

CASE NO. 747-AM-13

SUPPLEMENTAL MEMORANDUM

March 28, 2013

Petitioners: **Warner Farm Equipment, Inc.**

Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District to bring an existing Farm Equipment Sales and Service business into compliance.

Champaign
County
Department of

**PLANNING &
ZONING**

Site Area: **3.8 acres**

Time Schedule for Development: **Existing**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Location: A 3.8 acre tract in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter and in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 18 of Rantoul Township and commonly known as the Kinze farm equipment dealership at 1254 CR 2700N, Rantoul.

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

(217) 384-3708

STATUS

This is the first hearing for this case. A Revised Finding of Fact and Final Determination is attached with additions and revisions (see underlined and strike through text). A revised Plat of Survey for related Case 731-S-12 is attached.

STORMWATER MANAGEMENT POLICY

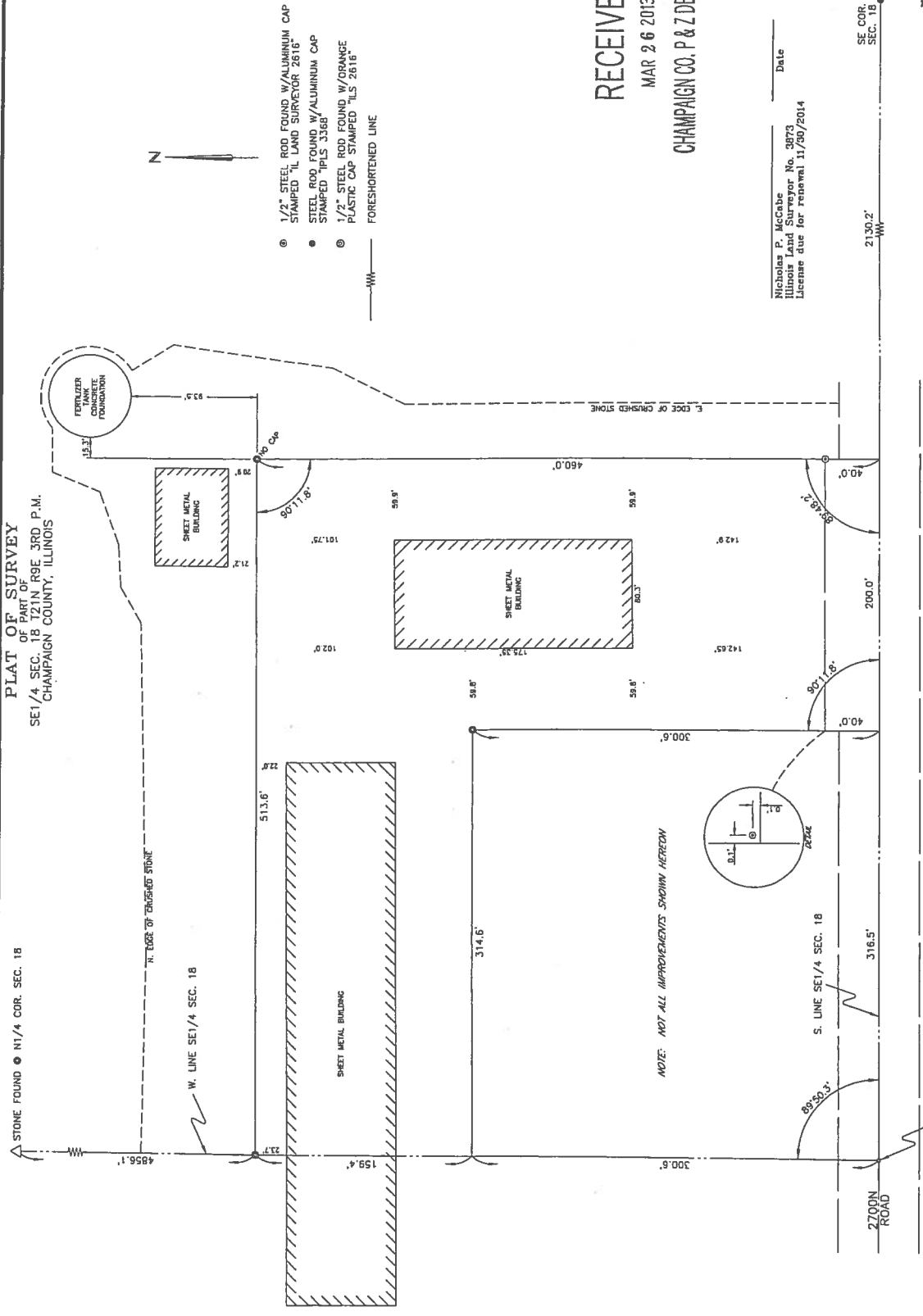
The business on the subject property has existed since before Champaign County adopted the Stormwater Management Policy on December 17, 1991. However, it is unknown when the buildings were constructed or when additions were added, and when the buildings stopped being agricultural buildings. The entire 3.8 acres is either building roof or gravel parking area (both of which are impervious) and if reviewed as a new development under the Stormwater Management Policy, stormwater detention would be required. At this time there is no evidence indicating an existing drainage problem that would benefit from requiring stormwater detention as a special condition.

