Aquifer. He said that the Mahomet  
12 Aquifer does in fact recharge therefore the water system is not sealed. He said that the Ogallala Aquifer for  
13 example is perched and the water which is in there is dependent upon rainfall from the high plains for  
14 recharge and the rainfall from the high plains is not adequate to balance the use but the recharge for the  
15 Mahomet Aquifer is adequate to balance the use. He said that the problem in this County with water has  
16 been with drainage therefore we drain the top few feet of the surface by tiles but where that is not the case  
17 water percolates down through and gets into the Glasford Aquifer and the Glasford Aquifer feeds in and out  
18 of the Mahomet Aquifer. He said that there was a lot of talk about the economics of the proposed ethanol  
19 plant although he is not in the position to comment on that discussion. He said that he can only speak about  
20 the physical aspects of the aquifer.

21  
22 Mr. Moser stated that Tuscola is going to take water out of the Kaskaskia yet sewer water is pumped into the  
23 Kaskaskia. He said that if the water is clean enough for Tuscola to use for an ethanol plant why couldn't  
24 Champaign County do the same thing.

25  
26 Mr. Langenheim stated that there would have to be some sort of pipe line from the sanitary plant to carry the  
27 water to the ethanol plant. He said that the recycled sanitary district water that goes into the surface drainage  
28 goes all the way to the Gulf of Mexico and people in Memphis are drinking this water.

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Mr. Moser stated that it makes more sense for Champaign County to reuse their own water rather than sending it to Douglas County.

Mr. Langenheim stated that the amount of water that comes through the sanitary system would not be enough to take care of the needs of an ethanol plant although it would help. He said that the daily scale of the proposed ethanol plant would be approximately what the daily use of a center point irrigation system is and the only difference is that the ethanol plant will operate 365 days per year. He said that an ethanol plant's consumption of water is approximately 1/10<sup>th</sup> of what the Illinois American Water Company uses.

Mr. Schroeder thanked Mr. Langenheim for his report and his expertise. He asked if large livestock facilities will be monitored.

Mr. Langenheim stated yes. He said that the only use which he suggested exempting was an individual farmer pumping water for his own domestic use or for a limited agriculture use. He said that people who are pumping over one million gallons per day should be reported.

Mr. Hall stated that a 3<sup>rd</sup> meeting will be scheduled regarding requests for Enterprise Zone extensions and how those extensions can occur without placing the intervening lands at risk for development. He said that there is a lot left to do and there will be at least one more meeting scheduled within the next few weeks and he would presume that anyone who attended one of the meetings will receive notice.

Mr. Langenheim asked Ms. Wysocki if she sent her informative e-mail regarding the ethanol meeting to all County Board members.

Ms. Wysocki stated that she did not send this e-mail to all County Board members but she will send it to those who did not receive it initially.

1 **15. Determination of Items to be placed on the County Board Consent Agenda**

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3 **The consensus of the Committee was to place Agenda Items #8 and #9 on the County Board Consent**  
4 **Agenda.**

5

6 **16. Adjournment**

7

8 The meeting adjourned at 7:53 p.m.

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Respectfully submitted,

Secretary to the Environment and Land Use Committee

eluc\minutes\minutes.fm



**TO:** Environment & Land Use Committee

**FROM:** Brent Rose

**DATE:** August 14, 2006

**RE:** Joint City of Champaign/Champaign County Enterprise Zone:  
Proposed Incentive Revision

**REQUESTED ACTION:** Recommend Amendment to *Enterprise Zone Ordinance (No. 255)* to extend local Enterprise Zone benefits to new commercial projects and new residential construction projects.

**STAFF RECOMMENDATION:** Adopt language as included in this memorandum

## **Background**

### **History of the Local Enterprise Zone and a Summary of the Current Incentives.**

The State of Illinois created the Enterprise Zone program in 1982 to encourage economic growth and neighborhood revitalization at the local level. The City of Champaign and Champaign County approved their Enterprise Zone ordinances in 1985 and received State certification of their Zone in 1986. They have been amended from time to time to adapt to changing local needs.

The joint City of Champaign/Champaign County Enterprise Zone (EZ) offers certain local property tax abatements and state and local sales tax abatements to qualifying projects. Projects eligible for incentives are all residential, commercial and rehabilitation projects; hotel and conference center projects which include a minimum of 15,000 square feet of usable conference center space and a minimum of 100 hotel rooms; industrial projects which create or retain at least 20 full time or full time equivalent jobs; and professional services commercial projects, such as offices out of which accounting, legal, architectural, engineering or medical services are rendered.

**Limitations of Current EZ Incentives.** Enterprise Zone incentives are available and support infill projects when redevelopment, regardless of the use, includes rehabilitation of existing structures. However, in some cases, redevelopment may require that dilapidated, obsolete or hazardous structure be demolished, rather than rehabilitated, and new buildings be constructed in their place. If that new construction involves retail or

personal service commercial uses and/or residential uses, EZ incentives are not applicable. EZ incentives were withheld from retail and personal service businesses because the market is local and such projects simply compete with other local businesses. This amendment expands the range of eligible projects somewhat by broadening the instances when incentives to retail and personal service projects are available. It would extend incentives beyond rehabilitation projects to ones involving demolition and replacement of a building.

**Proposed Change in the Definition of “Planned Redevelopment Projects” to:**

“A project involving the rehabilitation or new construction of one (1) or more buildings or structures that meets one of the following sets of criteria:

1. A project which:
  - a. Is part of and consistent with an approved Redevelopment Master Plan for the subject property;
  - b. Is reasonably expected to generate significant additional revenue back to the County and the City of Champaign;
  - c. Involves private investment of at least \$500,000; and
  - d. Includes substantial aesthetic improvements to the property.
  
2. A project which includes construction of one (1) or more new buildings and which:
  - a. Is part of and consistent with an approved Redevelopment Master Plan for the subject property;
  - b. Includes the demolition of one or more unsafe or functionally obsolete buildings as part of preparation of the project site; and
  - c. Is to be used for commercial (retail or personal service projects) and/or residential uses.

The proposed amendment is consistent with current Economic Development Policy which focuses on creation of new employment and the redevelopment of declining areas using need-based incentives.

**Enterprise Zone Benefits.** Enterprise Zone benefits are designed to promote investment in private development by providing tax abatement during the period of business startup or following relocation. The proposed revision of the EZ incentives will mean that any demolition within the Enterprise Zone will qualify for incentives. The local benefits for these projects are a five-year abatement of the increase in City, County, and Park District property taxes, and the waiver of sales tax on building materials (excluding tenant finish items), purchased within the City or unincorporated Champaign County. Location in an Enterprise Zone also allows certain state benefits, such as tax credits and employee training funds.

**Procedure for Amendment.** The State requires that a public hearing be held at a place inside the Enterprise Zone. Then, in conjunction with the City, the County forwards the transcript of that hearing, together with the application form, to the State Department of Commerce and Economic Opportunity. The State of Illinois will review the application and return it. This proposal combines these two steps by having the proposed area of expansion become effective when approved by the State, and confirming action by the County Board is not necessary unless the State makes some modifications in the area.

**Prior County Board Action:**

- On March 21, 1995 the County Board adopted Resolution No. 3542, a *Resolution Establishing Champaign County-City of Champaign Enterprise Zone Annexation Policy*. The Resolution calls for the County **to approve** annexations for specific projects that are “not in significant direct competition in the local market.”
- From time to time since then the Champaign City Council and the Champaign County Board have expanded the boundaries for specific developments.

**Discussion:**

- The proposed amendment will allow projects that include new retail or personal service, commercial and/or new residential construction to qualify for Enterprise Zone benefits
- Though the amendment is proposed to meet an immediate need with regard to the Burnham Redevelopment Project, the amendment will also provide a framework to support redevelopment in other areas of the County (within the Enterprise Zone).

**Alternatives**

1. Approve the ordinance amendment and allow projects which include construction of new commercial and/or new residential buildings to be eligible for local Enterprise Zone incentives.
2. Do not approve the ordinance amendment and provide further direction to staff.

**Discussion of Alternatives**

**Alternative 1** would approve the amendment adopting the proposal

**a. Advantages of the Proposal:**

- Expands the circumstances under which Enterprise Zone incentives will be applied in order to stimulate economic growth and neighborhood revitalization in the targeted areas of the county

- Narrows the funding gap on the Burnham Redevelopment Project making it more financially feasible
- Provides a tool to better ensure that major redevelopment projects are able to be accomplished, particularly in infill development, which is often more expensive than greenfield developments

**b. Disadvantages of the Proposal**

- The City of Champaign, Champaign County and the Champaign Park District will forego an increase in property taxes for a defined period of time for qualifying projects. (This is not relevant to projects located within a TIF district, since taxing entities already forego increases in property taxes for such projects.)

**Alternative 2** does not approve the bill and provides alternative direction to staff

**a. Advantages of the Proposal**

- The County and others will not forego a larger portion of property taxes and sales taxes on new commercial and new residential construction in any circumstance

**b. Disadvantages of the Proposal**

- Does not provide additional financial incentives for future projects and growth
- May limit the County’s ability to revitalize areas planned for redevelopment

**Community Input:** Community input was solicited for this Enterprise Zone application by means of the public hearing that was held on Tuesday August 1, 2006 at the Champaign City Council Chambers. There were no comments from the audience of council. The public hearing was continued to September 5<sup>th</sup>. The Champaign City Council will formally consider the EZ amendment at the next regular meeting which is also on September 5<sup>th</sup>.

**Budget Impact:** Within the first 5 years of occupancy of an eligible project, the City of Champaign, Champaign County and the Park District forego the increase in property taxes generated from the increase in assessed value of the property, unless the property is also located in a Tax Increment Finance (TIF) District (in which case any increase in assessed value goes to the City of Champaign for use exclusively within the TIF district). The County also does not receive sales taxes on project building materials purchased locally that are permanently affixed to the real estate. In the long-term, the local taxing bodies realize the benefit of increased assessed values received from new development and additional sales tax revenues from retail developments. In tax-year 2005, the amount of County taxes abated totaled \$130,087.96 for the 133 parcels receiving abatements. The amount of foregone revenue in the future due to this incentive revision will depend

on the number of projects undertaken that will use this incentive. The total amount is relatively likely to be small.

In the case of the Burnham project, the site is located within one of the City of Champaign's TIF Districts, so this project is not eligible for EZ property tax abatement, only sales tax abatement.

**Staffing Impact:** Approval of this amendment will require staff time to review enterprise zone applications and prepare the necessary reports, but the increase in workload caused by these additional projects is negligible.

Champaign  
County  
Department of



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

(217) 384-3708  
FAX (217) 328-2426

To: **Environment and Land Use Committee**

From: **John Hall, Zoning Administrator**

Date: **August 10, 2006**

RE: **Request for refund of Zoning Use Permit Application fees for Zoning Use Permits 96-06-01 and 96-06-02 by Uncle Sam Enterprises of Illinois**

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## **BACKGROUND**

Richard Osborn representing Uncle Sam Enterprises of Illinois applied for Zoning Use Permit 96-06-01 and 96-06-02 on April 6, 2006, and both permits were approved on April 19, 2006. In June of 2006 Mr. Keith Everley, Fire Prevention Inspector with the Office of the State Fire Marshall, contacted Mr. Osborn and advised him of changes in regulation of fireworks. The change in regulations was such that Mr. Osborn determined it was not profitable to operate under either Zoning Use Permit and so he has verbally requested that the County refund the \$196.00 in fees for the permits.

The Zoning Administrator is only authorized to refund fees in case of staff error and there is no staff error in this instance. The Zoning Ordinance does not explicitly provide for refund of fees by any other mechanism.

## **ATTACHMENTS**

- A Office of the State Fire Marshall handout on Unregulated, Approved, And Prohibited Consumer Fireworks**



**UNREGULATED, APPROVED AND PROHIBITED CONSUMER FIREWORKS**

Section 1 of the Fireworks Use Act, 425 ILCS 35/1, defines "Consumer Fireworks" as "those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101." The United States Department of Transportation assigns the following division numbers to the above-referenced fireworks identification numbers: UN0336 (1.4G) and UN0337 (1.4S). 49 C.F.R. 172.101.

**Unregulated NOVELTY Fireworks**

The Fireworks Use Act (Act) expressly excludes the following novelty fireworks from the definition of Consumer Fireworks, 425 ILCS 35/1:

- snake or glow worm pellets;
- smoke devices;
- trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms";
- sparklers;
- toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and
- toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture.

While the Act states that the sale and use of these novelty fireworks are permitted at all times, Section 3.4 of the Act gives municipalities the authority to enact an ordinance prohibiting the sale and use of sparklers on public property.

**APPROVED CONSUMER FIREWORKS**

As defined by the Act, all Consumer Fireworks must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101.

In addition to complying with this definition, the Office of the State Fire Marshal requires Consumer Fireworks meet the following requirements to be approved by this Office:

1. The Consumer Fireworks must be labeled "1.4G Consumer" or must be 1.4S fireworks classified as UN0337 intended for outdoor consumer use.
2. The American Fireworks Standards Laboratory (AFSL) must have inspected the Consumer Fireworks. It is the Consumer Distributor's and Consumer Retailer's responsibility to insure that the Consumer Fireworks he or she distributes, sells, offers

1035 Stevenson Drive, Springfield, Illinois 62703-4259, (217) 785-0969



for sale, exchanges for consideration, transfers, or provides have been AFSL tested. The Consumer Distributor and the Consumer Retailer shall maintain records verifying that such testing has occurred on the Consumer Fireworks he or she distributes, sells, offers for sale, exchanges for consideration, transfers, or provides.

- 3. The Consumer Fireworks must be ground mounted. No hand held Consumer Fireworks shall be approved.

Approved Consumer Fireworks are limited to the following types of fireworks:

- 1. Cones including Showers of Sparks, Fountains, and Repeaters (also known as Cakes)

Single tube fountains must not contain more than 75 grams total of pyrotechnic composition. Cone fountains must not contain more than 50 grams total of pyrotechnic composition. Multiple-tube fountains must not contain more than 200 grams total of pyrotechnic composition.

- 2. Mines, Comets, Tubes, Shells, Fancy Florals, and Parachutes

*1 1/2 inch or smaller* These items are firework devices designed to produce low-level aerial effects, which are propelled into the air by a lift charge. Shells will burst at the peak of flight to create a display of stars, reports or other effects or leave a trail of sparks until exhausted. These items contain a maximum of 40 grams of chemical composition and no more than 20 grains of lift charge.

Consumer Fireworks Retailers/Distributors registered with OSFM may sell approved Consumer Fireworks to consumers who have and display a valid Fireworks Permit, issued by the local county or municipality to that consumer.

**Prohibited CONSUMER fireworks**

OSFM prohibits all Consumer Fireworks unless they meet the above-listed approval requirements.

Prohibited Consumer Fireworks include, but are not limited to, the following:

- Hand held fireworks
- Bottle rockets
- Firecrackers of any size or type
- Sky rockets
- Roman candles
- Chasers
- Buzz bombs
- Ground items other than those identified as Approved Consumer Fireworks
- Helicopters
- Missiles
- Pin wheels or any other twirling device whether on the ground or mounted above the

# SFM

ILLINOIS

Rod R. Blagojevich, Governor

OFFICE OF THE STATE FIRE MARSHAL

David B. Foreman, Fire Marshal

ground

- Planes

1035 Stevenson Drive, Springfield, Illinois 62703-4259, (217) 785-0969

Champaign  
County  
Department of



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

(217) 384-3708  
FAX (217) 328-2426

---

To: **Environment and Land Use Committee**  
From: **John Hall, Director**  
**J.R. Knight, Temp Planner**

Date: **March 8, 2006**  
RE: **Case 538-AM-06**

---

**Zoning Case 538-AM-06**

Request: **Amend the Zoning Map to change the zoning district designation from AG-2 Agriculture Zoning District to R-1 Single Family Residence Zoning District**

Petitioners: **Roy Humphrey and Pat Cook d.b.a. Cook Construction, Inc.**

Location: **The west 3.3 acres in the Northeast Quarter of Fractional Section 1 of Mahomet Township that is commonly known as 3.3 acres of farmland on the west side of Crooked Creek Subdivision and fronting on CR2400N on the south and Limb Drive on the north.**

---

**STATUS**

The Zoning Board of Appeals voted that the proposed amendment in this Case "BE ENACTED" (recommended approval) at their meeting on July 13, 2006. The ZBA found that the proposed amendment was in conformance with all relevant land use goals and policies as well as the Land Use Regulatory Policies

There are no frontage protests at this time and none are anticipated.

The subject property is within the Village of Mahomet extra-territorial jurisdictional area. The Village of Mahomet Board of Trustees voted "no protest" on the rezoning and approved the Final Plat at their meeting on July 25, 2006.

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**FINDING OF FACT**

The Finding of Fact (see attached) is organized as follows:

- Items 1 through 5 review the basic background information regarding the petitioner, the location and legal description of the subject property, petitioner comments.
- Items 6 through 8 review land use and zoning in the vicinity of the subject property and previous zoning cases.
- Item 9 is a brief comparison of the existing AG-2 Agriculture Zoning District and the proposed R-1 Single Family Residence Zoning District.
- Item 10 establishes that the subject property is within the Village of Mahomet extra-territorial jurisdictional area.

- Item 11 reviews the relationship of the Land Use Goals and Policies to the Land Use Regulatory Policies.
- Items 12 through 19 review conformance with the relevant residential land use policies from the Land Use Goals and Policies. The ZBA found that the proposed amendment is in conformance with all relevant residential land use policies.
- Items 20 and 21 review conformance with the relevant agricultural land use policies and goals from the Land Use Goals and Policies. The ZBA found that the proposed amendment is in conformance with all relevant agricultural land use policies and achieved all relevant agricultural land use goals.
- Item 22 found that there are no relevant residential land use goals.
- Items 23 and 24 review conformance with the relevant agricultural land use goals from the Land Use Goals and Policies. The ZBA found that the proposed amendment achieved all relevant agricultural land use goals.
- Items 25 through 26 review conformance with the relevant general land use policies from the Land Use Goals and Policies. The ZBA found that the proposed amendment achieved all relevant general land use policies.
- Items 27 and 29 review the conformance with the general land use goals from the Land Use Goals and Policies. The ZBA found that the proposed amendment was in conformance with all relevant general land use goals.