ATTACHMENTS

- A Plat of Survey received March 26, 2013
- B Revised Draft Finding of Fact and Final Determination

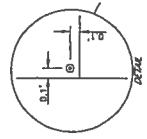
PLAT OF SURVEY
OF PART OF
SE 1/4 SEC. 18 T21N R9E 3RD P.M.
CHAMPAIGN COUNTY, ILLINOIS

STONE FOUND @ N1/4 COR. SEC. 18



- ⊙ 1/2" STEEL ROD FOUND W/ALUMINUM CAP STAMPED "IL LAND SURVEYOR 2616"
- STEEL ROD FOUND W/ALUMINUM CAP STAMPED "IPLS 3368"
- ⊙ 1/2" STEEL ROD FOUND W/ORANGE PLASTIC CAP STAMPED "ILS 2616"
- |—|— FORESHORTENED LINE

NOTE: NOT ALL IMPROVEMENTS SHOWN HEREON



RECEIVED
MAR 26 2013
CHAMPAIGN CO. P & Z DEPARTMENT

Date
Nicholas P. McCabe
Illinois Professional Surveyor No. 9879
License due for renewal 11/30/2014

2130.2'
NW
SE COR.
SEC. 18

MOORE SURVEYING & MAPPING	
PAXTON, ILLINOIS	
DATE	FEB. 20, 2013
CLEAR	JOE WARNER
SCALE	1" = 60'
JOB NO.	5314C

REV. MAR. 22, 2013
REV. MAR. 6, 2013

1/2" STEEL ROD FOUND OVER 1/2" STEEL ROD @ SW COR. SEC. 18 T21N R9E 3RD P.M.

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

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

Date: **March 28, 2013**

Petitioners: **Warner Farm Equipment, Inc.**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District to bring an existing Farm Equipment Sales and Service business into compliance.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 28, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Warner Farm Equipment, Inc., with owners Joseph H. Warner and Gerald E. Warner, 1254 CR 2700N, Rantoul, owns the subject property.
2. The subject property is a 3.8 acre tract in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter and in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 18 of Rantoul Township and commonly known as the Kinze farm equipment dealership at 1254 CR 2700N, Rantoul.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning, but Rantoul Township does have a plan commission. Townships with planning commissions are notified of such cases and do have protest rights on map amendment cases.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated:

“There is no error in the present map. Approval of this petition would now convert what has been a long-standing non-conforming use into a use conforming with the appropriate district.”

5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following:

“The implement sales and service business located on the subject parcel has been operating for more than 20 years and serves a broad need in the agricultural community.”