**ATTACHMENTS**

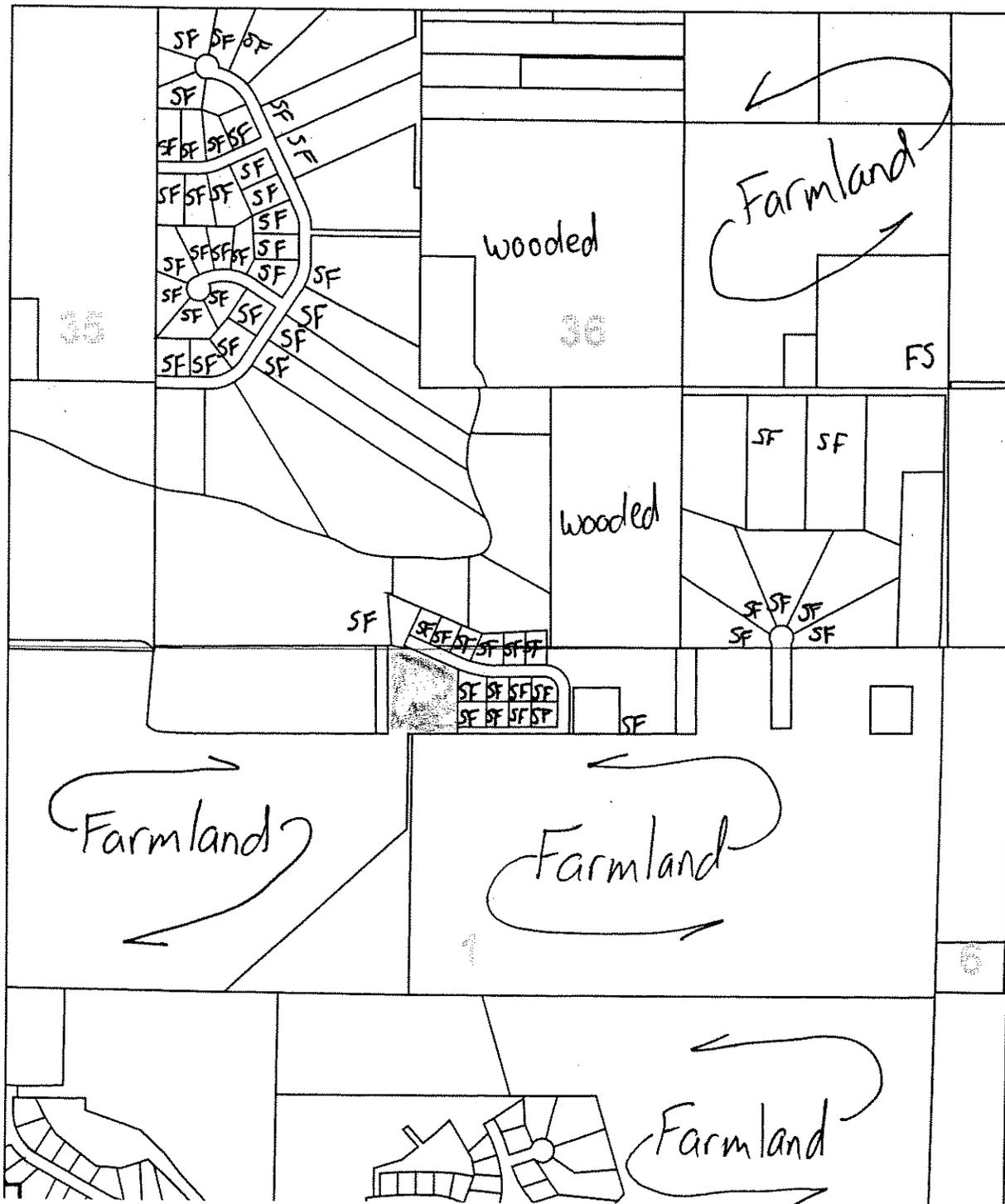
- A Zoning Case Maps (Location, Land Use, Zoning)
- B Revised Subsidiary Drainage Plat of the Third Plat of Crooked Creek Subdivision
- C Finding of Fact and Final Determination of the Champaign County Zoning Board of Appeals as approved on July 13, 2006 (UNSIGNED)



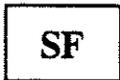
ATTACHMENT A. LAND USE

Case 538-AM-06

JULY 7, 2006



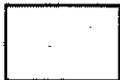
Area of Concern



Single Family



Farmstead



25



NORTH

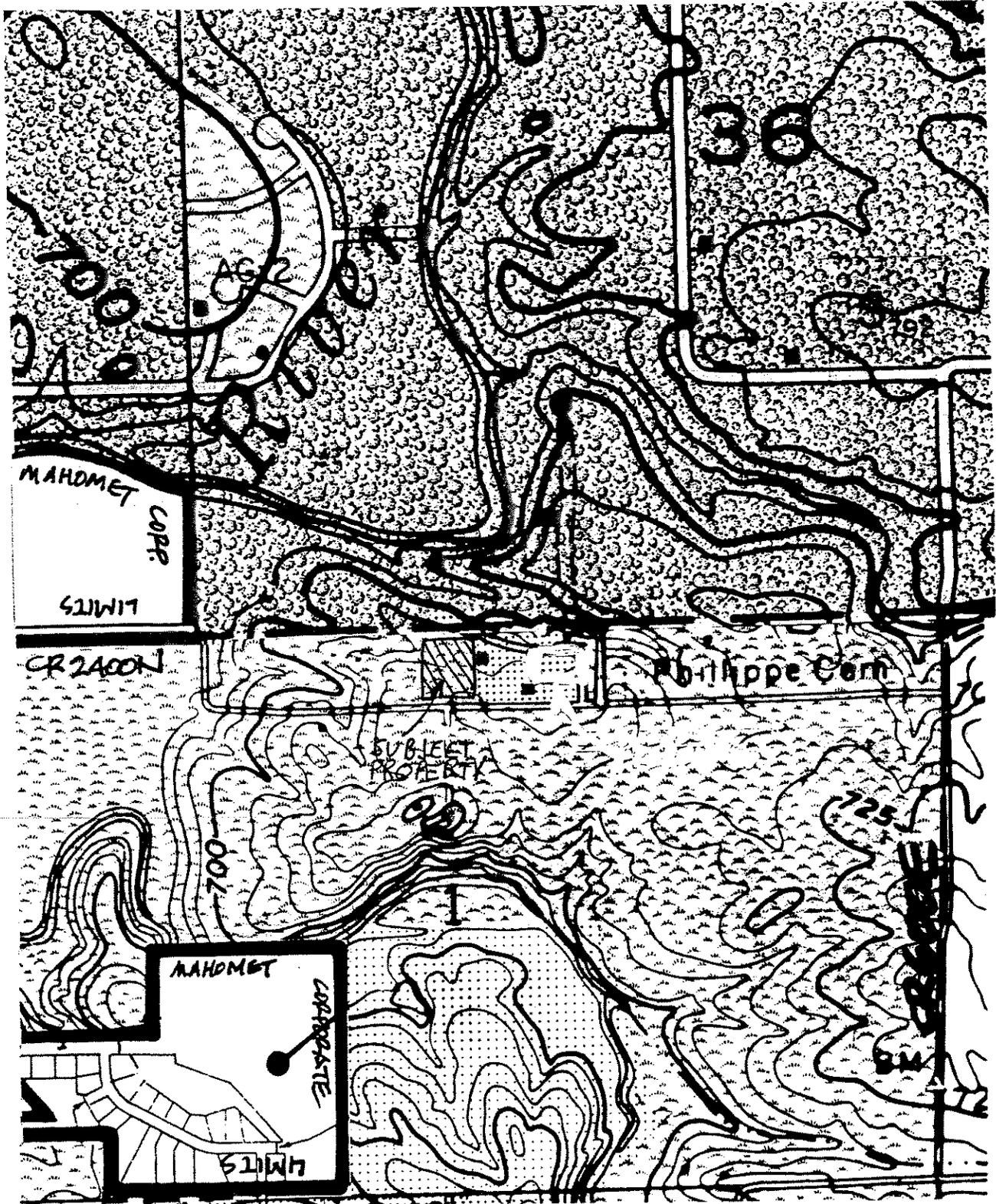
Champaign  
County  
Department of

**PLANNING &  
ZONING**

ATTACHMENT A. ZONING MAP

Case 538-AM-06

JULY 7, 2006



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	 NORTH <b>Champaign County Department of PLANNING &amp; ZONING</b>
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobil Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation	R-3 Two-family Residence	B-1 Rural Center	B-4 General Business	I-2 Heavy Industry	

**SUBSIDIARY DRAINAGE PLAT OF  
THIRD PLAT OF CROOKED CREEK SUBDIVISION**  
PART OF THE FRACTIONAL SECTION 1, T.20N., R.7E., 3RD. P.M.,  
CHAMPAIGN COUNTY, ILLINOIS

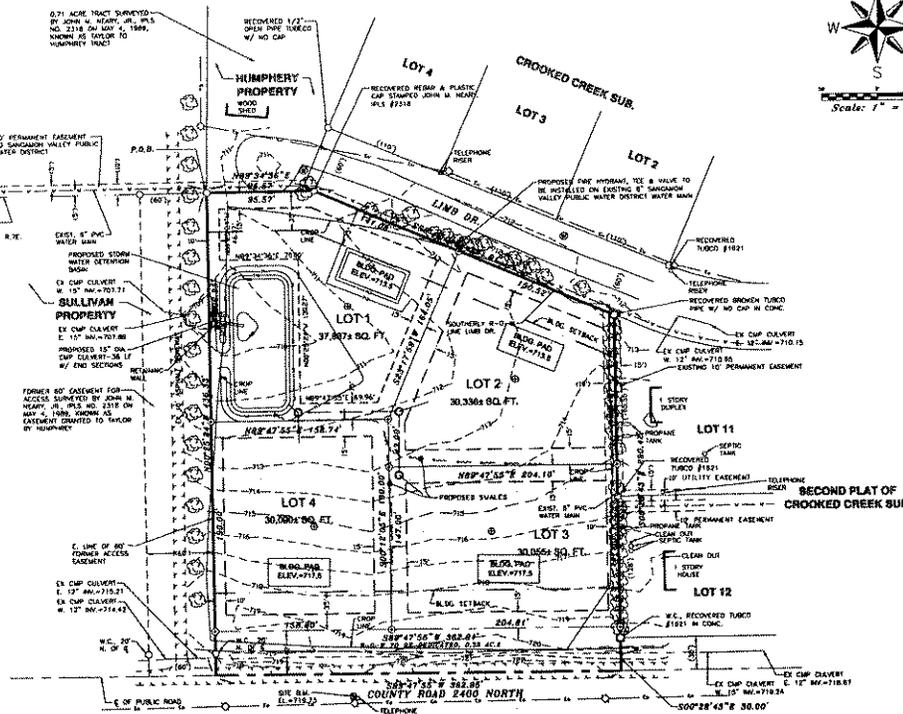
**OWNER / SUBDIVIDER:**  
COOK CONSTRUCTION, INC.  
P.O. BOX 1096  
MAHOMET, ILLINOIS 61853

**ENGINEER / SURVEYOR:**  
VEGRZYN, SARVER & ASSOCIATES, INC.  
24 EAST GREEN STREET SUITE 10,  
P.O. BOX 3687  
CHAMPAIGN, ILLINOIS 61820



P.O.C.  
NE COR OF SW 1/4 OF  
SEC. 16, T.21N., R.7E.

S LINE SW 1/4 SEC. 24,  
T.21N., R.7E., S.W. LINE  
FRACTIONAL SEC. 1, T.20N., R.7E.



- NOTES**
- CONDITIONS SHOWN ARE BASED ON ACTUAL FIELD MEASURED DATA.
  - THE GROSS TOTAL AREA OF THE THIRD PLAT OF CROOKED CREEK SUBDIVISION IS APPROXIMATELY 3.28 ACRES. THE NET TOTAL AREA EXCLUSIVE OF RIGHT-OF-WAY ENCUMBRANCES BY LOTS 1, 2, 3 AND 4 OF THE THIRD PLAT OF CROOKED CREEK SUBDIVISION IS APPROXIMATELY 2.95 ACRES.
  - NO MAJOR PUBLIC IMPROVEMENTS ARE PROPOSED FOR THE THIRD PLAT OF CROOKED CREEK SUBDIVISION. ALL IMPROVEMENTS SHOWN ARE EXISTING AT THE TIME OF THIS SURVEY.
  - THE THIRD PLAT OF CROOKED CREEK SUBDIVISION LIES WITHIN ZONE "C" AREAS OF FLOOD INSURANCE, AS IDENTIFIED ON FLOOD INSURANCE RATE MAP COUNTY PANEL NUMBER 13084 D100 B WITH DATE MARCH 1, 1984 AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE UNINCORPORATED AREAS OF CHAMPAIGN COUNTY, ILLINOIS.
  - BENCHMARK:**  
ELEVATIONS SHOWN WERE ESTABLISHED FROM AN HDG ENGINEERING BM BEING A CHELSEY SQUARE ON THE NORTHWEST CORNER, BRIDGWAY, IS A BRIDGE OVER THE PHILLIPS CREEK LOCATED ON COUNTY ROAD 300 EAST AND LYING APPROXIMATELY 300 FEET NORTH OF COUNTY ROAD 300 NORTH. ELEVATION = 702.57.  
**SITE BENCHMARK:**  
MAG NAIL SET ON NORTH SIDE OF POWER POLE ON SOUTH SIDE OF COUNTY ROAD 2400 NORTH, LYING APPROXIMATELY 125 FEET EAST OF THE WEST LINE OF THE THIRD PLAT OF CROOKED CREEK SUBDIVISION. ELEVATION = 719.73.

27

- LEGEND**
- BOUNDARY OF SURVEY
  - EXISTING CENTERLINE OF PUBLIC ROAD
  - SECTION LINE
  - EXISTING EASEMENT
  - PROPOSED BRIDGING SETBACK
  - PROPOSED GENERAL UTILITY & DRAINAGE EASEMENT
  - RECOVERED REBAR & ALUMINUM CAP STAMPED JOHN M. NEARY, P.L.S. #231A, UNLESS DESCRIBED OTHERWISE
  - RECOVERED PIPE & ALUMINUM CAP STAMPED, P.S. #1921, IN CONC., UNLESS DESCRIBED OTHERWISE
  - ( ) RECORD MEASUREMENT OR DATA
  - W.C. WITNESS CORNER
  - P.O.B. POINT OF BEGINNING
  - P.O.C. POINT OF COMMENCEMENT
  - SET 1/2" DIAMETER BY 30" LONG REBAR WITH ALUMINUM CAP STAMPED "WESLEY J. MEYERS, P.L.S. No. 2903"
  - EXISTING EDGE OF BITUMINOUS PAVEMENT
  - EXISTING OVERHEAD ELECTRIC LINE
  - EXISTING UNDERGROUND ELECTRIC LINE
  - EXISTING 8" PVC WATER MAIN
  - BENCHMARK
  - SET 1/2" DIAMETER BY 30" LONG REBAR WITH ALUMINUM CAP STAMPED "WESLEY J. MEYERS, P.L.S. No. 2903"
  - SOIL CORE FOR SEPTIC SYSTEM SAMPLING
  - DECIDUOUS TREE
  - PROPOSED SLUMP TILE DRAIN BASH
  - PROPOSED SLUMP AND SEPTIC SYSTEM DRAIN TILE
  - PROPOSED DRAINAGE SWALE
  - PROPOSED FIRE HYDRANT, TEE AND VALVE
  - EXISTING CONTOUR AND ELEVATION
  - PROPOSED CONTOUR AND ELEVATION
  - PROPOSED DETENTION BASH TOP OF BANK

**DRAINAGE STATEMENT**  
TO THE BEST OF OUR KNOWLEDGE AND BELIEF REASONABLE PROVISIONS HAVE BEEN MADE FOR THE COLLECTION AND DISPOSITION OF SURFACE WATERS INTO PUBLIC AREAS OR DRAINS WHICH THE SUBDIVIDER HAS THE RIGHT TO USE AND THAT SUCH SURFACE WATERS ARE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE THIRD PLAT OF CROOKED CREEK SUBDIVISION, AN ADDITION TO CHAMPAIGN COUNTY, ILLINOIS.

STEPHEN A. WORTH, CH.P.E. #27770 DATE \_\_\_\_\_  
COOK CONSTRUCTION, INC., OWNER DATE \_\_\_\_\_



RECEIVED  
0 / 2006  
CHAMPAIGN CO. & Z. DEPARTMENT

Project	PART OF FRACTIONAL SECTION 1, T.20N., R.7E., 3RD. P.M., CHAMPAIGN COUNTY, ILLINOIS	DATE	10/19/06
Sheet Title	SUBSIDIARY DRAINAGE PLAT	SCALE	AS SHOWN
VEGRZYN, SARVER AND ASSOCIATES, INC.		DATE	10/19/06
CIVIL ENGINEERING - LAND SURVEYING - ARCHITECTURE		SCALE	AS SHOWN
24 East Green Street, Ste. 10 - Champaign, Illinois 61820 - (817) 259-8883		DATE	10/19/06
CAD FILE	12525115151-000.dwg	Plot Date	10/19/06
Plot Scale	1"=50'	Sheet	1 of 2

*AS APPROVED (UNSIGNED)*

538-AM-06

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

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Final Determination: ***RECOMMEND ENACTMENT***

Date: July 13, 2006

Petitioners: Roy Humphrey and Pat Cook d.b.a. Cook Construction, Inc.

Request: Amend the Zoning Map to change the zoning district designation from AG-2 Agriculture Zoning District to R-1 Single Family Residence Zoning District

---

**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 13, 2006**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners are Roy Humphrey and Pat Cook d.b.a. Cook Construction, Inc.
2. The subject property is the west 3.3 acres in the Northeast Quarter of Fractional Section 1 of Mahomet Township that is commonly known as 3.3 acres of farmland on the west side of Crooked Creek Subdivision and fronting on CR2400N on the south and Limb Drive on the north.
3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Mahomet.
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 petitioners indicated the following:  
**Proposed 4 lot subdivision with single family residential use**
5. Regarding comments by the petitioners when asked on the petition what other circumstances justify the amendment the petitioners indicated the following:  
**Residential lots adjacent on north, east, and west of said property – not continues farm ground, too small for farming application – tax base more than crop income.**

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

6. The subject property is zoned AG-2 Agriculture. There has never been any zoning activity on the subject property. The subject property is now proposed to be rezoned for a four lot residential subdivision.

*AS APPROVED (UNSIGNED)*

7. Land use and zoning in the vicinity and adjacent to the subject property are as follows:
  - A. The land north of the subject property is zoned CR Conservation-Recreation, and is used as single family homes.
  - B. The land east of the subject properties is zoned R-1, Single Family Residence, and is all single family residential lots in the Crooked Creek Subdivision.
  - C. The south and west of the subject property is zoned AG-2 Agriculture, and is used as farmland.
8. Previous zoning cases in the vicinity are the following:
  - A. 275-AM-77 was a request (approved) in 1977 to rezone 25 acres north of the subject property from CR to AG-2.
  - B. 284-AM-77 was a request (approved) was a request to rezone 6.75 acres north of the subject property from both the CR and AG-1 to R-1.
  - C. 451-V-04 & 463-V-04 were requests (approved) for a variance to lot area on two different lots under the same ownership.

*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 AG-2 Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
    - (2) The R-1, Single Family Residence DISTRICT is intended to provide areas for SINGLE FAMILY detached DWELLINGS, set on LOTS and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.

*GENERALLY REGARDING WHETHER THE SUBJECT PROPERTY IS WITHIN A MUNICIPAL ETJ AREA*

10. Regarding any relevant municipal or township jurisdiction:
  - A. Amendments to the Champaign County Zoning Map can be protested by any zoned municipality within one-and-one-half miles of the subject property and/ or the township in which the subject property is located if it has a township plan commission. In the event of either a municipal or township protest, a three-fourths majority of the County Board will be required to grant the rezoning request instead of a simple majority.

- B. The subject property is located within the mile-and-a-half extraterritorial planning jurisdiction of the Village of Mahomet which has a comprehensive Plan. The Village has received notice of this request. Regarding the Village of Mahomet:
  - (1) The subject property appears to be indicated as “Agriculture” on the Official Map of the Village of Mahomet in the Comprehensive Land Use Plan adopted December of 2003.
  - (2) At their July 6, 2006, meeting the Village of Mahomet Plan and Zoning Commission voted to recommend approval of the Final Plat of Crooked Creek Third Subdivision.
- C. The subject property is located in Mahomet Township which has a plan commission. The plan commission has received notice of the meeting. A township protest must be signed and acknowledged by the Township Board and filed with the Champaign County Clerk within 30 days of the close of the hearing at the ZBA. A certified mail notice of the protest must also be given to the Petitioner.

***REGARDING CHAMPAIGN COUNTY LAND USE GOALS AND POLICIES***

- 11. The Land Use Goals and Policies were adopted on November 29, 1977, and were the only guidance for County Map Amendments until the Land Use Regulatory Policies-Rural Districts (LURP) were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). The LURP’s were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP’s adopted on November 20, 2001, remain the relevant LURP’s for discretionary approvals (such as map amendments) under the current Zoning Ordinance. The relationship of the Land Use Goals and Policies to the relevant LURP’s is as follows:
  - A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
  - B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.

***GENERALLY REGARDING POLICIES FOR RESIDENTIAL LAND USE***

- 12. There are seven residential land use policies in the Land Use Goals and Policies. In addition there are two utilities policies (7.3 and 7.3a) that are relevant.
- 13. Policy 2.1 of the Land Use Goals and Policies states that the Environment and Land Use Committee, in cooperation with municipal plan commissions, will examine current provisions of zoning and subdivision ordinances for the purposes of increasing the flexibility of regulations to encourage a greater range of site designs and housing types.

This policy does not seem to be relevant to any specific map amendment.

14. Policy 2.2 of the Land Use Goals and Policies states that the Environment and Land Use Committee will work with municipal plan commissions to review existing zoning patterns and regulations within urban areas and initiate proposals to encourage development and redevelopment of “in-town” areas.

This policy does not seem to be relevant to any specific map amendment.

15. In regards to the adequacy of utilities and fire protection at the subject property for the proposed map amendment:
- A. The following policies relate to adequacy of utilities and fire protection:
- (1) Policy 2.3 of the Land Use Goals and Policies states that the County Board will encourage new residential development in areas where public or private sewer and water utility systems are, or easily can be, provided and where police and fire protection are available. The County Board will permit new residential development in areas without access to public sewer and water utilities only if it can be determined that the use of individual septic systems will not cause contamination of aquifer and groundwater and will not cause health hazards.
  - (2) Policy 2.3A states that new subdivisions and zoning changes should meet these (2.3 above) standards and will be considered where they are not in conflict with the goals and policies of this Plan.
  - (3) Policy 7.3 states that the County Board will encourage development only in areas where both sewer and water systems are available. In areas without public sewer and water systems, development may occur only if it is determined that individual septic systems can be installed and maintained in a manner which will not cause contamination of aquifers and groundwater and will not cause health hazards. Requests for development should demonstrate that wastewater disposal systems, water supply, fire and police protection are adequate to meet the needs of the proposed development.
  - (4) Policy 7.3A states that new subdivisions and zoning changes should meet these (7.3 above) standards and will be considered where they are not in conflict with the goals and policies of this Plan.
- B. Regarding the availability of a connected public water supply system:
- (1) As an expansion of the Crooked Creek Subdivision, the subject property will have a connected water supply through the same system as the pre-existing portion of the subdivision.
  - (2) The subject property is currently within the customary service area of the Sangamon Valley Public Water District, and other lots in the area are served by the SVPWD.
  - (2) Policy 7.3 states that development may only occur if it is determined that water supply systems are adequate to meet the needs of the proposed development. The water supply

from the preexisting Crooked Creek sub will be extended to serve lot 4, which will ensure the water supply system is adequate.

- (3) In regards to the availability of a connected public water supply system, the proposed map amendment **CONFORMS** because the subject property is connected to a public water supply.

C. Regarding the adequacy of an individual septic system for the proposed development:

- (1) The Third Plat of the Crooked Creek subdivision is proposed to use individual septic tank systems for wastewater disposal.
- (2) The Section 22 Natural Resources Report provided for the subject property by the Champaign County Soil and Water Conservation District identifies the soil covering the majority of the lot as Campton, which is a soil with severe wetness characteristics.
- (3) The pamphlet *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*, is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet contains worksheets for 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability).

St. Charles silt loam, 1% to 5% slopes (map unit 134B; renamed Campton silt loam, 2% to 5% slopes) makes up almost the entire subject property and has a high suitability for septic tank leach fields with a soil potential index of 93. The typical corrective measure is a curtain drain (which requires a drainage outlet). There are 18 soils in Champaign County with a higher rating and 41 soils that have lower ratings.

- (4) Wesley Myers, Vegryzn, Sarver, and Associates testified at the July 13, 2006 meeting that an outlet for curtain drains is to be installed along the common lot lines between Lots 1 & 4 and 2 & 4.
- (5) Policy 7.3 states that development may occur only if it is determined that individual septic systems can be installed and maintained in a manner which will not cause contamination of aquifers and groundwater and will not cause health hazards and that requests for development should demonstrate that wastewater disposal systems are adequate to meet the needs of the proposed development.
- (6) In regards to the adequacy of an individual septic system for the proposed development the proposed map amendment **CONFORMS** based on the adequacy of the proposed septic systems on the subject property.

*AS APPROVED (UNSIGNED)*

- D. Regarding the adequacy of fire protection at this location for the proposed map amendment:
- (1) The subject property is located within the response area of the Cornbelt Fire Protection District. It is approximately four road miles from the District's station. The Fire District chief has been notified of this request but no comments have been received.
  - (2) Wesley Myers, Vegryzn, Sarver, and Associates testified at the July 13, 2006, meeting that the Subsidiary Drainage Plat indicates a proposed fire hydrant on the lot line between lots 1 and 2 and that the Sangamon Valley Public Water District has approved the engineering plans.
  - (3) In regards to adequate fire protection, the proposed map amendment appears to **CONFORM** to Policy 2.3 because there have been no concerns raised by the Cornbelt Fire Protection District. Also, the engineering plans for the subdivision indicate a fire hydrant to be installed between lots 1 and 2, and the SVPWD has approved the plans.
- E. In regards to overall conformance with policies 2.3, 2.3 A., 7.3 and 7.3A the proposed map amendment **CONFORMS**.

16. Policy 2.4 of the Land Use Goals and Policies states that the Environment and Land Use Committee will examine undeveloped areas zoned residential to determine probability of development within the period covered by this Plan and the Committee will undertake study of possible alternative uses of the land.

This map amendment does not deal with any vacant land zoned residential so this policy is not relevant.

17. Policy 2.5 of the Land Use Goals and Policies states that the Zoning Board of Appeals, the Environment and Land Use Committee and the County Board will only support the development of residential areas separated from incompatible non-residential uses, unless natural or man-made buffering is provided.

The proposed map amendment **CONFORMS** because the subject property has residential lots on two sides, and only small agricultural tracts unsuited for modern farming machinery on the other two sides.

18. Policy 2.6 of the Land Use Goals and Policies states that the County Board will work for the maintenance of sound housing and the improvement, replacement or elimination of deteriorating housing in the County.

This policy does not clearly relate to any map amendment.

19. Policy 2.7 of the Land Use Goals and Policies states that where housing of greater density than one or two-family units is planned, the Zoning Board of Appeals and the Environment and Land Use Committee and the County Board will encourage the provision of underground or under-building parking to provide the maximum amount of useable open space around the building.

This policy is not relevant because the proposed development is only for single family dwellings.

**GENERALLY REGARDING POLICIES FOR AGRICULTURAL LAND USE**

20. There are six policies related to agricultural land uses in the Land Use Goals and Policies. The agricultural land use policies are relevant because the property is proposed to be changed from the AG-2 District. The following agricultural land use policies do not appear to be relevant to any specific map amendment:
- A. Policy 1.1 of the Land Use Goals and Policies states that the Environmental and Land Use Committee will study the possibility of creating several agricultural districts which would provide one or more districts for agricultural uses, only, while other districts would permit limited non-agricultural uses.
  - B. Policy 1.3 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the Board of Appeals will work towards applying the concepts of development rights transfer, planned unit development, cluster development and special use permits to insure, when and where necessary, that development of non-agricultural uses is compatible to adjacent agricultural activities.
  - C. Policy 1.4 of the Land Use Goals and Policies states that the Environment and Land Use Committee will examine the zoning classification of lands on the urban periphery for the possibility of rezoning lands from district classifications which encourage productive farming.
  - D. Policy 1.5 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will encourage the development of tax assessment policies which will discourage the unnecessary conversion of agricultural land to non-agricultural uses.
  - E. Policy 1.6 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will initiate a coordinated effort among local units of government to create uniform standards and procedures to review developments proposed for agricultural areas.
21. Policy 1.2 of the Land Use Goals and Policies states that the Board of Appeals and the County Board will restrict non-agricultural uses to non-agricultural areas or
- i. those areas served by:
    - adequate utilities
    - transportation facilities, and
    - commercial services or
  - ii. those areas where non-agricultural uses will not be incompatible with existing agricultural uses.

The proposed map amendment **CONFORMS** to Policy 1.2 based on the following:

- A. The proposed map amendment **CONFORMS** regarding transportation facilities because Lots 1 and 2 will have frontage on Limb Dr. and Lots 3 and 4 will have frontage on CR 2400N; both roads will provide adequate access to these lots. The lots will not cause a significant increase in Annual Average Daily Trips (AADT) for these roads.

- B. In regards to Policies 2.3, 2.3A, 7.3, and 7.3A and overall adequacy of utilities (See item 15.E.) the proposed map amendment **CONFORMS**.
- C. The proposed map amendment **CONFORMS** in regards to compatibility with agriculture because half of the land surrounding the subject property is residential, and only one side is bordered by agriculture.

**REGARDING GOALS FOR RESIDENTIAL USES**

22. There are three goals for residential land use in the Land Use Goals and Policies. All three are not relevant to this map amendment. The three goals are as follows:
- Residential neighborhoods which provide adequate housing to meet the needs of future residents of Champaign County, adequate recreation and open space, access to utilities, access to commercial and employment centers and other community support services.
  - An ample supply of housing with a variety of types and cost levels to meet the demand of Champaign County residents for the planning period, and to accommodate the needs of families of various sizes and with various occupations and incomes both for permanent and transient residents.
  - Residential development procedures which will promote the production of an adequate housing supply in a manner compatible with the goals and policies of this Land Use Plan.

**REGARDING GOALS FOR AGRICULTURAL LAND USES IN THE LAND USE GOALS AND POLICIES**

23. The agricultural land use goals are relevant because the property is proposed to be changed from the AG-2 District. The first agricultural land use goal of the Land Use Goals and Policies is as follows:

Preservation and maintenance of as much agricultural land in food and fiber production as possible, and protection of these lands from encroachment by non-agricultural uses.

- A. Based on the proposed development the proposed map amendment **ACHIEVES** this goal because the amendment will not result in residential development intruding further into productive agricultural areas.

24. The second agricultural land use goal of the Land Use Goals and Policies is as follows:

Establishment of an agricultural land classification system based on productivity. Improvement of rural drainage systems.

This policy does not appear to be relevant to relevant to any specific map amendment.

**REGARDING GENERAL LAND USE POLICIES**

25. There are two general land use policies in the Land Use Goals and Policies. The second land use policy is not relevant to any specific map amendment.
26. The first general land use policy is the following:

The County Board, the Environmental and Land Use Committee and the Zoning Board of Appeals will follow the policies of:

- i. encouraging new development in and near urban and village centers to preserve agricultural land and open space;
- ii. optimizing the use of water, sewer, and public transportation facilities; and reducing the need for extending road improvements and other public services.

Based on the review of the relevant residential and agricultural land use policies and goals, the proposed map amendment **CONFORMS** to this policy as follows:

- A. **CONFORMS** in regards to preserving agricultural land and open space because the amendment will not result in residential development intruding further into productive agricultural areas (see item 23).
- B. **CONFORMS** in regards to encouraging new residential development in an area having access to utilities (or where septic systems can be installed and maintained in a proper manner) and adequate fire protection (see item 15.D. & E.).

**REGARDING GENERAL LAND USE GOALS**

27. There are five general land use goals for all land use in the Land Use Goals and Policies. Three of the general land use goals are not relevant to the proposed map amendment for the following reasons:
- A. The first and fifth general land use goals are not relevant to any specific map amendment.
  - B. The second general land use goal is so generally stated that it is difficult to evaluate the degree of achievement by the proposed map amendment.
28. The third general land use goal is as follows:

Land uses appropriately located in terms of:

- i. utilities, public facilities,
- ii. site characteristics, and
- iii. public services.

Considerations of the proposed map amendment related to this goal are as follows:

- A. There are no subsidiary residential land use policies and goals or general policies that are specific to site characteristics, but the following considerations are relevant to site characteristics:

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- (1) The subject property is located immediately west of the existing Crooked Creek Subdivision and has existing residential land uses on two sides.
- (2) Regarding access to a connected public water supply the subject property is in the area customarily served by the SVPWD. (see item 15.B.(2))
- (3) Each of the four lots is proposed to be at least 30,000 square feet in area to provide for individual septic systems to be installed on each lot.
- (4) The proposed construction plan for the Third Plat of Crooked Creek Subdivision includes stormwater management that provides for stormwater detention in a dry basin on the west side of Lot 1.
- (5) The lots conform to all other Zoning requirements.
- (6) In terms of site characteristics the proposed map amendment *ACHIEVES* this goal.

B. Overall the proposed map amendment *ACHIEVES* the third general land use goal, based on the following:

- (1) The proposed map amendment *ACHIEVES* this goal in regards to the following:
  - (a) public facilities (see item 15.D.);
  - (b) public services based on the proposed development (see item 15.D.);
  - (c) site characteristics (see above)
- (2) In regards to utilities based on degree of conformance with residential land use policy 2.3 (see item 15) and the degree of achievement of the first general land use policy (see item 26), the map amendment *ACHIEVES* this goal based on the proposed development.

29. The fourth general land use goal is as follows:

Arrangement of land use patterns designed to promote mutual compatibility.

Overall the fourth general land use goal will *BE ACHIEVED* by the proposed map amendment based on conformance or achievement with the preceding policies and goals.

**DOCUMENTS OF RECORD**

1. Application, received on May 13, 2006
2. Letter from Vegrzyn, Sarver, and Associates received on May 31, 2006, with attachments;
  - A Revised Plat of the Third Plat of Crooked Creek Subdivision (2 copies)
  - B Revised Subsidiary Drainage Plat (2 copies)
  - C Site Construction Plans
  - D Drainage Report
  - E Illinois Historic Preservation Agency (IHPA) clearance for cultural resources
  - F Illinois Department of Natural Resources (IDNR) clearance for endangered species
  - G Section 22 Natural Resource Report from the Champaign County Soil and Water Conservation District
3. Preliminary Memorandum for Case 538-AM-06
  - A Case Maps (Location, Land Use, Zoning)
  - B Final plat of the Third plat of Crooked Creek Subdivision
  - C Section 22 Natural Resource Report
  - D Worksheet for *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*
  - E Draft Finding of Fact for Case 538-AM-06
4. Staff photographs submitted at the July 13, 2006 ZBA meeting

**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 Map Amendment requested in Case 538-AM-06 should ***BE ENACTED*** by the County Board.

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

SIGNED:

Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708  
FAX (217) 328-2426

TO: **Environment and Land Use Committee**  
FROM: **John Hall, Subdivision Officer**  
DATE: **August 9, 2006**  
RE: **Case 190-06 Pusey Second Subdivision**

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**REQUESTED ACTION**

Combined Area General Plan and Preliminary and Final Plat approval for a two-lot minor subdivision of an existing 5.15 acre residential lot located in the CR Zoning District in Section 12 of Urbana Township located on the north side of CR1650N and south of the Saline Branch Drainage Ditch and bordering the west side of CR1800E at the residence at 1790 CR1650N.

The proposed subdivision does not meet certain of the minimum subdivision standards and Area General Plan approval (by ELUC) is required including the following waivers:

1. Waive the requirement of paragraph 6.1.5. a. (1) that no part of a minimum required lot area shall be located on Colo silty clay loam soil.
2. Waive the requirement of paragraph 6.1.5. a. (4) that requires that prior to the commencement of any change in elevation of the land, no part of a minimum required lot area shall be located more than one foot below the Base Flood Elevation (BFE).

Draft Findings for the required waivers of Minimum Subdivision Standards are attached.

The statement of certification of the soils for wastewater disposal is on the Subsidiary Drainage Plat but needs to be relocated to the Final Plat and when that change occurs the Final Plat will be in compliance with all Final Plat requirements. No comment has yet been received from the County Health Department.

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**Subdivider**

William Pusey  
1790 CR1650N  
Urbana IL 61802

**Engineer/Surveyor**

Berns, Clancy and Associates  
405 East Main Street  
Urbana IL 61803-0755

**Location, Roadway Access, and Land Use**

The subject property is an approximately 5.15 acre parcel in the Northeast 1/4 of Section 12 of Urbana Township. See the Location Map. The existing parcel is the residential lot at 1790 CR1650N.

The proposed subdivision is bordered by other residential lots on the west side and the Saline Branch Drainage Ditch on the north. See the Land Use Map.

**Applicable Zoning Regulations**

The subject property is zoned CR Conservation Recreation. See the attached Zoning Map. Proposed lots 21 and 22 meet all *Zoning Ordinance* requirements. The *Zoning Ordinance* exempts outlots from all zoning requirements but also prohibits construction or use requiring a Zoning Use Permit. See Table 1 for a summary.

**Table 1. Review Of Minimum Lot Requirements**

Lot Characteristic	Requirement (or Limit)	Proposed Lots <sup>1</sup>		Notes
		Proposed Lot 21	Proposed Lot 22 (existing dwelling)	
Lot Area (acres)	Minimum: 1.00 acre	1.41 acres	1.00 acre	MEETS OR EXCEEDS MINIMUM REQUIREMENT
	Maximum <sup>2</sup> : 3.00 acres			
Lot Frontage (feet)	20.00 (minimum)	230.00 feet (minimum)	240.77 feet	EXCEEDS MINIMUM REQUIREMENT
Lot Depth (feet)	80.00 (minimum)	305 feet (approximate)	189 feet	EXCEEDS MINIMUM REQUIREMENT
Average Lot Width (feet)	200.00 (minimum)	201 feet	230 feet	EXCEEDS MINIMUM REQUIREMENT
Lot Depth to Width	3.00 : 1.00 (maximum)	1.52 : 1.00	.82 : 1.00	LESS THAN MAXIMUM ALLOWED
DOES NOT MEET REQUIREMENT ZONING VARIANCE REQUIRED ALL LOTS MEET ALL REQUIREMENTS				
NOTES NR= No Requirement (or limit)				
1. Each lot has an associated outlot area that is not included in these dimensions. No Zoning Use Permits may be issued on outlots.				
2. NOT APPLICABLE. The maximum lot size only applies when Best Prime Farmland is involved and when the tract to be divided is larger than 12 acres.				

**Minimum Subdivision Standards**

Minimum subdivision standards were added to the *Subdivision Regulations* on July 8, 2004. Attachment F reviews the conformance of the proposed subdivision with those standards and required waivers are discussed below.

**Soil Conditions / Natural Resource Report**

A Section 22 Natural Resource Report (see attached) prepared for the previous subdivision on this site by the Champaign County Soil and Water Conservation District indicates the following:

1. **This tract is not Best Prime Farmland for Champaign County.**
2. **The area that is to be developed has 1 soil type that has severe wetness and 2 soil types that have severe ponding characteristics. This will be especially important for the septic systems that are planned.**

3. **The tracts are adjacent to the 100-year floodplain which may make them subject to flooding in the future. The elevations are only 1-2 feet above the floodplain.** (Note: Most of proposed Lot 21 is more than one foot below the Base Flood Elevation and fill is proposed to elevate the lot.)