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned AG-1 Agriculture and is used for the operation of an existing farm implement sales and service business and personal agricultural storage.
 - B. Land on the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in use as follows:
 - (1) Land on the north is in agricultural production and a small portion is proposed to be used for the agricultural storage that is the subject of Case 731-S-12.
 - (2) Land on the south is in agricultural production.
 - (3) Land west of the subject property is in residential use and agricultural production.

- (4) Land east of the subject property is in agricultural production.
- 7. Previous zoning cases in the vicinity are the following:
 - A. There are no previous zoning cases in the vicinity.
- 8. Regarding the site plan and operations of the Farm Equipment Sales and Service Business:
 - A. The plat of survey prepared by Nicholas P. McCabe received March 21, 2013, shows the entirety of the subject property and includes the following:
 - (1) A sheet metal building that is approximately 450' × 80'.
 - (2) The entire 3.8 acre area proposed to be rezoned to the B-1 Rural trade Center Zoning District.

~~*Note the building where the business activities occur has not yet been indicated on the site plan.~~

B. The plat of survey for related Case 731-S-12 prepared by Nicholas P. McCabe received March 27, 2013 indicates the 80' × 175' sheet metal building where the farm equipment sales and service business operates.

B.C. The petitioners have been operating a farm equipment sales and service business at this location since the 1970s. Currently the business sells Kinze farm equipment and provides repair services.

C.D. According the website www.warnerfarmequip.com the business carries a full line of Kinze planters and grain wagons as well as equipment parts.

~~D.E.~~ The subject property will be used to access the proposed Special Use in Case 731-S-12

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-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
 - (2) The B-1, Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.
 - B. Regarding the general locations of the existing and proposed zoning districts:
 - (1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.

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- (2) The B-1 District is generally located in rural areas suitable for businesses operations to serve the needs of rural residents.
- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 11 types of uses authorized by right in the AG-1 District and there are 25 types of uses authorized by right in the B-1 District:
- (a) The following 5 uses are authorized by right in the AG-1 District and are not authorized at all in the B- District:
- Single family dwelling;
 - Roadside Stand operated by Farm Operator;
 - Plant Nursery;
 - Off-premises sign within 660 feet of interstate highway; and
 - Off-premises sign along federal highway except interstate highways;
- (b) The following 6 uses are authorized by right in both the AG-1 District and B-1 District:
- Subdivisions of three lots or less;
 - Agriculture;
 - Minor Rural Specialty Business;
 - Township Highway Maintenance Garage (must meet separations or SUP is required);
 - Christmas Tree Sales Lot;
 - Temporary Uses
- (c) The following 9 uses are authorized by right in the B-1 District and not at all in the AG-1 District:
- Parking garage or lot;
 - Telegraph Office;
 - Roadside Produce Stand;
 - Farm Equipment Sales and Service;
 - Feed and Grain (sales only);
 - Locker, Cold Storage for Individual Use;
 - Major Automobile Repair;
 - Minor Automobile Repair;
 - Antique Sales and Service;
- (d) The following 9 uses are authorized by right in the B-1 District but require a Special Use Permit in the AG-1 District:
- Major Rural Specialty Business;
 - Municipal or Government Building;
 - Small Scale Metal Fabricating Shop

- Telephone Exchange;
 - Farm Chemicals and Fertilizer Sales;
 - Grain Storage Elevators and Bins;
 - Police Station or Fire Station;
 - Library, Museum or Gallery;
 - Public park of recreational facility
- (2) There are 42 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 9 uses authorized by right in the B-1 District see above) and 10 types of uses authorized by SUP in the B-1 District:
- (a) The following 5 uses may be authorized by SUP in the both the AG-1 District and B-1 District:
- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Electrical Substation;
 - HELIPORT-RESTRICTED LANDING AREAS;
 - Livestock Sales Facility and Stockyards;
 - Slaughter Houses;
- (b) The following 27 uses may be authorized by Special Use Permit in the AG-1 District and not at all in the B-1 District:
- Hotel with no more than 15 lodging units;
 - Residential PLANNED UNIT DEVELOPMENT;
 - Major RURAL SPECIALTY BUSINESS;
 - Artificial lake of 1 or more acres;
 - Mineral extraction, Quarrying, topsoil removal, and allied activities;
 - Elementary School, Junior High School, or High School;
 - Church, Temple or church related Temporary Uses on church Property;
 - Penal or correctional institution;
 - Sewage disposal plant or lagoon;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
 - Radio or Television Station;
 - RESIDENTIAL AIRPORTS;
 - RESTRICTED LANDING AREAS;
 - Riding Stable;
 - Commercial Fishing Lake;
 - Cemetery or Crematory;
 - Pet Cemetery;
 - Kennel;
 - Veterinary Hospital;
 - Off-premises sign farther than 660 feet from an interstate highway;

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- Contractors Facilities with no outdoor operations or storage;
 - Contractors Facilities with outdoor operations and/or storage;
 - Gas Turbine Peaker;
 - BIG WIND TURBINE TOWER (1-3 turbines);
 - WIND FARM (County Board SUP)
 - Sawmills Planing Mills, and related activities; and
 - Pre-Existing Industrial Uses (existing prior to October 10, 1973)
- (c) The following 5 uses may be authorized by SUP in the B-1 District and not at all in the AG-1 District:
- Self-storage Warehouses, providing heat and utilities to individual units;
 - Self-storage Warehouses, not providing heat and utilities to individual units;
 - Gasoline and Volatile Oils Storage up to and including 80,000 gallons;
 - Gasoline and Volatile Oils Storage of greater than 80,000 gallons but no more than 175,000 gallons;
 - Liquefied Petroleum Gases Storage;

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

10. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:
- “It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
- B. The LRMP defines Goals, Objectives, and Policies as follows:
- (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

REGARDING LRMP GOALS & POLICIES

11. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 has 4 objectives and 4 policies. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 1.

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

12. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 2.

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

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

Goal 3 has three objectives and no policies. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 3.

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

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

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

- A. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states, “**Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.**”

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

- (1) Objective 4.1 includes nine subsidiary policies. The proposed rezoning will not impede the achievement of Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9.

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- (2) Policy 4.1.1 states, “Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.”

The proposed rezoning will *HELP ACHIEVE* Policy 4.1.1 because the B-1 District is intended to provide agriculture related businesses to rural residents and the subject property has not been in agricultural production .

- (4) Policy 4.1.6 states, “Provided that the use, design, site and location are consistent with County policies regarding:

- i. Suitability of the site for the proposed use;
- ii. Adequacy of infrastructure and public services for the proposed use;
- iii. Minimizing conflict with agriculture;
- iv. Minimizing the conversion of farmland; and
- v. Minimizing the disturbance of natural areas; then
 - a) On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
 - b) On best prime farmland, the County may authorize non-residential discretionary development; or
 - c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”

The proposed rezoning will *HELP ACHIEVE* Policy 4.1.6 for the following reasons:

- (a) The soil on the subject property is best prime farmland and consists of Drummer silty clay, Raub silt loam, and Wyanet silt loam and would have an average LE of approximately 92.
- (c) The proposed rezoning will remove less than one acre of best prime farmland from production.

- B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed rezoning will *HELP ACHIEVE* Objective 4.2 because of the following:

- (1) **Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.”**

The proposed rezoning *ACHIEVES* Policy 4.2.1 for the following reason:

- (a) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
- a. **is a type that does not negatively affect agricultural activities; or**
 - b. **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
 - c. **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.2.2 for the following reasons:

- (a) The use of the subject property is a use which is directly related to agriculture and is neither affected by agricultural activities nor does it hinder agricultural activities.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (3) **Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.2.3 for the following reasons:

- (a) The Petitioner’s understand that this is a rural area where agricultural activities take place and the petitioners business depends upon agricultural activities.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.