### **Drainage, Stormwater Management Policy, and Flood Hazard Status**

The subject property is located in the Saline Branch Drainage District. The drainage district was notified of the proposed subdivision. No part of the proposed lots contain any portion of the right of way of the Saline Branch Drainage Ditch. The right of way of the Drainage Ditch is contained entirely within the proposed outlots on which no construction may occur.

The Subsidiary Drainage Plat for the Pusey First Subdivision indicates spot elevations in selected locations. There appears to be little or no tributary area under different ownership that drains through the proposed subdivision and no areas of stormwater ponding on the proposed lots.

A large portion of the existing property is in Zone A (the 100-year floodplain and Special Flood Hazard Area, or SFHA) on the Flood Insurance Rate Map (FIRM) Panel No. 170894 0185 B dated March 1, 1984, but the Subsidiary Drainage Plat indicates a much smaller portion of the property in the actual 100-year floodplain. The Subsidiary Drainage Plat illustrates a floodplain based on a Base Flood Elevation (BFE, the elevation of the 100-year flood) of 677.9 feet and indicates the outline of the area below that elevation.

The BFE comes from the *Salt Fork of the Vermilion River Hydraulic Model* that was prepared for the Champaign County Soil and Water Conservation District's Salt Fork Watershed Steering Committee on October 3, 2002, by the Natural Resources Conservation Service. The County's consulting engineer reviewed the BFE in the Pusey First Subdivision and recommended the BFE as the best available information at this location.

The proposed BFE is about one-and-one-half feet lower than the 100-year flood elevation used in the design of the bridge over the Saline Branch at the northeast corner of the property and is about four feet lower than the BFE that was estimated for this property in 1996 and that was used in Special Flood Hazard Area variance Case 10-FV-94 about one-quarter mile upstream.

In regards to the BFE, the proposed subdivision can be summarized as follows:

1. Proposed Lot 22 (with the existing dwelling) conforms to the Minimum Subdivision Standards. The proposed subdivision has little effect on the amount of buildable area above the BFE for the lot with the existing dwelling.
2. Proposed Lot 21 does not conform to the Minimum Subdivision Standards and requires a waiver. More than half of proposed Lot 21 is more than one foot below the BFE. Any home constructed on Lot 21 would either require fill to elevate the ground level above the BFE (as proposed by the subdivider) or special floodproofing in the crawl space.

The Subsidiary Drainage Plat indicates the subdivider proposes to place earth fill on Lot 21 to an elevation of 678 and the engineer's letter states that a Letter of Map Revision based on Fill will be applied for. The proposed fill is apparently intended to come from a proposed "fish pond" on Outlot 21A and if the pond is constructed there should be some "compensatory storage" created depending

upon the normal pond pool elevation and so the fill on Lot 21 should have no significant effect on the Base Flood Elevation.

No Stormwater Drainage Plan is required for the subdivision due to the low development density (impervious area less than 16%).

#### **Public Improvements**

No public improvements are indicated or required in this subdivision.

#### **Water Wells and Soil Suitability For Septic Systems**

The subject property does not have access to either a public water supply or a public sanitary sewer system. The existing dwelling on proposed Lot 22 already has a private water well and a working wastewater system. The County Health Department has yet approved this subdivision.

#### **NECESSARY WAIVERS AND REQUIRED FINDINGS**

Article 18 of the Champaign County Subdivision Regulations requires four specific findings for any waiver of the Subdivision Regulations. The Required Findings are generally as follows:

- **Required Finding 1. Does the waiver appear to be detrimental or injurious to the public safety?**
- **Required Finding 2. Are there special circumstances unique to the property that are not generally applicable to other property and will granting the waiver provide any special privilege to the subdivider?**
- **Required Finding 3. Do particular hardships result to the subdivider by carrying out the strict letter of the regulations?**
- **Required Finding 4. Do the special conditions or practical difficulties result from actions of the subdivider?**

#### **Area General Plan Approval And Required Waivers Of Minimum Subdivision Standards**

The Minimum Subdivision Standards were added to the Area General Plan section of the *Subdivision Regulations* in Subdivision Case 175-04, Part B, which also added the requirement that any subdivision needed Area General Plan approval except for those subdivision pursuant to a Rural Residential Overlay (RRO) map amendment. The subject subdivision is not pursuant to an RRO amendment and so requires Area General Plan approval. Only ELUC approves the Area General Plan and Area General Plan approval is required in order for the full Board to consider Final Plat approval.

It is not feasible to divide this property and have all lots meet the Minimum Subdivision Standards. Area General Plan approval requires the following waivers from the Minimum Subdivision Standards:

1. **Proposed Lots 21 and 22 do not meet the requirement of paragraph 6.1.5. a. (1) that no part of a minimum required lot area shall be located on Colo silty clay loam soil (3107A).**

On this property Colo silty clay loam (renamed to Sawmill silty clay loam, map unit 3107A in the Soil Survey) is the bottomland soil in the Saline Branch Drainage Ditch. Colo silty clay loam soil often floods and is wet and also has the lowest rating for septic tank leach fields of any soil type in Champaign County. Note the following:

- A. It does not appear possible to divide this property and comply with this minimum subdivision standard because the property is bordered by the Saline Branch Drainage Ditch and bottomland soil occurs in locations like this. The purpose of this standard is to prevent lots from being located on soils that are unsuitable for septic systems and that are wet and that also are subject to flooding
- B. Ground elevations indicate that all of proposed Lot 22 is above the BFE.
- C. There is already a wastewater disposal system on Lot 22.
- D. Percolation test data is included and the engineer has certified that the soil types and lot sizes are suitable for private septic disposal systems. No comments have yet been received from the County Health Department.
- E. Any home constructed on Lot 21 will either require fill to elevate the ground level above the BFE (as proposed by the subdivider) or special floodproofing in the crawl space.
- F. Allowing a new house to be built at this attractive location may prevent a home from being built at another location that is likely to either be on prime farmland or in an existing wooded area that would need to be cleared.
- G. This waiver is not prohibited by the Subdivision Regulations and could be requested for any subdivision with similar special conditions.
- H. The property is too small to farm economically and has not been farmed for years.
- I. The subdivider has lived on the property for many years.

2. **Proposed Lot 21 does not meet the requirement of paragraph 6.1.5. a. (4) that requires that prior to the commencement of any change in elevation of the land, no part of a minimum required lot area shall be located more than one foot below the Base Flood Elevation (BFE).** At its deepest the fill will be about three and a half feet deep. Note the following:

- A. Proposed Lot 21 has about two-thirds of an acre that does comply with this Minimum Subdivision Standard. Approximately one-third of an acre of proposed Lot 21 is above the BFE and about another one-third acre is no more than one foot below the BFE. Only about a third of the required one acre minimum lot area of proposed Lot 21 does not comply with this standard. A little more than half of the entire 1.41 acre lot does not comply with this standard.

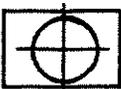
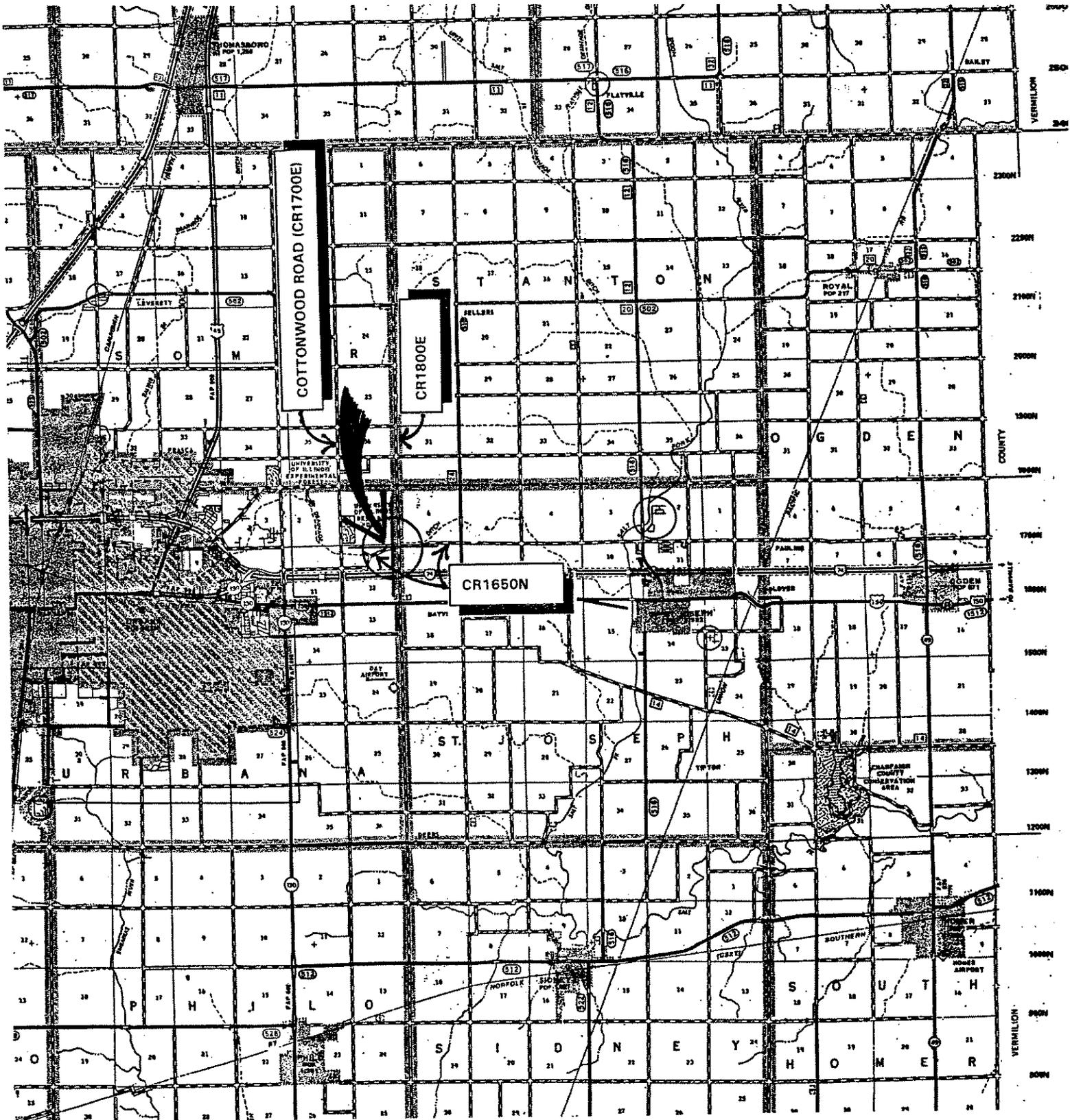
- B. The average depth of fill required for the proposed subdivision appears to be about 1.60 feet which is less than one foot more than the Minimum Subdivision Standard would allow. This is a small portion of the floodplain at this location and is well within the allowable limits for fill in the floodplain.
- C. The existing property is a large lot located at an attractive location that only has value for residential purposes. The property is bordered by public streets on two sides and the Saline Branch Drainage Ditch on another side and other residential development on the fourth side.
- D. Allowing a new house to be built at this attractive location may prevent a home from being built at another location that is likely to either be on prime farmland or in an existing wooded area that would need to be cleared.
- E. This waiver is not prohibited by the Subdivision Regulations and could be requested for any subdivision with similar special conditions.
- F. The property is too small to farm economically and has not been farmed for years.
- G. The subdivider has lived on the property for many years.

Comprehensive Draft Findings are attached that address both required waivers.

**ATTACHMENTS**

- A Subdivision Case Maps (Location, Land Use, Zoning)**
- B Area General Plan, Preliminary Plat, and Subsidiary Drainage Plat of Pusey Second Subdivision received July 13, 2006 (sheets 1,2, and 3)**
- C Final Plat of Pusey Second Subdivision received July 13, 2006 (sheets 1 and 2)**
- D Area General Plan, Preliminary Plat, and Subsidiary Drainage Plat of Pusey First Subdivision received June 3, 2005 (sheet 1)**
- E Section 22 Natural Resource Report By The Champaign County Soil and Water Conservation District received on June 2, 2005**
- F Preliminary Assessment Of Compliance With Minimum Subdivision Standards**
- G Draft Findings for Waivers of Minimum Subdivision Standards**

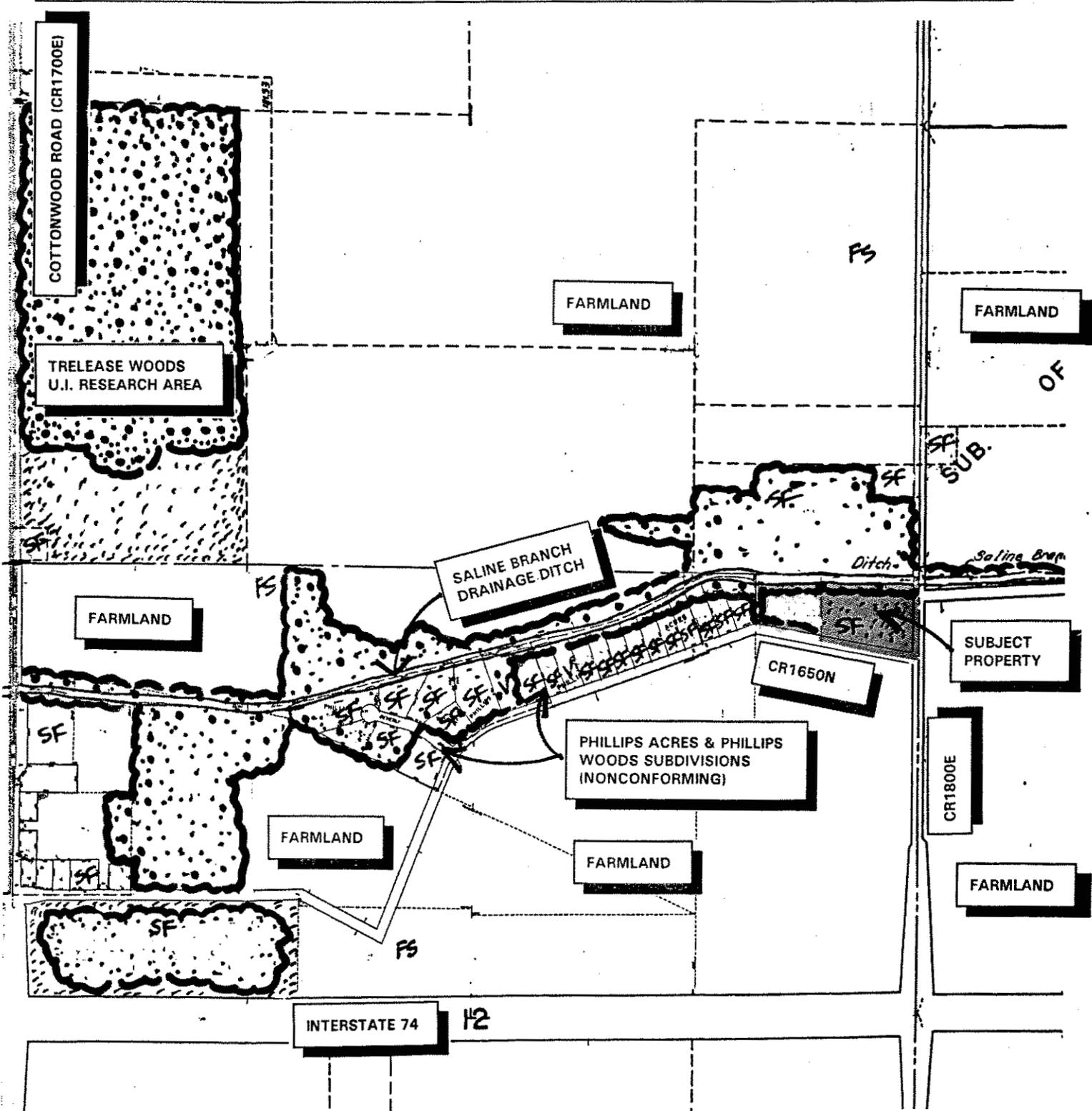
**ATTACHMENT A. LOCATION MAP**  
*Case 190-06 Pusey Second Subdivision*  
 AUGUST 9, 2006

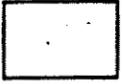
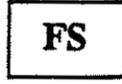


**Area of Concern**



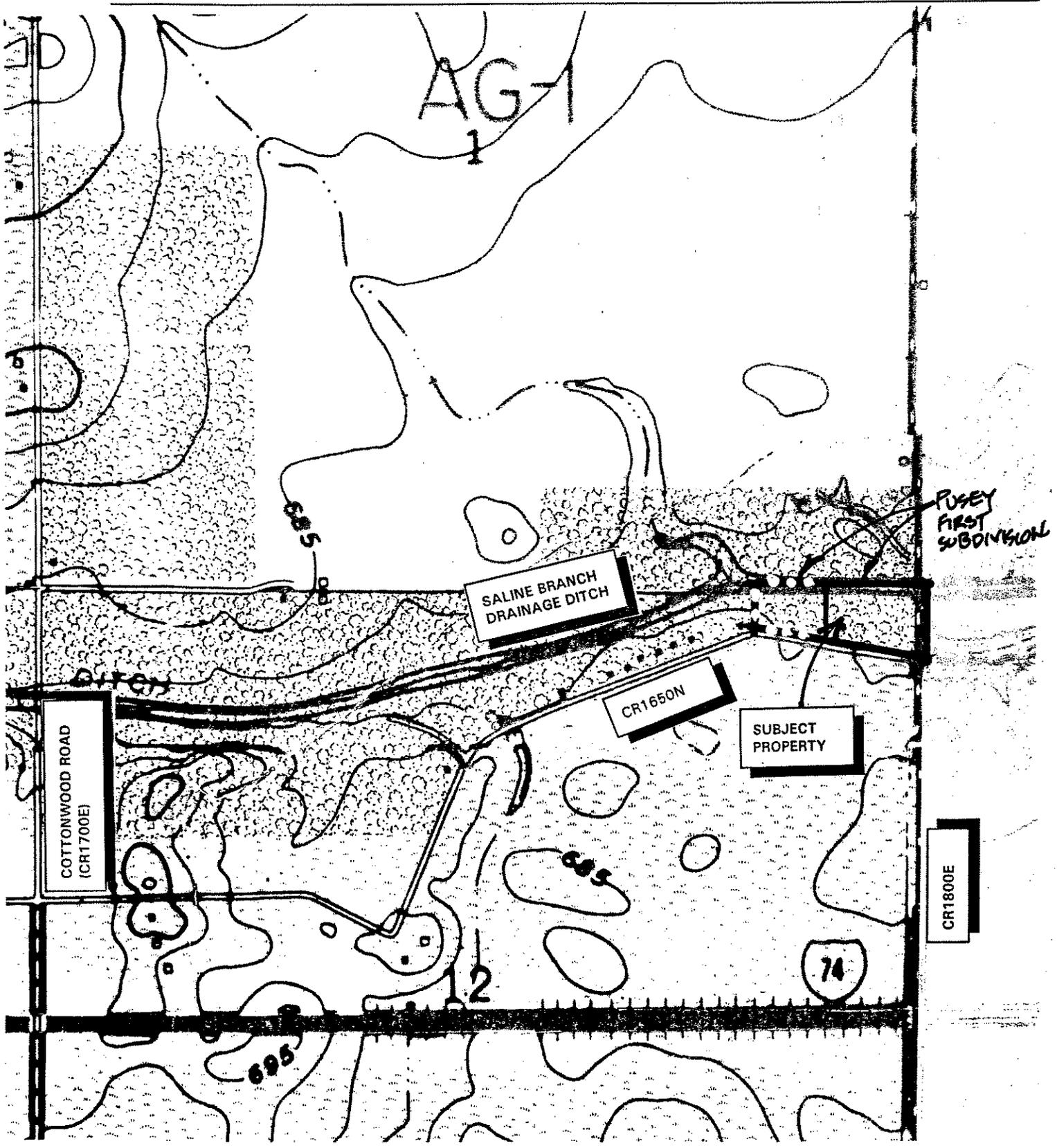
**ATTACHMENT A. LAND USE MAP**  
 Case 190-06 Pusey Second Subdivision  
 AUGUST 9, 2006