- (4) **Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

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

- (a) The use on the subject property is directly related to agricultural activities. A buffer between the use and nearby agriculture is not warranted.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.

- C. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states, **“Champaign County will require that each discretionary review development is located on a suitable site.”**

The proposed rezoning will *HELP ACHIEVE* Objective 4.3 because of the following:

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

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

- (a) The soil on the subject property is best prime farmland and consists of Drummer silty clay, Raub silt loam, and Wyanet silt loam and would have an average LE of approximately 92.
- (b) The subject property has access to CR 2700N and U.S. 45 is approximately 2.5 miles from the subject property.
- (d) There is one nearby dwelling that is adjacent to the subject property and no complaint has ever been received about the existing business from the owner of the adjacent property.
- (e) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (f) The business on the subject property has existed since before Champaign County adopted the Stormwater Management Policy on December 17, 1991. However, it is unknown when the buildings were constructed or when additions were added and when the buildings stopped being agricultural buildings. The entire 3.8 acres is either building roof or gravel parking area (both of which are impervious) and if reviewed as a new development under the Stormwater Management Policy, stormwater detention would be required. At this time there is no evidence

indicating an existing drainage problem that would benefit from requiring stormwater detention as a special condition.

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

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.3 for the following reason:

- (a) The subject property is located approximately 4.2 miles from the Thomasboro Fire Protection District Station. The fire protection district was notified of the case and no comments were received.

- (3) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.4 for the following reason:

- (a) The subject property has access to CR 2700N and U.S. 45 is approximately 2.5 miles from the subject property.

- (4) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a. **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
 - b. **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

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

- (a) The proposed use serves surrounding agriculture and is an existing use.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.

15. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 has 3 objectives and 15 policies. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 5.

16. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

~~Goal 6 has 4 objectives and 7 policies. The proposed amendment will *HELP ACHIEVE* Goal 6 for the following reasons:~~

- ~~A. Objective 6.1 states as follows: “Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”~~

~~The proposed amendment will *HELP ACHIEVE* Objective 6.1 for the following reasons:~~

- ~~(1) Policy 6.1.2 states, “The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or ground water quality.”~~

~~*Evidence to be added.*~~

- ~~B. The proposed rezoning is not relevant to Objectives 6.2, 6.3, and 6.4 and Policies 6.1.1, 6.2.1, 6.2.2, and 6.2.3. The proposed rezoning will not impede the achievement of Policies 6.1.3 and 6.1.4.~~

Goal 6 has 4 objectives and 7 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 6.

17. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 7.

18. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. The proposed rezoning will *HELP ACHIEVE* Goal 8 for the following reasons:

- A. Objective 8.2 states, “Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.”

The proposed rezoning will **HELP ACHIEVE** Objective 8.2 because of the following:

- (1) Policy 8.2.1 states, “**The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of best prime farmland. Best prime farmland is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.**”

The proposed rezoning will **HELP ACHIEVE** Policy 8.2.1 for the following reasons:

- (a) The soil on the subject property is best prime farmland and consists of Drummer silty clay, Raub silt loam, and Wyanet silt loam and would have an average LE of approximately 92.
- (b) The proposed use will efficiently use best prime farmland, approximately .17 acre will be converted from agricultural production.

B. The proposed amendment will not impede all other Objectives and Policies under Goal 8.

19. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. The proposed rezoning will **NOT IMPEDE** the achievement of Goal 9.

20. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 has 1 objective and 1 policy. The proposed rezoning will **NOT IMPEDE** the achievement of Goal 9.

GENERALLY REGARDING THE LaSalle Factors

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

A. **LaSalle factor: The existing uses and zoning of nearby property.**

Table 1 below summarizes the land uses and zoning of the subject property and properties nearby.