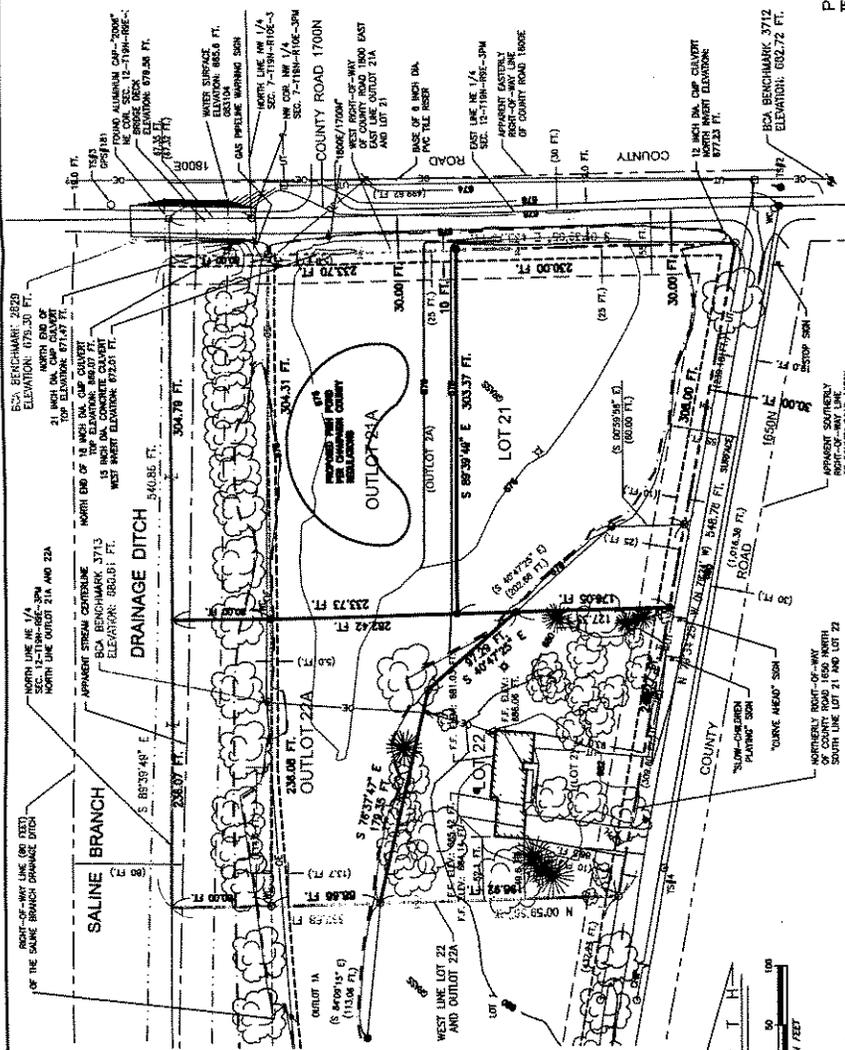
	Area of Concern		Wooded Area	Champaign County Department of <b>PLANNING &amp; ZONING</b>
	Single Family			
	Farmstead			

 NORTH  
47

**ATTACHMENT A. ZONING MAP**  
 Case 190-06 Pusey Second Subdivision  
 AUGUST 9, 2006



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	 NORTH Champaign County Department of <b>PLANNING &amp; ZONING</b>
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation-Recreation	R-3 Two-family Residence	B-1 Rural Center	B-4 General Business	I-2 Heavy Industry	



PERCOLATION TEST RESULTS  
 ESTS CONDUCTED ON APRIL 11, 2006 FOR LOT 21 PER  
 ILLINOIS ADMINISTRATIVE CODE SECTION 603  
 APPENDIX A, ILLUSTRATION G

LOT 21 45 MINUTES  
 LOT 22 40 MINUTES

THE PROPOSED LAND USE, LOTS AND KNOWN SOIL  
 CHARACTERISTICS ARE ADEQUATE FOR PRIVATE SEPTIC  
 DISPOSAL SYSTEMS.

*Thomas Berns*  
 THOMAS B. BERNS, P.E., U.S. PRESIDENT  
 BERNIS, CLANCY AND ASSOCIATES, P.C.  
 ILLINOIS PROFESSIONAL ENGINEER 30889  
 URBANA, CHAMPAIGN COUNTY, ILLINOIS  
 DATE OF LICENSE EXPIRES: NOVEMBER 30, 2007

SIGNED AND SEALED JULY 12, 2006

*Thomas Berns*  
 THOMAS B. BERNS, P.E., U.S. PRESIDENT  
 BERNIS, CLANCY AND ASSOCIATES, P.C.  
 ILLINOIS PROFESSIONAL ENGINEER 30889  
 URBANA, CHAMPAIGN COUNTY, ILLINOIS  
 DATE OF LICENSE EXPIRES: NOVEMBER 30, 2006



- EXISTING SIGN
- EXISTING STREET SIGN
- EXISTING POLE/POST
- EXISTING IRON PIPE/PIN SURVEY MONUMENT FOUND
- "HAC" NAIL SURVEY MONUMENT SET
- EXISTING RIGHT-OF-WAY LINE
- EXISTING UTILITY EASEMENT LINE
- TITLE LINE
- RECORD MEASUREMENT AND/OR DATA
- WC WITNESS CORNER
- EXISTING CENTERLINE
- EXISTING BUILDING SETBACK LINE
- EXISTING BUILDING LINE
- EXISTING DECIDUOUS TREE/SIZE
- EXISTING EVERGREEN TREE/SIZE
- EXISTING PRIVATE MAILBOX
- EXISTING "SOFT" SPOT ELEVATION
- EXISTING "HARD" SPOT ELEVATION
- EXISTING INDEX CONTOUR LINE
- EXISTING INTERMEDIATE CONTOUR LINE
- TRaverse STATION/DESIGNATION
- EXISTING TELEPHONE PEDESTAL
- EXISTING UTILITY POLE/GUY WIRE/TRANSFORMER
- EXISTING CULVERT
- EXISTING UNDERGROUND TELEPHONE LINE (APPROXIMATE LOCATION)
- EXISTING OVERHEAD ELECTRIC LINE
- EXISTING ELECTRIC METER
- EXISTING UTILITY EASEMENT LINE
- 100-YEAR N.R.A.S. BASE FLOOD ELEVATION: 677.9 FT.
- PERCOLATION TEST HOLE
- EXISTING WATER WELL
- PROPOSED CONTOUR LINE

LEGEND

- 30 INCH LONG, 1/2 INCH DIAMETER IRON PIPE SURVEY MONUMENT SET WITH ALUMINUM CAP STAMPED JULY 2006 2207
- "HAC" NAIL SURVEY MONUMENT SET
- EXISTING RIGHT-OF-WAY LINE
- EXISTING UTILITY EASEMENT LINE
- TITLE LINE
- RECORD MEASUREMENT AND/OR DATA
- WC WITNESS CORNER
- EXISTING CENTERLINE
- EXISTING BUILDING SETBACK LINE
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- EXISTING UTILITY EASEMENT LINE
- 100-YEAR N.R.A.S. BASE FLOOD ELEVATION: 677.9 FT.
- PERCOLATION TEST HOLE
- EXISTING WATER WELL
- PROPOSED CONTOUR LINE

J. U. L. I. E.  
 SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO  
 CONSTRUCTION ACTIVITIES FOR UTILITY LOCATIONS  
 DATE: 07/12/06 1:00 PM '06

SCALE IN FEET  
 0 25 50 100

N O R T H

AREA GENERAL PLAN,  
 PRELIMINARY PLAT AND  
 SUBSIDIARY DRAINAGE PLAT  
 PUSEY SECOND SUBDIVISION  
 URBANA TOWNSHIP,  
 CHAMPAIGN COUNTY, ILLINOIS

BERNS, CLANCY AND ASSOCIATES  
 ENGINEERS • SURVEYORS • PLANNERS  
 409 EAST MAIN STREET - POST OFFICE BOX 735  
 URBANA, ILLINOIS 61903-0735  
 PHONE: (217) 364-1144 • FAX: (217) 364-3885

DATE: 07/26/06 SHEET 1 OF 3

**PRELIMINARY PLAT CERTIFICATE**

THE PRELIMINARY PLAT OF SUBDIVISION AS SHOWN HEREIN IS APPROVED AND THE COUNTY ENVIRONMENT AND LAND USE COMMITTEE HAS REVIEWED THE PLAT AND THE SUBDIVISION FOR CONSERVATION. THIS IS NOT A GUARANTEE OF THE ACCURACY OF THE PLAT. THE APPROVAL OF THE PLAT IS SUBJECT TO THE APPROVAL OF THE FINAL PLAT. FINAL ACCEPTANCE OF THE STREETS AND OTHER PUBLIC WORKS FOR DEDICATION IS NOT GUARANTEED BY THIS APPROVAL. THIS APPROVAL SHALL EXPIRE WITHIN 12 MONTHS OF THE DATE BELOW.

DATE: \_\_\_\_\_ 20\_\_\_\_

CHAMPAIGN COUNTY ENVIRONMENT AND LAND USE COMMITTEE

BY: \_\_\_\_\_ CHAIRMAN

\_\_\_\_\_ SECRETARY

**BENCHMARKS (N. A. V. D. 1988)**

- B24 BENCHMARK: 2026  
ELEVATION: 175.30 FT.  
CHISELED SQUARE FOUND ON TOP OF THE SOUTHWESTERN CORNER OF THE NORTHWESTERN CONCRETE BRIDGE ABUTMENT OF COUNTY ROAD 1800E BRIDGE OVER THE SALINE BRANCH OF COUNTY ROAD 1800E. ROAD 1800E IS 153 FEET NORTH OF THE CENTERLINE OF COUNTY ROAD 1700N, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS.
- B25 BENCHMARK: 1742  
ELEVATION: 162.72 FT.  
P.K. NAIL SET 1 FOOT ABOVE GROUND IN THE WESTERN FACE OF A UTILITY POLE 43 FEET SOUTH OF THE CENTERLINE OF COUNTY ROAD 1800E AND 21 FEET EAST OF THE CENTERLINE OF COUNTY ROAD 1800E, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS.
- B26 BENCHMARK: 3713  
ELEVATION: 184.61 FT.  
P.K. NAIL SET 1 FOOT ABOVE GROUND IN THE SOUTHERN FACE OF A UTILITY POLE 340 FEET NORTH OF THE CENTERLINE OF COUNTY ROAD 1800E AND 180 FEET WEST OF THE CENTERLINE OF COUNTY ROAD 1800E, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS.
- B27 BENCHMARK: 3111  
ELEVATION: 186.02 FT.  
P.K. NAIL SET 1 FOOT ABOVE GROUND IN THE SOUTHERN FACE OF A UTILITY POLE 340 FEET NORTH OF THE CENTERLINE OF COUNTY ROAD 1800E AND 820 FEET WEST OF THE CENTERLINE OF COUNTY ROAD 1800E, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS.

**LEGAL DESCRIPTION**

**LOT 2 AND OUTLOT 2 OF PUSEY FIRST SUBDIVISION, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS AS FILED FOR RECORD AS DOCUMENT 2005431303 IN THE OFFICE OF THE RECORDER OF CHAMPAIGN COUNTY, ILLINOIS.**

**GENERAL NOTES**

- ALL MEASUREMENTS ARE IN FEET AND DECIMAL PARTS THEREOF, UNLESS NOTED OTHERWISE.
- SEE CHAMPAIGN COUNTY ORDINANCES AND REGULATIONS FOR ZONING, SETBACK AND BUILDING STANDARD REQUIREMENTS.
- ALL SURFACE, SUBSURFACE, BUILDING IMPROVEMENTS AND UTILITY SERVICE LINES ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN.
- ALL ELEVATIONS SHOWN ARE BASED UPON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAPM SEA LEVEL DATUM) AS ESTABLISHED AND PUBLISHED BY THE UNITED STATES NATIONAL GEODETIC SURVEY.
- NO INVESTIGATION CONCERNING ENVIRONMENTAL AND SUBSURFACE CONDITIONS, OR TO DETERMINE THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDUITS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
- PER THE CHAMPAIGN COUNTY DEPARTMENT OF PLANNING AND ZONING, SUBJECT SITE IS APPARENTLY ZONED "CR" (CONSERVATION RECREATION ZONING DISTRICT) BY CHAMPAIGN COUNTY.
- SETBACKS: FRONT YARD FROM STREET CENTERLINE: 65 FEET;  
FRONT YARD FROM FRONT LOT LINE: 25 FEET;  
SIDE YARD: 15 FEET;  
REAR YARD: 25 FEET.
- MAXIMUM BUILDING HEIGHT: 35 FEET
- 100-YEAR BASE FLOOD ELEVATION WAS PROVIDED BY NATURAL RESOURCES CONSERVATION SERVICE PER "SALT FORK OF THE VERMILION RIVER HYDRAULIC MODEL" FOR CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT AND SALT FORK WATERSHED PLANNING COMMITTEE DATED OCTOBER 3, 2002.

**OWNERS AND ENGINEERS STATEMENT**

TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE DEVELOPMENT OF "PUSEY SECOND SUBDIVISION, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS" OR ANY PART THEREOF, OR IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED THAT REASONABLE PROVISION HAS BEEN MADE FOR THE COLLECTION AND DIVERSION OF SURFACE WATERS INTO EXISTING DRAINAGE SYSTEMS. WE BELIEVE THAT SUCH SURFACE WATERS WILL BE DRAINAGE FROM AN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF CONSTRUCTION OF "PUSEY SECOND SUBDIVISION, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS"

*Thomas B. Berns*

THOMAS B. BERNS, P.E., L.S., PRESIDENT  
BERNS, CLANCY AND ASSOCIATES, P.C.  
ILLINOIS PROFESSIONAL ENGINEER, 30889  
URBANA, CHAMPAIGN COUNTY, ILLINOIS  
DATE OF LICENSE EXPIRES: MARCH 30, 2017



WILLIAM S. PUSEY

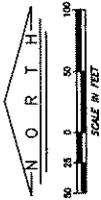
AREA GENERAL PLAN,  
PRELIMINARY PLAT AND  
SUBSIDIARY DRAINAGE PLAT  
PUSEY SECOND SUBDIVISION,  
URBANA TOWNSHIP,  
CHAMPAIGN COUNTY, ILLINOIS

**BERNS, CLANCY AND ASSOCIATES**  
ENGINEERS • SURVEYORS • PLANNERS  
405 EAST MAIN STREET • POST OFFICE BOX 795  
URBANA, ILLINOIS 61803-0795  
PHONE: (317) 384-1148 • FAX: (317) 384-3355



JOB: 5387-2 DATE: 07/19/08  
FILE: 5387-2PP3 SHEET: 2 OF 3

**JULIE**  
NOTE: THE LOCATION OF ALL UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION ACTIVITIES. FOR UTILITY LOCATIONS CALL 811 OR VISIT WWW.811.IL.GOV



AERIAL PHOTOGRAPHY TAKEN FROM CHAMPAIGN COUNTY DIGITAL ORTHOPHOTOGRAPHY DATED MARCH 28, 2005, AND APRIL 6, 2005.

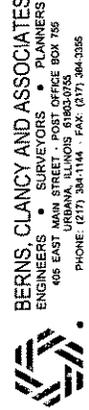


51

PERCOLATION TEST RESULTS  
TESTS CONDUCTED ON 07/12/2006 FOR LOT 21 AND LOT 22 PER ILLINOIS ADMINISTRATIVE CODE SECTION 905 APPENDIX A, ILLUSTRATION C

LOT 21 45 MINUTES  
LOT 22 40 MINUTES

AREA GENERAL PLAN,  
PRELIMINARY PLAT AND  
SUBSIDIARY DRAINAGE PLAT  
PUSEY SECOND SUBDIVISION,  
URBANA TOWNSHIP,  
CHAMPAIGN COUNTY, ILLINOIS



BERNS, CLANCY AND ASSOCIATES  
ENGINEERS SURVEYORS AND PLANNERS  
400 EAST MAIN STREET OFFICE BOX 705  
URBANA, ILLINOIS 61803-0755  
PHONE: (217) 334-1144 FAX: (217) 334-3355

DATE: 07/20/06  
SHEET 3 OF 3  
FILE: 5317-2pp2

THE PROPOSED LAND USE, LOTS, AND KNOWN SOIL CHARACTERISTICS ARE ADEQUATE FOR PRIVATE SEPTIC DISPOSAL SYSTEMS.

*Thomas B. Berns*  
THOMAS B. BERNS, P.E., L.S., PRESIDENT  
BERNS, CLANCY AND ASSOCIATES, P.C.  
ILLINOIS PROFESSIONAL ENGINEER 30089  
URBANA, CHAMPAIGN COUNTY, ILLINOIS  
DATE OF LICENSE EXPIRES: NOVEMBER 30, 2007

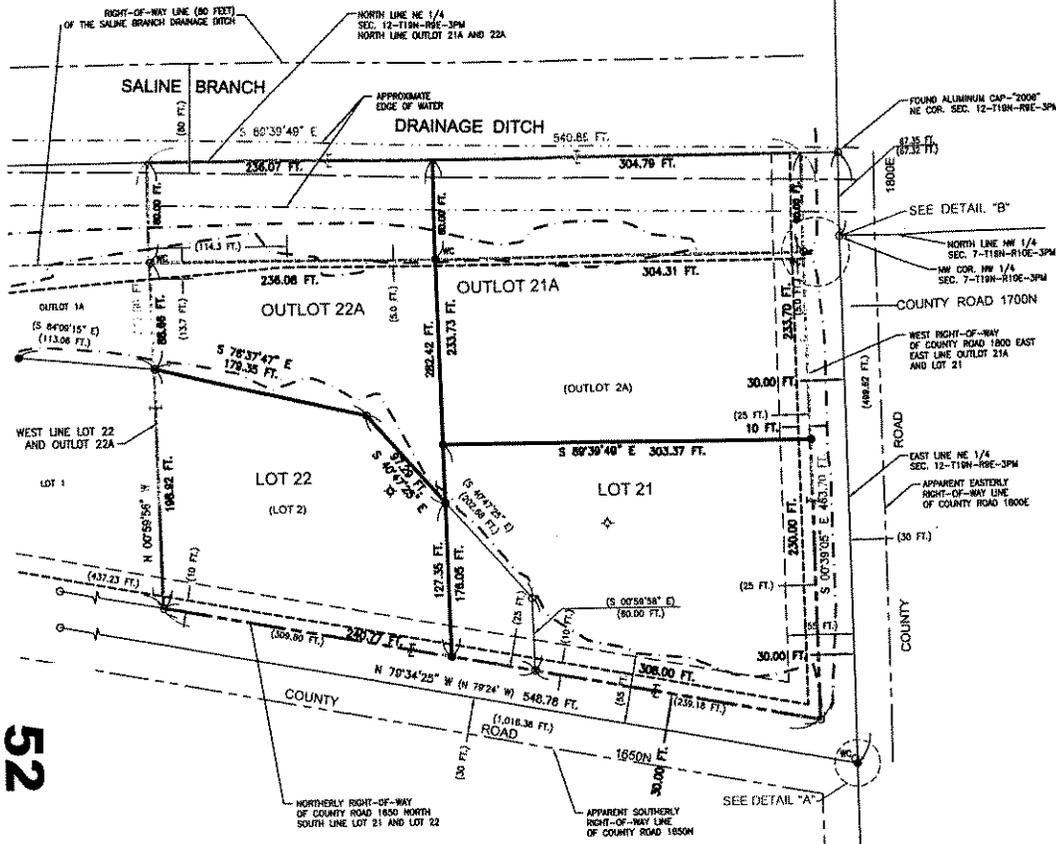
SIGNED AND SEALED JULY 12, 2006

*Thomas B. Berns*  
THOMAS B. BERNS, P.E., L.S., PRESIDENT  
BERNS, CLANCY AND ASSOCIATES, P.C.  
ILLINOIS PROFESSIONAL ENGINEER 30089  
URBANA, CHAMPAIGN COUNTY, ILLINOIS  
DATE OF LICENSE EXPIRES: NOVEMBER 30, 2006



- LEGEND**
- 30 INCH LONG, 1/2 INCH DIAMETER IRON PIPE SURVEY MONUMENT SET WITH ALUMINUM CAP STAMPED TILS 2306 2207
  - EXISTING IRON PIPE/PIN SURVEY MONUMENT FOUND
  - ⊙ "JAG" NAIL SURVEY MONUMENT SET
  - EXISTING RIGHT-OF-WAY LINE
  - - - EXISTING UTILITY EASEMENT LINE
  - EXISTING UTILITY EASEMENT LINE
  - EXISTING UTILITY EASEMENT LINE
  - ( ) RECORD MEASUREMENT AND/OR DATA
  - WC WITNESS CORNER
  - EXISTING CENTERLINE
  - EXISTING BUILDING SETBACK LINE
  - ////// EXISTING BUILDING LINE
  - JULIE
  - MADE THE REPRODUCTION OF ALL UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION ACTIVITIES FOR EXACT LOCATIONS
  - 15#2 TRVERSE STATION/DESIGNATION
  - ~748~ EXISTING INTERMEDIATE CONTOUR LINE
  - ~748~ EXISTING INDEX CONTOUR LINE
  - AT BUILDING FIRST FLOOR
  - EXISTING "HARD" SPOT ELEVATION
  - EXISTING "SOFT" SPOT ELEVATION
  - EXISTING PRIVATE MAILBOX
  - EXISTING ELECTRIC METER
  - EXISTING UTILITY EASEMENT LINE
  - 100-YEAR M.S.C.S. BASE FLOOD ELEVATION: 877.9 FT.
  - PERCOLATION TEST HOLE
  - EXISTING WATER WELL
  - EXISTING UTILITY EASEMENT LINE
  - EXISTING OVERHEAD ELECTRIC LINE
  - EXISTING ELECTRIC METER
  - EXISTING UNDERGROUND TELEPHONE LINE (APPROXIMATE LOCATION)
  - EXISTING CULVERT
  - EXISTING UTILITY POLE/ GUY WIRE/TRANSFORMER
  - EXISTING TELEPHONE PEDISTAL
  - EXISTING STREET SIGN
  - EXISTING POLE/POST
  - BENCHMARK/DESIGNATION
  - EXISTING DECIDUOUS TREE/SIZE
  - EXISTING EVERGREEN TREE/SIZE
  - EXISTING RIGHT-OF-WAY LINE SOUTH LINE LOT 21 AND LOT 22
  - EXISTING TELEPHONE PEDISTAL
  - EXISTING UTILITY POLE/ GUY WIRE/TRANSFORMER
  - EXISTING CULVERT
  - EXISTING UNDERGROUND TELEPHONE LINE (APPROXIMATE LOCATION)
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  - EXISTING STREET SIGN
  - EXISTING POLE/POST
  - BENCHMARK/DESIGNATION
  - EXISTING DECIDUOUS TREE/SIZE
  - EXISTING EVERGREEN TREE/SIZE
  - EXISTING RIGHT-OF-WAY LINE SOUTH LINE LOT 21 AND LOT 22

MADE THE REPRODUCTION OF ALL UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION ACTIVITIES FOR EXACT LOCATIONS



- LEGEND**
- 30 INCH LONG, 1/2 INCH DIAMETER IRON PIPE SURVEY MONUMENT SET WITH ALUMINUM CAP STAMPED "1LS 2006 2207"
  - EXISTING IRON PIPE/PIN SURVEY MONUMENT FOUND
  - EXISTING RIGHT-OF-WAY LINE
  - EXISTING CENTERLINE
  - EXISTING UTILITY EASEMENT LINE
  - EXISTING BUILDING SETBACK LINE
  - EXISTING EASEMENT LINE
  - ( ) RECORD MEASUREMENT AND/OR DATA
  - CH CHAIN MEASUREMENT
  - WC WITNESS CORNER
  - EXISTING POLE/POST
  - EXISTING UTILITY EASEMENT LINE
  - 100-YEAR H.R.C.S. BASE FLOOD ELEVATION: 677.9 FT.
  - ◆ PERCOLATION TEST HOLE

**RECEIVED**

JUL 13 2006

CHAMPAIGN CO. P & Z DEPARTMENT

52

**PERCOLATION TEST RESULTS**  
 TESTS CONDUCTED PER ILLINOIS ADMINISTRATIVE CODE SECTION 905 APPENDIX A, ILLUSTRATION C

LOT 21 45 MINUTES ON MARCH 31, 2006  
 LOT 22 40 MINUTES ON APRIL 19, 2005

**AREA SUMMARY**

LOT 21	1.41 ACRES ±
OUTLOT 21A	1.63 ACRES ±
LOT 22	1.00 ACRES ±
OUTLOT 22A	1.11 ACRES ±
<b>TOTAL AREA:</b>	<b>5.15 ACRES ±</b>

I, THOMAS B. BERNS, ILLINOIS PROFESSIONAL LAND SURVEYOR 2006, IN ACCORDANCE WITH PAB7-0705 (THE PLAT ACT) DO HEREBY DESIGNATE JOHN HALL OF THE CHAMPAIGN COUNTY PLANNING AND ZONING DEPARTMENT AS THE AGENT WHO MAY RECORD "PUSEY SECOND SUBDIVISION, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS". A TRUE COPY OF WHICH HAS BEEN RETAINED BY ME TO ASSURE NO CHANGES HAVE BEEN MADE TO SAID PLAT.

RETURN TO: BERNS, CLANCY, AND ASSOCIATES, P.C.  
 405 EAST MAIN STREET  
 URBANA, ILLINOIS 61802

SIGNED AND SEALED JULY 12, 2006

*Thomas B. Berns*

THOMAS B. BERNS, P.E., L.S., PRESIDENT  
 BERNS, CLANCY AND ASSOCIATES, P.C.  
 ILLINOIS PROFESSIONAL LAND SURVEYOR 2006  
 URBANA, CHAMPAIGN COUNTY, ILLINOIS  
 DATE OF LICENSE EXPIRATION: NOVEMBER 30, 2006



FINAL PLAT

PUSEY SECOND SUBDIVISION  
 URBANA TOWNSHIP,  
 CHAMPAIGN COUNTY, ILLINOIS



**BERNS, CLANCY AND ASSOCIATES**  
 ENGINEERS • SURVEYORS • PLANNERS  
 405 EAST MAIN STREET - POST OFFICE BOX 755  
 URBANA, ILLINOIS 61803-0755  
 PHONE: (217) 384-1144 - FAX: (217) 384-3355

JOB: 5387-2	DATE: 071206	SHEET 1 OF 2
FILE: 5387-2FP1		

**J.U.L.I.E.**  
 NOTE: THE EXACT LOCATION OF ALL UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION ACTIVITIES. FOR UTILITY LOCATIONS CALL: 217.243.1111  
 1.800.892.0123

**GENERAL NOTES**

ALL MEASUREMENTS ARE IN FEET AND DECIMAL PARTS THEREOF, UNLESS NOTED OTHERWISE.

SEE CHAMPAIGN COUNTY ORDINANCES AND REGULATIONS FOR ZONING, SETBACK AND BUILDING STANDARD REQUIREMENTS.

ALL SURFACE, SUBSURFACE, BUILDING IMPROVEMENTS AND UTILITY SERVICE LINES ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN.

BEARINGS SHOWN ARE BASED UPON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 83 (1986).

DETAILS NOT DRAWN TO SCALE.

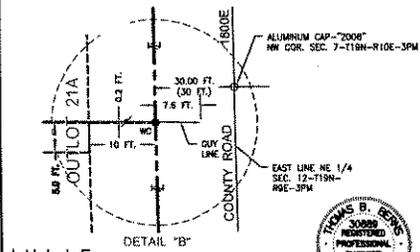
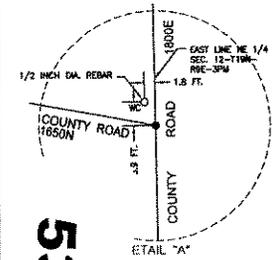
SEE MONUMENT RECORDS ON FILE WITH THE COUNTY RECORDER'S OFFICE FOR DETAILS OF SECTION CORNERS USED IN THIS SURVEY.

PER THE CHAMPAIGN COUNTY DEPARTMENT OF PLANNING AND ZONING, SUBJECT SITE IS APPARENTLY ZONED "CR" (CONSERVATION RECREATION ZONING DISTRICT) BY CHAMPAIGN COUNTY.

SETBACKS: FRONT YARD FROM STREET CENTERLINE, 55 FEET;  
FRONT YARD FROM FRONT LOT LINE, 25 FEET;  
SIDE YARD, 15 FEET;  
REAR YARD, 25 FEET.

MAXIMUM BUILDING HEIGHT, 35 FEET

100-YEAR BASE FLOOD ELEVATION WAS PROVIDED BY NATURAL RESOURCES CONSERVATION SERVICE PER "SALT FORK OF THE VERMILION RIVER HYDRAULIC MODEL" FOR CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT AND SALT FORK WATERSHED PLANNING COMMITTEE, DATED OCTOBER 3, 2002.



J. U. L. I. E.  
NOTE: THE EXACT LOCATION OF ALL UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION ACTIVITIES. FOR UTILITY LOCATIONS CALL J.U.L.I.E. (1800) 292-0122



**KNOWN PRIOR SURVEYS**

- AUGUST 5, 2005 PUSEY FIRST SUBDIVISION URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS BY THOMAS B. BERNIS ILLINOIS PROFESSIONAL LAND SURVEYOR 2006
- MAY 26, 1976 BOUNDARY SURVEY OF PART OF THE SOUTH HALF OF SECTION 8 AND PART OF THE NORTH HALF OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN BY EDWARD L. CLANCY, ILLINOIS PROFESSIONAL LAND SURVEYOR 2207.
- MAY 28, 1978 BOUNDARY SURVEY OF A PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN BY THOMAS B. BERNIS, ILLINOIS PROFESSIONAL LAND SURVEYOR 2006.
- OCTOBER 15, 1965 PHILLIPS WOODS, CHAMPAIGN COUNTY, ILLINOIS BY CHARLES S. DANNER, ILLINOIS PROFESSIONAL LAND SURVEYOR 1470.
- MAY 10, 1963 SURVEY OF A PART OF THE NORTH HALF OF SECTION 12, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS BY CHARLES S. DANNER, ILLINOIS PROFESSIONAL LAND SURVEYOR 1470.
- JANUARY 12, 1962 PHILLIPS ACRES, CHAMPAIGN COUNTY, ILLINOIS BY CHARLES S. DANNER, ILLINOIS PROFESSIONAL LAND SURVEYOR 1470.

**SURVEYOR'S REPORT**

I, THOMAS B. BERNIS, ILLINOIS PROFESSIONAL LAND SURVEYOR 2006 AND PRESIDENT OF BERNIS, CLANCY AND ASSOCIATES, P.C. DO HEREBY STATE THAT AT THE REQUEST OF AND FOR THE EXCLUSIVE BENEFIT OF MR. WILLIAM S. PUSEY I PREPARED A BOUNDARY SURVEY ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN CHAMPAIGN COUNTY, ILLINOIS OF A PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED IN THE DESCRIPTION PROVIDED TO ME AS FOLLOWS:

**LOT 2 AND OUTLOT 2 OF PUSEY FIRST SUBDIVISION, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS AS FILED FOR RECORD AS DOCUMENT 2006R31333 IN THE OFFICE OF THE RECORDER OF CHAMPAIGN COUNTY, ILLINOIS.**

I FURTHER STATE THAT BASED UPON MY REVIEW OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, PANEL 185 OF 300, COMMUNITY PANEL NUMBER 170894 01856 WITH AN EFFECTIVE DATE OF MARCH 1, 1984, THE PROPERTY SURVEYED IS REPORTEDLY PARTIALLY LOCATED WITHIN ZONE "A" (AREAS OF 100-YEAR FLOOD) AND PARTIALLY LOCATED WITHIN ZONE "C" (AREAS OF MINIMAL FLOODING).

I FURTHER STATE THAT THE OWNER DESIRES TO FACILITATE THE SALE OF SAID LAND BY CREATING LOTS FOR WHICH PURPOSE I PREPARED A PLAT TO WHICH THIS REPORT IS ATTACHED AND MADE A PART THEREOF, PARTICULARLY DESCRIBING AND SETTING FORTH THE LOTS INTO WHICH SAID LANDS HAVE BEEN SO PLATTED AND I NUMBERED THE LOTS, WHICH NUMBERS ARE SHOWN IN LARGE SIZE ON SAID PLAT AND HAVE STATED AND SHOWN THE PRECISE DIMENSIONS OF SAID LOTS.

I FURTHER STATE THAT REFERENCE HAS BEEN MADE UPON SAID PLAT TO KNOWN AND PERMANENT SURVEY MONUMENTS FROM WHICH FUTURE SURVEYS MAY BE MADE AND THAT I PLACED SURVEY MONUMENTS AT EACH LOT CORNER AS SHOWN ON THE ACCOMPANYING PLAT AND THAT ALL OF THE DIMENSIONS ARE SHOWN IN FEET AND HUNDREDTHS OF FEET AND THAT THE EASEMENT LOCATIONS AND WIDTHS ARE AS INDICATED ON SAID PLAT.

I FURTHER STATE THAT NO INVESTIGATION CONCERNING ENVIRONMENTAL AND SUBSURFACE CONDITIONS, OR TO DETERMINE THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.

I FURTHER STATE THAT AS A PART OF THIS BOUNDARY SURVEY, EXCEPT AS MAY BE SPECIFICALLY NOTED ON THIS PLAT, I MADE NO INVESTIGATION CONCERNING ZONING OR LAND USE, NOR HAVE I MADE AN INDEPENDENT SEARCH OF THE RECORDS FOR EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, OWNERSHIP, TITLE EVIDENCE OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE FOR SUBJECT PROPERTY OR FOR ADJOINING PARCELS AS I RELIED UPON THE MATERIALS AND REPRESENTATIONS SUPPLIED BY MR. WILLIAM S. PUSEY.

I FURTHER STATE THAT NO ATTEMPT HAS BEEN MADE AS A PART OF THIS BOUNDARY SURVEY TO OBTAIN DATA CONCERNING THE EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY MUNICIPAL OR PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES, PLEASE CONTACT THE APPROPRIATE AGENCIES.

I FURTHER STATE THAT THERE ARE NO APPARENT ABOVE GROUND ENCROACHMENTS EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT OF SURVEY.

I FURTHER STATE AT THE REQUEST OF THE OWNER, THIS SUBDIVISION IS TO BE KNOWN AS "PUSEY SECOND SUBDIVISION, URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS".

I FURTHER STATE THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

SIGNED AND SEALED JULY 12, 2006

*Thomas B. Berns*  
THOMAS B. BERNIS, P.E., L.S., PRESIDENT  
BERNIS, CLANCY AND ASSOCIATES, P.C.  
ILLINOIS PROFESSIONAL LAND SURVEYOR 2006  
URBANA, CHAMPAIGN COUNTY, ILLINOIS  
DATE OF LICENSE EXPIRATION: NOVEMBER 30, 2006



TOWNSHIP HIGHWAY COMMISSIONER

I, \_\_\_\_\_ HIGHWAY COMMISSIONER, OF URBANA TOWNSHIP DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN REVIEWED BY ME AND APPROVED WITH RESPECT TO ROADWAY ACCESS AND OTHER MATTERS UNDER MY JURISDICTION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_\_\_

\_\_\_\_\_  
TOWNSHIP HIGHWAY COMMISSIONER

COUNTY ENVIRONMENT AND LAND USE COMMITTEE

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SUBDIVISION OFFICER

CHAMPAIGN COUNTY BOARD

APPROVED THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_  
CHAMPAIGN COUNTY BOARD

\_\_\_\_\_  
CHAIR

THE PROPOSED LAND USE, LOTS, AND KNOWN SOIL CHARACTERISTICS ARE ADEQUATE FOR PRIVATE SEPTIC DISPOSAL SYSTEMS.

*Thomas B. Berns*

THOMAS B. BERNIS, P.E., L.S., PRESIDENT  
BERNIS, CLANCY AND ASSOCIATES, P.C.  
ILLINOIS PROFESSIONAL ENGINEER 30889  
URBANA, CHAMPAIGN COUNTY, ILLINOIS  
DATE OF LICENSE EXPIRATION: NOVEMBER 30, 2007



**FINAL PLAT**

PUSEY SECOND SUBDIVISION  
URBANA TOWNSHIP,  
CHAMPAIGN COUNTY, ILLINOIS



**BERNIS, CLANCY AND ASSOCIATES**  
ENGINEERS • SURVEYORS • PLANNERS  
405 EAST MAIN STREET - POST OFFICE BOX 755  
URBANA, ILLINOIS 61803-0755  
PHONE: (217) 384-1144 - FAX: (217) 384-3355

JOB: 5387-2 DATE: SHEET 2 OF 2  
FILE: 5387-2FP2 DATE: 07/12/06



## Champaign County Soil and Water Conservation District

2110 W. Park Court, Suite C  
Champaign, IL. 61821  
(217) 352-3536, Ext. 3

### NATURAL RESOURCE REPORT

**Development Name: Pusey First Subdivision**

**Date Reviewed: June 1, 2005**

**Requested By: Berns, Clancy and Associates**

**Address:** William Pusey  
1000 CR 1650 North  
Urbana, IL 61802

**Location of Property:** The Northeast quarter of the Northeast Quarter of Section 12, T19N, R9E, Urbana Township, Champaign County, IL. This is on the northwest corner of County Road 1650 East and County Road 1650 North.

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract May 25, 2005.

#### SITE SPECIFIC CONCERNS

1. The area that is to be developed is has 1 soil types that have severe wetness and 2 soil types that have severe ponding characteristics. This will be especially important for the septic systems that are planned.
2. The tracts are adjacent to the 100-year flood plain which may make them subject to flooding in the future. The elevations are only 1-2 ft. above the flood plain.

#### SOIL RESOURCE

##### a) Prime Farmland:

This tract is not considered best prime farmland for Champaign County.

This tract has an L.E. Factor of 82. See the attached worksheet for this calculation. The tract is not farmed now and the area with the highest LE score has trees on it which indicate it has not been in agricultural production for a significant number of years.

**b) Erosion:**

This area will be susceptible to erosion both during and after construction. Any areas left bare for more than 30 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area is covered with grass, trees and an existing home site, that will minimize any erosion until construction begins.