Table 1: Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Farm Equipment Sales and Service and farm storage	AG-1 Agriculture (proposed B-1)
North	Agriculture ----- Agrichemical storage (Case 731-S-12)	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Residential ----- Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

B. **LaSalle factor: The extent to which property values are diminished by the particular zoning restrictions.**

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) In regards to the value of nearby residential properties, it is not clear if the requested map amendment would have any effect.

C. **LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**

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

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

The proposed amendment will bring the existing business into compliance with the Zoning Ordinance, and will allow the petitioners to continue serving the agricultural community by providing the services they offer.

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

The subject property is suitable for the zoned purposes. The subject property cannot be converted back to agricultural production and has been used for the existing business since the 1970s.

- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**
The AG-1 District was planned in 1973 and thus was intended to protect areas of the County where soil and topographic conditions are best adapted to the pursuit of agricultural uses. Currently, there are ~~three~~ two buildings on the subject property.
- G. **Sinclair factor: The need and demand for the use.**
The petitioners business provides a needed use to the agricultural community by providing farm equipment and repair services.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
The proposed use generally conforms to goals and policies of the Champaign County Land Resource Management Plan.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

22. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:
- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.
The proposed amendment is not directly related to this purpose.
- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
The proposed amendment is not directly related to this purpose.
- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
The proposed amendment is not directly related to this purpose.
- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
The proposed amendment is not directly related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is not directly related to this purpose.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of buildings and structures hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses.

The proposed amendment is directly related to this purpose because the existing business is currently not authorized in its current AG-1 District. The proposed B-1 District allows farm equipment sales and service by right and if rezoned the existing business will be in compliance with the Zoning Ordinance.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is not directly related to this purpose.

K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which buildings, structures, or uses therein shall conform.

The proposed amendment is not directly related to this purpose.

L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit uses, buildings, or structures incompatible with the character of such districts.

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is directly related to this purpose because the existing structures were originally constructed as agricultural structures, but were then converted for business purposes.

N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is not directly related to this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose.

REGARDING SPECIAL CONDITIONS OF APPROVAL

~~22.~~ 23. Regarding proposed special conditions of approval:

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 747-AM-13 by the County Board.**

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 28, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed amendment will **HELP ACHIEVE** the Land Resource Management Plan because of the following (objectives and policies are very briefly summarized):
 - A. The proposed text amendment will **HELP ACHIEVE** the following LRMP goals:

Goal 4 Agriculture because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will **HELP ACHIEVE** the following:

 - Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it will **HELP ACHIEVE** the following:
 - Policy 4.1.1 requiring that other land uses only be accommodated under very restricted conditions or in areas of less productive soils (see Item 14.A.(2)).
 - Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 14.A.(3)).
 - Objective 4.2 requiring discretionary development to not interfere with agriculture because it will **HELP ACHIEVE** the following:
 - Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 14.B.(1)).
 - Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 14.B.(2)).
 - Policy 4.2.3 requiring discretionary development recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 14.B.(3)).
 - Policy 4.2.4 requiring consideration of whether a buffer between proposed development and agricultural activities is necessary (see Item 14.B.(4)).
 - Objective 4.3 requiring any discretionary development to be on a suitable site because it will **HELP ACHIEVE** the following:
 - Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall.
 - Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(3)).
 - Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(4)).
 - Policy 4.3.5 requiring that a business or non-residential use on best prime farmland only if it serves surrounding agriculture and is appropriate in a rural area.

Goal 8 Natural Resources because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will *HELP ACHIEVE* the following:

● Objective 8.2 requiring the County to conserve its soil resources because it will *HELP ACHIEVE* the following:

- Policy 8.2.1 requiring to County to minimize the conversion of farmland to non-agricultural development.