**c) Sedimentation:**

A complete erosion and sedimentation control plan should be developed and implemented on this site prior to and during major construction activity. All sediment-laden runoff should be routed through sediment basins before discharge. No straw bales or silt fences should be used in concentrated flow areas, with drainage areas exceeding 0.5 acres. A perimeter berm could be installed around the entire site to totally control all runoff from the site. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control. The tract has a direct inlet to the Saline Branch, so it will be important to control sedimentation after any soil disturbance takes place to minimize transport to the river.

**d) Soil Characteristics:**

There are three (3) soil types on this site, with Sawmill (3107A) and Flannigan (154A) being predominate. See the attached soil map. The soils present have moderate to severe limitations for development in their natural, unimproved state. The possible limitations include severe ponding and wetness that will adversely affect septic fields on the site.

A development plan will have to take these soil characteristics into consideration; specific problem areas are addressed below.

Map Symbol	Name	Slope	Shallow Excavations	Basements	Roads	Septic Fields
152A	Drummer Silty Clay Loam	0-2%	Severe: ponding	Severe: ponding	Severe: ponding	Severe: ponding
154A	Flannigan Silty Clay Loam	0-2%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness
3107A	Sawmill Silty Clay Loam	0-2%	Severe: ponding	Severe: ponding	Severe: ponding	Severe: flooding

**a) Surface Drainage:**

Most of the water drains off to the east and then north into the Saline Branch. Most of the runoff will flow through grass in the 100-year flood plain area before it enters the river. The roads on the south and east sides minimize any water flow off or on the property.

**b) Subsurface Drainage:**

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

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

**c) Water Quality:**

As long as adequate erosion and sedimentation control systems are installed as described above, the quality of water should not be significantly impacted. The property is adjacent to the Saline Branch, which makes it imperative water quality is maintained for any flow exiting the site.

**CULTURAL, PLANT, AND ANIMAL RESOURCE**

**a) Plant:**

For eventual landscaping of the site, the use of native species is recommended whenever possible. Some species include White Oak, Blue Spruce, Norway Spruce, Red Oak, and Red Twig Dogwood.

**b) Cultural:**

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

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

Signed by  Prepared by   
Steve Stierwalt  
Board Chairman  
Bruce Stickers  
Resource Conservationist

## LAND EVALUATION WORKSHEET

<u>Soil Type</u>	<u>Aq Group</u>	<u>Relative Value</u>	<u>Acres</u>	<u>L.E.</u>
152A	2	98	0.1	9.80
154A	1	100	3.8	380.00
3107A	6	70	5.5	385.00
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00

Total LE factor= 774.80

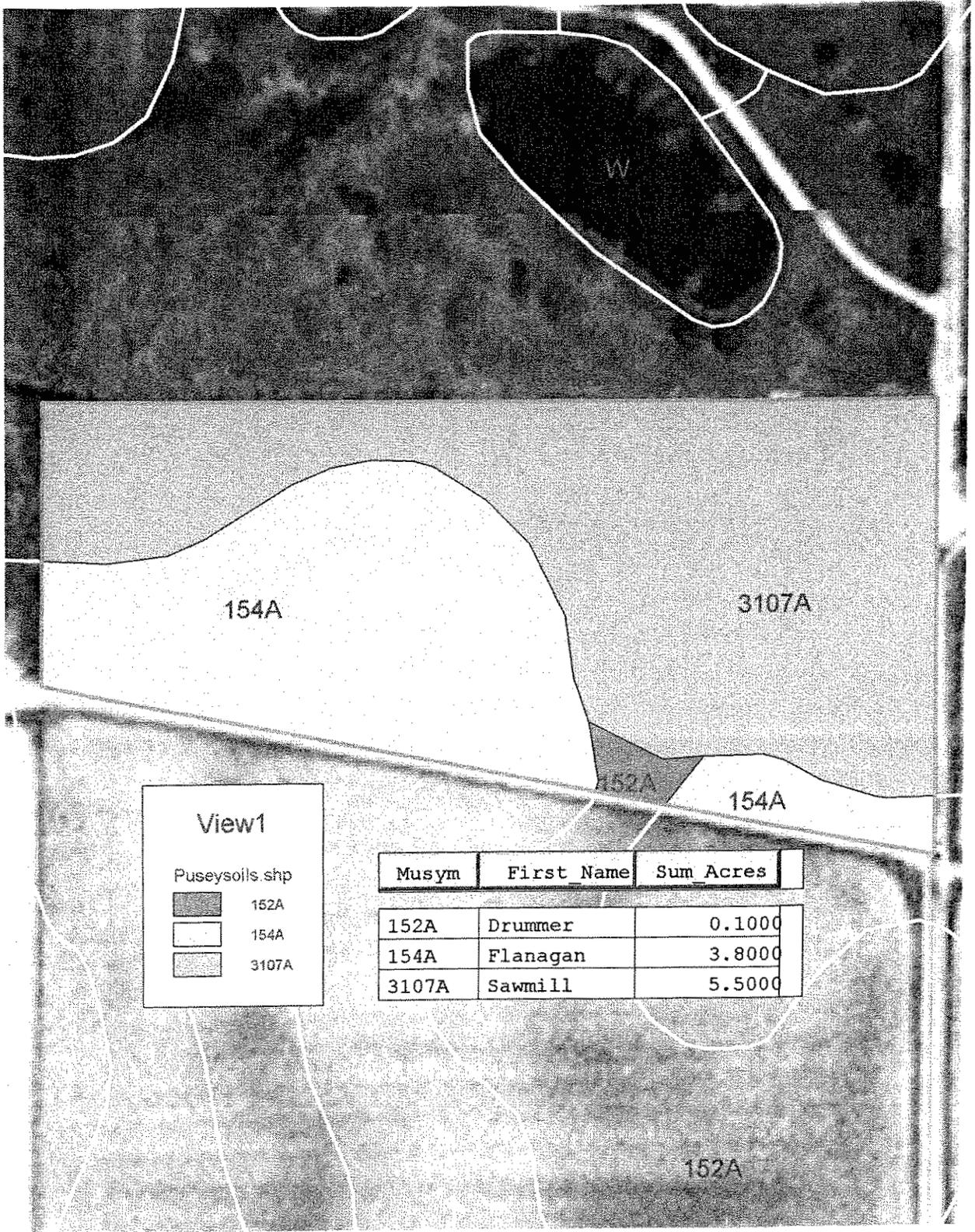
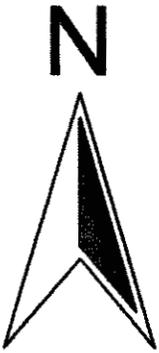
Acreage= 9.4

**Land Evaluation Factor for site = 82**

Note: The maps used for this calculation are not extremely accurate when use on small tracts such as this. A Soil Classifier could be hired for additional accuracy if necessary.

Data Source: Champaign County Digital Soil Survey  
Revised fall 2002

# Pusey Subdivision



## Soils

T19N  
R9E  
Sec 12

**View1**

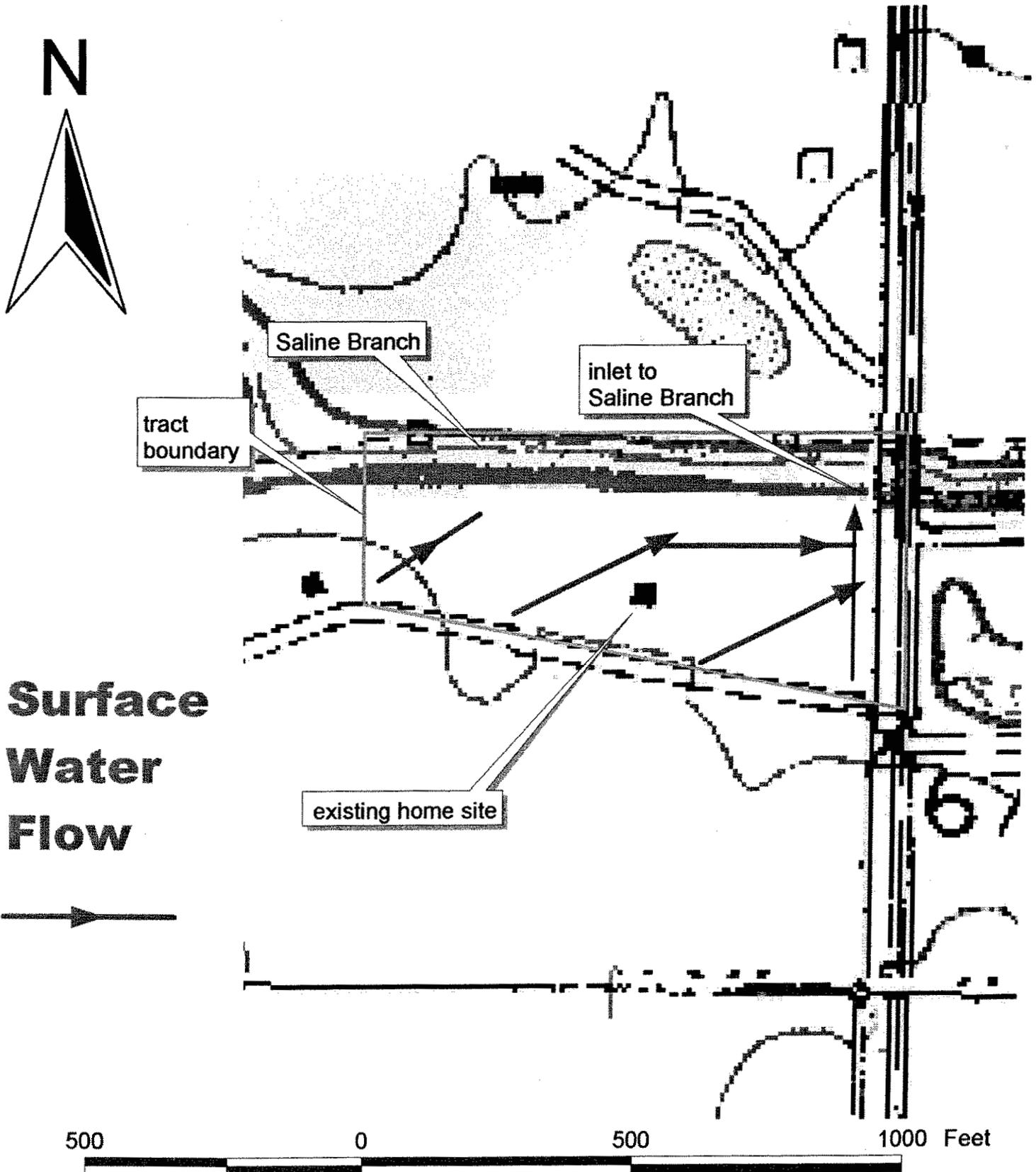
Puseysoils.shp

-  152A
-  154A
-  3107A

Musym	First Name	Sum Acres
152A	Drummer	0.1000
154A	Flanagan	3.8000
3107A	Sawmill	5.5000



# Pusey Subdivision



**ATTACHMENT F. PRELIMINARY ASSESSMENT OF COMPLIANCE WITH MINIMUM  
SUBDIVISION STANDARDS**

**Case 190-06 Pusey Second Subdivision**

AUGUST 9, 2006

Standard	Preliminary Assessment <sup>1</sup>
<b>SUITABILITY STANDARDS</b> (Section 6.1.5 a.)	
1) No part of a minimum required LOT AREA <sup>2</sup> shall be located on the following soils: Ross silt loam soil (No. 3473A), Ambraw silty clay loam soil (No. 3302A), Peotone silty clay loam soil (No. 330A), or Colo silty clay loam soil (3107A)	<b>LOTS 21 &amp; 22 DO NOT CONFORM- WAIVER REQUIRED.</b> The Natural Resource Report from the Pusey First Subdivision indicates that most of this property is Colo silty clay loam (renamed to Sawmill silty clay loam, map unit 3107A) which is the bottomland soil in the Saline Branch Drainage Ditch floodplain.  The concerns related to bottomland soils are flooding and poor suitability for septic tank leach fields. There is already a wastewater disposal system on Lot 22.
2) No part of a minimum required LOT AREA <sup>2</sup> shall contain an EASEMENT for an interstate pipeline	<b>APPEARS TO CONFORM.</b> A pipeline marker is located at the northeast corner of the property and indicates that a gas pipeline crosses the Saline Branch Drainage Ditch at that location. The pipeline likely comes no closer to the lots than the right of way of CR1800E.
3) No part of a minimum required LOT AREA <sup>2</sup> shall be within a runway primary surface or runway clear zone	<b>APPEARS TO CONFORM.</b> No runway is known to be in the vicinity of the subject property.
4) Prior to the commencement of any change in elevation of the land, no part of a minimum required LOT AREA <sup>2</sup> shall be located more than one foot below the BASE FLOOD ELEVATION (BFE).	<b>LOT 21 DOES NOT CONFORM- WAIVER REQUIRED.</b> The Subsidiary Drainage Plat indicates a proposed Base Flood Elevation (BFE) at this location of 677.9 feet above mean sea level. The County's consulting engineer reviewed the proposed BFE in the previous subdivision and recommended that the proposed BFE is the <u>best available information</u> at this location.  The proposed BFE is mapped on the Subsidiary Drainage Plat using actual ground elevations. Using the proposed BFE and the Subsidiary Drainage Plat from the Pusey First Subdivision, about two-thirds of an acre of proposed Lot 21 meets this standard and about one-third of an acre does not.  The Subsidiary Drainage Plan indicates the subdivider proposes to place earth fill on Lot 21 to an elevation of 678 and the engineer's letter states that a Letter of Map Revision based on Fill will be applied for.
5) When a connected public sanitary sewer is not available, the septic suitability of the soils occupied by each proposed LOT must be the most suitable soils on the larger tract from which the SUBDIVISION is proposed.	<b>APPEARS TO CONFORM.</b> This is a subdivision of an entire lot that almost all the same soil type.
6) The amount of farmland with a Land Evaluation score of 85 or greater that is occupied by each	<b>APPEARS TO CONFORM.</b> The soils on this lot are best prime farmland soils and all lots comply with the

**ATTACHMENT F. PRELIMINARY ASSESSMENT OF COMPLIANCE WITH MINIMUM  
SUBDIVISION STANDARDS**

**Case 190-06 Pusey Second Subdivision**

AUGUST 9, 2006

Standard	Preliminary Assessment <sup>1</sup>
LOT must be minimized as much as possible.	maximum lot size limitation.
7) A minimum required LOT AREA <sup>2</sup> for any LOT must have positive surface drainage with no significant identifiable area of likely stormwater ponding and provided that any portion of any LOT that is likely to experience ponding of stormwater is noted on the FINAL PLAT.	<b>APPEARS TO CONFORM.</b> The Subsidiary Plat indicates topography of all lots. There are no apparent significant areas of stormwater ponding.
8) Possible driveway locations on each LOT must comply with the Minimum Stopping Sight Distance standards based on lawful speed limits at that location.	<b>APPEARS TO CONFORM.</b>
<b>AGRICULTURAL COMPATIBILITY STANDARDS (Section 6.1.5 b.)</b>	
1) Possible driveway locations on each LOT must be limited such that driveway entrances to existing public STREETS are centralized as much as possible consistent with good engineering practice.	<b>APPEARS TO CONFORM.</b> There is already an existing driveway on Lot 22. No restrictions on driveway location on Lot 21 seem to be necessary
2) The location of a SUBDIVISION on the larger tract from which the SUBDIVISION is proposed must maximize the separation of the proposed SUBDIVISION from: i. adjacent farmland that is under different OWNERSHIP at the time of SUBDIVISION; and ii. adjacent public parks, natural areas, or nature preserves	<b>APPEARS TO CONFORM.</b> The lots are bordered by other residential properties to the west.
3) The SUBDIVISION LOT arrangement must minimize the perimeter of the SUBDIVISION that borders adjacent agriculture and must be located next to adjacent residential LOTS whenever possible.	<b>APPEARS TO CONFORM.</b> The subdivision is as compact as possible given that this is an existing lot.
<p><b>Notes</b></p> <p>1. This preliminary assessment is subject to review by the Environment and Land Use Committee. A waiver is required for any Minimum Subdivision Standard to which the Committee determines that the Plat does not conform.</p> <p>2. The minimum required lot area is one acre (43,560 square feet).</p>	

**ATTACHMENT G. DRAFT FINDINGS FOR WAIVERS OF MINIMUM SUBDIVISION  
STANDARDS**  
*Case 190-06 Pusey Second Subdivision*  
AUGUST 9, 2006

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**DRAFT FINDINGS OF FACT FOR WAIVERS OF MINIMUM SUBDIVISION  
STANDARDS**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 14, 2006**, the Environment and Land Use Committee of the Champaign County Board finds that:

1. The requested subdivision waivers of minimum subdivision standards **WILL** not be detrimental to the public health, safety, or welfare or injurious to other property located in the area because:
  - A. Ground elevations indicate that all of proposed Lot 22 is above the BFE.
  - B. There is already a wastewater disposal system on Lot 22.
  - C. Percolation test data is included and the engineer has certified that the soil types and lot sizes are suitable for private septic disposal systems.
  - D. The average depth of fill required for proposed Lot 21 appears to be about 1.60 feet which is less than one foot more than the Minimum Subdivision Standard would allow. This is a small portion of the floodplain at this location and is well within the allowable limits for fill in the floodplain.
  
2. Special conditions and circumstances **DO** exist which are unique to the property involved and are not applicable generally to other property and granting the subdivision waiver(s) of minimum subdivision standards will not confer any special privilege to the subdivider because:
  - A. It does not appear possible to divide this property and comply with this minimum subdivision standard because the property is bordered by the Saline Branch Drainage Ditch and bottomland soil occurs in locations like this.
  - B. The existing property is a large lot located at an attractive location that only has value for residential purposes.
  - C. The property is too small to farm economically and has not been farmed for years.
  - D. The subdivider has lived on the property for many years.
  - E. Allowing a new house to be built at this attractive location may prevent a home from being built at another location that is likely to either be on prime farmland or in an existing wooded area that would need to be cleared.
  - F. Proposed Lot 21 has about two-thirds of an acre that does comply with this Minimum Subdivision Standard.

ATTACHMENT G. *DRAFT FINDINGS FOR WAIVERS OF MINIMUM SUBDIVISION  
STANDARDS*

*Case 190-06 Pusey Second Subdivision*

AUGUST 9, 2006

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- G. The average depth of fill required for proposed Lot 21 appears to be about 1.60 feet which is less than one foot more than the Minimum Subdivision Standard would allow. This is a small portion of the floodplain at this location and is well within the allowable limits for fill in the floodplain.
3. Particular hardships *WILL* result to the subdivider by carrying out the strict letter of the subdivision standards sought to be waived because:
- A. The property is too small to farm economically.
- B. The existing property is a large lot located at an attractive location that only has value for residential purposes.
4. The special conditions, circumstances, hardships, or practical difficulties *DO NOT* result from actions of the subdivider because:
- A. The property is bordered by public streets on two sides and the Saline Branch Drainage Ditch on another side and other residential development on the fourth side.
- B. The property has always been too small to farm economically and has not been farmed for years.
- C. It does not appear possible to divide this property and comply with this minimum subdivision standard because the property is bordered by the Saline Branch Drainage Ditch and bottomland soil occurs in locations like this.

To: **Environment and Land Use Committee**

From: **John Hall, Zoning Administrator**

Date: **August 10, 2006**

RE: **Zoning Case 558-AT-06**

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Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708  
FAX (217) 328-2426

**Zoning Case 558-AT-06**

Request:

**Amend the Champaign County Zoning Ordinance as follows:**

- 1. Amend paragraph 4.2.1 C. to allow “mortuary or funeral home” in the AG-2 District as a second principal use on a lot on which there is a cemetery when the lot is under common management.**
- 2. Amend Section 5.2 to change “mortuary” to be “mortuary or funeral home”.**
- 3. Amend Section 5.2 to add “mortuary or funeral home” as a Special Use Permit in the AG-2 District with a footnote specifying that a mortuary or funeral home is only allowed in the AG-2 District as a second principal use on the same lot as a cemetery and the lot must be under common management.**
- 4. Add standard conditions for “mortuary or funeral home” as a Special Use Permit in the AG-2 District.**

Petitioner: **Zoning Administrator**

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**STATUS**

The Zoning Board of Appeals recommended approval of the attached text amendment at their meeting on July 27, 2006.

Standard protocol is for text amendments to sit at ELUC while municipal comments are awaited.

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**BACKGROUND**

A local cemetery in the AG-2 District was recently purchased by a mortuary that desires to expand the existing mausoleum to include space for the mortuary (a preparation area) and chapels for funeral services. The funeral services will not necessarily be related to interment at the cemetery and so both the cemetery and the funeral home will be considered principal uses. Section 5.2 of the *Champaign County Zoning Ordinance* does

**Zoning Administrator**  
**Case 558-AT-06**  
AUGUST 10, 2006

not currently authorize “mortuary” (funeral home) in the AG-2 District nor does the *Zoning Ordinance* authorize two principal uses on a property in the AG-2 District and so a text amendment is required.

“Cemetery” is currently authorized in the AG-2 District only as a Special Use Permit. “Mortuary or funeral home” is expected to have similar land use impacts as a cemetery. However, locating a stand alone mortuary or funeral home in the AG-2 District where there is not a cemetery would contradict the Land Use Regulatory Policies and could result in unnecessary impacts on the rural environment. Mortuary or funeral home is proposed to be authorized as a Special Use Permit in the AG-2 District only as a second principal use on a lot on which there is a cemetery when the lot is under common management and subject to certain standard conditions.

**ATTACHMENTS**

- A     Recommended Amendment (annotated)**
- B     Finding of Fact (As Approved- Unsigned)**

**SECTION 4.1.7 DISCONNECTED TERRITORY - CONTINUED**

zoning of the DISTRICT of the municipality in which the territory was located prior to disconnection unless otherwise specified in a disconnection agreement. The translation table, if one exists, of the municipal zoning ordinance shall determine which COUNTY DISTRICT most closely conforms to the prior municipal district otherwise the Zoning Administrator shall determine in which COUNTY DISTRICT the territory shall be classified.

**4.2 Application of Regulations and Standards**

The regulations and standards set by this ordinance within each DISTRICT shall be minimum regulations and standards and shall apply uniformly to each class, kind, or type of STRUCTURE, USE, or land except as hereinafter provided.

**4.2.1 CONSTRUCTION and USE**

- A. No STRUCTURE or land shall hereafter be used or occupied and no STRUCTURE or part thereof shall hereafter be CONSTRUCTED, erected, ALTERED, remodeled, extended, or moved unless in conformity with all the regulations and standards herein specified for the DISTRICT in which it shall be located.
  
- B. No STRUCTURE shall hereafter be CONSTRUCTED, erected, ALTERED, remodeled, extended or moved:
  - 1. To exceed the HEIGHT;
  - 2. To occupy or house a greater number of FAMILIES;
  - 3. To occupy a greater percentage of LOT AREA; or
  - 4. To exceed the housing density

than hereinafter required or in any manner contrary to the regulations and standards of the DISTRICT in which it is located.

- C. It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-1, Agriculture, AG-2, Agriculture, CR, Conservation-Recreation, R-1, Single Family Residence, R-2, Single Family Residence, and R-3, Two Family Residence DISTRICTS other than in PLANNED UNIT DEVELOPMENTS except as follows:

- (1) “Mortuary or funeral home” may be authorized as a Special Use Permit in the AG-2 District when it is on a lot under common management with a cemetery.

**ANNOTATED**  
Champaign County, Illinois  
Zoning Ordinance

**SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES - CONTINUED**

Principal USES	Zoning DISTRICTS														
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
HELIPORT/HELISTOPS <sup>2</sup>			S											S	S
HELIPORT-RESTRICTED LANDING AREAS <sup>2</sup>		S	S						S		S	S		S	S
<b>Business Uses: Personal Services</b>															
Barber Shop															
Beauty Shop															
Reducing Salon															
Dressmaking Shop															
Drycleaning ESTABLISHMENT															
Laundry and/or drycleaning pick-up															
Millinery shop															
Self-service laundry															
Shoe repair shop															
Tailor and pressing shop															
Diaper Service ESTABLISHMENT															
Clothing Repair and Storage															
Mortuary or Funeral Home			S <sub>16</sub>				S								
Medical and Dental CLINIC															
<b>Business Uses: Agriculture</b>															
Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer		S	S												
Roadside Produce Sales Stand			S												
Farm Equipment Sales & Service															
Feed and Grain (sales only)			S												
Livestock Sales Facility and Stockyards		S	S						S						
Slaughter Houses		S	S						S					S	
Grain Storage Elevator and Bins		S	S												

**SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES - CONTINUED**

12. A VETERINARY HOSPITAL is permitted by right only if it meets all of the following requirements; otherwise it shall be permitted only with a SPECIAL USE Permit:
  - A. The VETERINARY HOSPITAL must be entirely enclosed and have no outdoor exercise areas or animal runs.
  - B. The VETERINARY HOSPITAL must not permit animals to be kept either temporarily or permanently outside the HOSPITAL BUILDINGS.
  - C. No animal shall be boarded except as incidental to providing veterinary care.
13. Permitted by Special Use Permit only if located in buildings constructed prior to January 1, 1988.
14. Only ethanol production facilities utilizing the dry mill process shall be permitted.
15. Fuel ethanol plants shall be required to install thermal oxidizers or other similar technology to remove the volatile organic compounds (VOCs) to reduce odors.
16. Mortuary or funeral home is only allowed in the AG-2, District as a second principal use on the same lot as a cemetery and the lot must be under common management.

**ANNOTATED**  
Champaign County, Illinois  
Zoning Ordinance

**SECTION 6.1.3 SCHEDULE OF REQUIREMENTS AND STANDARD CONDITIONS - CONTINUED**

SPECIAL USES or USE Categories	Minimum Fencing Required <sup>6</sup>	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions		
		AREA (Acres)	Width (Feet)	Feet	Stories	Front Setback from STREET Centerline <sup>2</sup>			SIDE	REAR			
						STREET Classification							
		MAJOR	COLLECTOR	MINOR									
Liquefied Petroleum Gases Storage in the B-1 and B-3 DISTRICTS	NR	1/2	(1)	(1)	(1)	Additional Setback, screening and buffering may be required as deemed necessary by the Zoning Board of Appeals to protect adjacent and surrounding PROPERTY.					*See below.		
<ul style="list-style-type: none"> <li>*A State Permit showing conformance to the Illinois Rules for the Storage, Transportation and Use of Liquefied Petroleum Gases (41 IL Admin Code, Part 200) shall be presented to the Zoning Administrator prior to issuance of a COUNTY Zoning Use Permit.</li> </ul>													
Liquefied Petroleum Gases Storage in the I-1 and I-2 DISTRICTS	NR	5	AREA, HEIGHT, and Placement regulations exceeding those of the DISTRICT may be applied so as to make the storage facility compatible with neighboring USES. Additional setbacks, screening and buffering may be required as deemed necessary by the BOARD to protect adjacent and surrounding PROPERTY.										*See below.
<ul style="list-style-type: none"> <li>*A State Permit showing conformance to the Illinois Rules for Storage, Transportation and Use of Liquefied Petroleum Gases (41 Ill. Admin. Code, Part 200) shall be presented to the Zoning Administrator prior to issuance of a COUNTY Zoning Use Permit.</li> </ul>													
Livestock Sales Facility and Stockyards	6' wire mesh	3	(1)	(1)	(1)	150	150	150	100	100	*See below.		
<ul style="list-style-type: none"> <li>*Not permitted closer than 500' from any R or B DISTRICT, or any residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE.</li> </ul>													
Major RURAL SPECIALTY BUSINESSES	NR	5 acres	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below.		
<ul style="list-style-type: none"> <li>*1. The total BUILDING AREA devoted to sales DISPLAY or recreational commercial USE shall not exceed 5,000 sq.ft.</li> <li>*2. Outdoor entertainment requiring the use of sound amplification equipment shall be permitted not more often than 5 consecutive or non-consecutive days in any 3-month period and only if a Recreation &amp; Entertainment License shall have been obtained as provided in the Champaign COUNTY Ordinance No. 55, Regulation of Business Offering Entertainment and/or Recreation</li> <li>*3. The site shall not be located within 500 feet of a residential zoning DISTRICT.</li> <li>*4. Business located in the CR, AG-1 or AG-2 DISTRICTS shall not ACCESS STREETS located within a recorded SUBDIVISION.</li> <li>*5. Alcoholic beverages not produced on the PREMISES shall not be sold.</li> </ul>													
Mineral Extraction, quarrying, topsoil removal and allied products	6' wire mesh	2	(1)	(1)	(1)	150	150	150	100	100			
Mortuary or funeral home	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below.		
<ul style="list-style-type: none"> <li>*If the subject property is not connected to a connected PUBLIC SANITARY SEWER SYSTEM the application for Special Use Permit shall include a letter from the Champaign County Health Department certifying that based on a review of information submitted by the petitioner the proposed onsite wastewater treatment and disposal system would meet the requirements of the Champaign County Health Ordinance.</li> </ul>													
OFF-PREMISES Advertising SIGN	<ul style="list-style-type: none"> <li>See Special Provisions - Section 7.3.5</li> </ul>												
Outdoor Commercial Recreational Enterprise	NR	1	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below.		
<ul style="list-style-type: none"> <li>*Not permitted within 200' of any R DISTRICT or residential or INSTITUTIONAL USE.</li> </ul>													
OUTDOOR THEATER	8' solid	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)			

**AS APPROVED (UNSIGNED)**

**558-AT-06**

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

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Final Determination: **RECOMMENDED APPROVAL**

Date: July 27, 2006

Petitioners: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

1. Amend paragraph 4.2.1 C. to allow “mortuary or funeral home” in the AG-2 District as a second principal use on a lot on which there is a cemetery when the lot is under common management.
2. Amend Section 5.2 to change “mortuary” to be “mortuary or funeral home”.
3. Amend Section 5.2 to add “mortuary or funeral home” as a Special Use Permit in the AG-2 District with a footnote specifying that a mortuary or funeral home is only allowed in the AG-2 District as a second principal use on the same lot as a cemetery and the lot must be under common management.
4. Add standard conditions for “mortuary or funeral home” as a Special Use Permit in the AG-2 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 **July 27, 2006**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The need for this text amendment came about because Mittendorf-Calvert Funeral Home desires to conduct funeral services at the Mt. Hope Cemetery in the AG-2 District but not all services to be conducted at the funeral home will be for interment at Mt. Hope Cemetery. “Mortuary” is not an authorized use in the AG-2 District and both the funeral home and the cemetery will be considered as “principal uses” under the *Zoning Ordinance* and only one principal use is authorized per lot in the AG-2 District.

**GENERALLY REGARDING THE EXISTING ZONING REGULATIONS**

3. Current relevant Zoning Ordinance requirements are as follows:
- A. Section 5.2 of the *Champaign County Zoning Ordinance* does not currently authorize “mortuary” as an authorized use in the AG-2 District and “cemetery or crematory” is authorized in only the AG-1 District and the AG-2 District by Special Use Permit. Thus, the Zoning Ordinance does not currently provide for joint operation of both a cemetery and a mortuary on the same property in the same zoning district.
  - B. Paragraph 4.2.1 C. does not authorize a second principal use on a lot in the AG-2 District nor in certain other districts.
  - C. Paragraph 4.2.1 F. authorizes a second principal use on a lot in the R-4 Multiple Family Zoning District and in all business and industry zoning districts as a Special Use Permit when there is adequate open space between the all structures and buildings. Adequate open space is defined as double the required side yard in the relevant district.
  - D. The following definitions from the *Zoning Ordinance* are especially relevant to this amendment (capitalized words are defined in the Ordinance):
    - (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE , and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or main or principal USE.
    - (2) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
    - (3) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
    - (4) “DISTRICT” is a section of the COUNTY/city/village in which zoning regulations and standards are uniform.
    - (5) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit
    - (6) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
    - (7) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.

- (8) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.

**GENERALLY REGARDING RELEVANT LAND USE RELATED GOALS AND POLICIES**

4. The *Land Use Goals and Policies* were adopted on November 29, 1977, and were the only guidance for amendments to the *Champaign County Zoning Ordinance* until the *Land Use Regulatory Policies- Rural Districts* were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR) and subsequently revised on September 22, 2005. The relationship of the Land Use Goals and Policies to the Land Use Regulatory Policies is as follows:
- A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
  - B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.
  - C. There are three goals and five policies for Utilities in the *Land Use Goals and Policies*. All of the goals and most of the policies are relevant only to specific map amendments. The following Utilities policies are relevant to this text amendment:
    - (1) Policy 7.3 states that the County Board will encourage development only in areas where both sewer and water systems are available. In areas without public sewer and water systems, development may occur only if it is determined that individual septic systems can be installed and maintained in a manner which will not cause contamination of aquifers and groundwater and will not cause health hazards. Requests for development should demonstrate that wastewater disposal systems, water supply, fire and police protection are adequate to meet the needs of the proposed development.
    - (2) Policy 7.3A states that new subdivisions and zoning changes should meet these (7.3 above) standards and will be considered where they are not in conflict with the goals and policies of this Plan.
  - D. The following two Land Use Regulatory Policies are directly relevant to the proposed amendment:
    - (1) Land Use Regulatory Policy 1.6.1 states that in all rural areas, businesses and other non-residential uses will be permitted if they support agriculture or involve a product or service that is provided better in a rural area than in an urban area.
    - (2) Land Use Regulatory Policy 1.6.2 states that on the best prime farmland, businesses and other non-residential uses will not be permitted if they take any best prime farmland out of production unless:

- (a) they also serve 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 uses are otherwise appropriate in a rural area and the site is very well suited to them.

**SUMMARY OF THE PROPOSED AMENDMENT**

5. "Mortuary" is proposed to be added as a Special Use Permit in the AG-2 District as follows (capitalized words are defined in the Ordinance);
- A. Amend paragraph 4.2.1 C. to read as follows (additions are indicated with underlining):

It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-1 Agriculture, AG-2 Agriculture, CR Conservation Recreation, R-1 Single Family Residence, R-2 Single Family Residence, and R-3 Two Family Residence DISTRICTS other than in PLANNED UNIT DISTRICTS except as follows:

- (1) "Mortuary or funeral home" may be authorized as a Special Use Permit in the AG-2 District when it is on a lot under common management with a cemetery.

- B. Amend Section 5.2 to as follows:

- (1) Change "mortuary" to be "mortuary or funeral home".
- (2) Add "mortuary or funeral home" as a Special Use Permit in the AG-2 District with the following footnote (numbered appropriately):

Mortuary or funeral home is only allowed in the AG-2 District as a second principal use on the same lot as a cemetery and the lot must be under common management.

- C. Amend Section 6.1.3 to add the following standard conditions for "mortuary or funeral home" as a Special Use Permit in the AG-2 District:

- (1) If the subject property is not connected to a connected PUBLIC SANITARY SEWER SYSTEM the application for Special Use Permit shall include a letter from the Champaign County Health Department certifying that based on a review of information submitted by the petitioner the proposed onsite wastewater treatment and disposal system would meet the requirements of the Champaign County Health Ordinance.

**GENERALLY REGARDING THE LOCATIONAL REQUIREMENTS AND THE ZONING RELATED IMPACTS OF THE PROPOSED USE**

6. The zoning related impacts of a “mortuary or funeral home” are assumed to be very similar to those of a cemetery but the addition of a “mortuary or funeral home” on a lot with a cemetery is assumed to result in greater overall impacts because the funeral home will result in wholly new traffic at different times than the cemetery and the traffic related to visitation services at the funeral home will likely exceed the traffic related to interment. A mortuary also has other zoning concerns (such as wastewater treatment and disposal) that do not arise in the review of a cemetery.

**GENERALLY REGARDING THE LOCATIONAL CHARACTERISTICS OF THE ZONING DISTRICTS IN WHICH THE PROPOSED USE MAY BE AUTHORIZED**

7. The County’s AG-2 District has the following general characteristics:
  - A. Section 5.1.2 of the Zoning Ordinance states the following general intent of the AG-2 District (capitalized words are defined in the Ordinance):

The AG-2 Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

- B. The AG-2 District is generally a belt that surrounds the larger municipalities and villages.

**GENERALLY REGARDING THE PROPOSED AUTHORIZATION**

8. The following requirements are necessary to ensure that a mortuary or funeral home is not injurious to the district in which it will be located:
  - A. Localized traffic impacts at a particular location should be considered as part of the review of the Special Use Permit. A traffic impact analysis can be required if necessary.
  - B. The drainage impacts that are likely to result from the impervious area increase due to a funeral home and its associated parking area should be considered as part of the review of the Special Use Permit. Compliance with the Champaign County Stormwater Management Policy is a requirement and no addition standard condition seems necessary.
  - C. A mortuary or funeral home will require some type of wastewater treatment and disposal even if there is no sanitary sewer connection and should be considered as part of the review of the Special Use Permit. The following standard condition will require adequate submittals to prove that an acceptable wastewater treatment and disposal system is possible for any location:

If the subject property is not connected to a connected PUBLIC SANITARY SEWER SYSTEM the application for Special Use Permit shall include a letter from the Champaign County Health Department certifying that based on a review of information submitted by the petitioner the proposed onsite wastewater treatment and disposal system would meet the requirements of the Champaign County Health Ordinance.

- D. At this time there are no exceptions to the maximum lot area requirement in the *Zoning Ordinance* and any expansion of a cemetery on best prime farmland that is necessary to accommodate a mortuary or funeral home would also require a variance from the maximum lot area requirement if the cemetery would be larger than three acres after the expansion.

**GENERALLY REGARDING CONFORMANCE OF THE PROPOSED AMENDMENT WITH THE RELEVANT LAND USE GOALS AND POLICIES AND LAND USE REGULATORY POLICIES**

9. In regards to Policies 7.3 and 7.3A of the Land Use Goals and Policies the proposed text amendment **CONFORMS** because the amendment will require requests for development of mortuary or funeral home in the AG-2 District without a connected public sanitary sewer system to demonstrate that wastewater disposal systems, water supply, fire and police protection are adequate to meet the needs of the proposed development when there is reasonable doubt that such utilities and services may be adequate.
10. In regards to Land Use Regulatory Policies 1.6.1 and 1.6.2 the proposed text amendment **CONFORMS** because the amendment will only allow mortuaries or funeral homes in the AG-2 District in conjunction with a cemetery which is an important public need and generally must be in a rural area because of the land needs.
11. In a letter received on July 27, 2006, Glenn Stanko, writing on behalf of Midwest Group of Illinois LLC, which owns Mt. Hope Cemetery and Roselawn Cemetery and Mittendorf-Calvert Funeral Home, stated that the current trend is to consolidate funeral home and burial services at one location.

**DOCUMENTS OF RECORD**

1. Preliminary Memorandum for Case 558-AT-06 with attachment:  
A Draft Finding of Fact for Case 558-AT-06
2. Letter from Glenn Stank received July 27, 2006

**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 Amendments requested in Case 558-AT-06 **SHOULD** 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:

Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date