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

- Goal 1 Planning and Public Involvement
- Goal 2 Governmental Coordination
- Goal 3 Prosperity
- Goal 5 Urban Land Use
- Goal 6 Public Health and Public Safety
- Goal 7 Transportation
- Goal 9 Energy Conservation
- Goal 10 Cultural Amenities

2. The proposed Zoning Ordinance map amendment *IS* consistent with the *LaSalle* and *Sinclair* factors because of the following:

- The amendment will allow the petitioners to continue to provide the needed products and services they offer to the agricultural community.
- The subject property is suitable for the business and cannot be converted back to agricultural production.

3. The proposed Zoning Ordinance map amendment will *HELP ACHIEVE* the purpose of the Zoning Ordinance because:

- Establishing the B-1 District at this location will help classify, regulate, and restrict the location of the uses authorized in the B-1 District (Purpose 2.0 (i) see Item 22.I.).
- Establishing the B-1 District at this location will help make the existing buildings, structures, and uses conform to those authorized in the B-1 District (Purpose 2.0 (m) see Item 22.M.).

4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:

- Approval of the amendment would bring the existing business into compliance with the Zoning Ordinance.

DOCUMENTS OF RECORD

1. Special Use Permit application signed by Joseph Warner received August 31, 2012, with attachments:
 - A Site Plan
 - B Legal Description
 - C Plat Book Map
 - D Aerial Photo
2. Zoning Use Permit Application No. 244-12-01 received August 31, 2012
3. List of Owners and Officers of Warner Brothers, Inc. received September 5, 2012
4. CST Storage Tank Technical Drawings and Specifications received September 5, 2012
5. Copy of IDAG Application for Permit and Construction Approval for an On-Farm Storage Facility received September 14, 2012
6. Legal Description received January 2, 2013
7. Plat of Survey received February 6, 2013
8. Plat of Survey received February 12, 2013
9. Revised Special Use Permit Application signed by Joseph and Gerald Warner received March 1, 2013, with attachments:
 - A Plat of Survey
 - B Certificate of Inspection of Farm Storage Tank and Accessory Building, signed by James B. Clarage
 - C Documentation of Compliance with applicable building codes prepared by Municipal Consulting and Development Ltd.
 - D Map of Existing Drainage Tile
10. Application for Map Amendment received March 1, 2013, signed by Joseph and Gerald Warner with attachments:
 - A Legal Description
 - B Plat of Survey
11. Plat of Survey for Case 731-S-12 received March 21, 2013
12. Plat of Survey for Case 747-AM-13 received March 21, 2013
13. Building Plans for mixing building received March 21, 2013
14. Letter from Therese Wyman received March 21, 2013

15. Preliminary Memorandum for Case 731-S-12 dated March 22, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Plat of Survey received March 21, 2013
 - C Building Plans received March 21, 2013
 - D Excerpt of Map of Existing Drainage Tile received March 1, 2013
 - E Certificate of Inspection of Farm Storage Tank and Accessory Building, signed by James B. Clarage received March 1, 2013
 - F Documentation of Compliance with applicable building codes prepared by Municipal Consulting and Development Ltd. received March 1, 2013
 - G Letter from Therese Wyman received March 21, 2013
 - H Copy of IDAG Application for Permit and Construction Approval for an On-Farm Storage Facility received September 14, 2012
 - I CST Storage Tank Technical Drawings and Specifications received September 5, 2012
 - J Site Visit Photos
 - K Draft Summary of Evidence, Finding of Fact, and Final Determination

16. Preliminary Memorandum for Case 747-AM-13 dated March 22, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Plat of Survey received March 21, 2013
 - C Site Visit Photos
 - D LRMP Land Use Goals, Objectives, and Policies & Appendix
 - E Draft Finding of Fact and Final Determination

17. Plat of Survey received March 26, 2013

18. Supplemental Memorandum for Case 747-AM-13 dated March 28, 2013, with attachments:
 - A Plat of Survey received March 26, 2013
 - B Revised Draft Finding of Fact and Final Determination

FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 747-AM-13** should **{BE ENACTED / NOT BE ENACTED}** by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date